

## Cabinet

Tuesday 1 February 2022

11.00 am

Ground floor meeting rooms, 160 Tooley Street, London SE1 2QH

### Membership

Councillor Kieron Williams (Chair)  
Councillor Jasmine Ali

Councillor Evelyn Akoto  
Councillor Stephanie Cryan  
Councillor Helen Dennis

Councillor Rebecca Lury  
Councillor Darren Merrill  
Councillor Alice Macdonald  
Councillor Jason Ochere  
Councillor Catherine Rose

### Portfolio

Leader of the Council  
Deputy Leader and Cabinet Member for  
Children, Young People and Education  
Health and Wellbeing  
Council Homes and Homelessness  
Climate Emergency and Sustainable  
Development  
Finance, Performance and Democracy  
A Safer, Cleaner Borough  
Equalities, Neighbourhoods and Leisure  
Jobs, Business and Town Centres  
Transport, Parks and Sport

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#### Contact

Email: [paula.thornton@southwark.gov.uk](mailto:paula.thornton@southwark.gov.uk); [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

#### Councillor Kieron Williams

Leader of the Council

Date: 24 January 2022



# Cabinet

Tuesday 1 February 2022  
11.00 am

Ground floor meeting rooms, 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
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### **PART A - OPEN BUSINESS**

#### **PHYSICAL MEETING PROTOCOLS**

You may access guidance on attendance to physical meetings via this web link:

[Document Protocol for physical meetings post-lockdown - Southwark Council](#)

#### **MOBILE PHONES**

Mobile phones should be turned off or put on silent during the course of the meeting.

#### **1. APOLOGIES**

To receive any apologies for absence.

#### **2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.

#### **3. NOTICE OF INTENTION TO CONDUCT BUSINESS IN A CLOSED MEETING, AND ANY REPRESENTATIONS RECEIVED**

To note the items specified which will be considered in a closed meeting.

Item No.	Title	Page No.
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	
5.	<b>PUBLIC QUESTION TIME (15 MINUTES)</b>	
	To receive any questions from members of the public which have been submitted in advance of the meeting in accordance with the cabinet procedure rules. The deadline for the receipt of public questions is midnight Wednesday 26 January 2022.	
6.	<b>MINUTES</b>	1 - 12
	To approve as a correct record the minutes of the open section of the meeting held on 18 January 2022.	
7.	<b>DEPUTATION REQUESTS</b>	
	To consider any deputation requests. The deadline for the receipt of a deputation request is midnight Wednesday 26 January 2022.	
8.	<b>RESIDENTIAL CARE CHARTER</b>	13 - 59
	To agree to the implementation of a Southwark Residential Care Charter.	
9.	<b>GATEWAY 1 - PROCUREMENT STRATEGY APPROVAL - INTEGRATED COMMUNITY EQUIPMENT SERVICE</b>	60 - 79
	To approve the procurement strategy for the provision of integrated community equipment, under the Section 75 agreement with Southwark Council and South East London (SEL) Clinical Commissioning Group (CCG), via the pan-London consortium's newly procured integrated community equipment service.	
10.	<b>POLICY AND RESOURCES STRATEGY 2022-23 TO 2024-25</b>	To follow
	To note issues associated with the policy and resources strategy and agree recommendations.	

Item No.	Title	Page No.
11.	<b>POLICY AND RESOURCES STRATEGY: CAPITAL MONITORING REPORT, INCLUDING CAPITAL PROGRAMME UPDATE 2021-22</b>	To follow
	To note the forecast outturn and resources and approve the virements and variations to the general fund and housing investment capital programme and the new capital bids and related recommendations.	
12.	<b>GATEWAY 0: CHILDREN'S RESIDENTIAL PROVISION</b>	80 - 116
	To support the approval of the strategic options assessment for delivery of children's residential provision services.	
13.	<b>GRANTS AND COMMISSIONING REVIEW</b>	117 - 132
	To note the finding of independent review that examined whether there are obstacles to grant funding Black, Asian and minority ethnic groups and what the impact community investment. To approve grant funding and related recommendations.	
14.	<b>LETTINGS AND PREMISES STRATEGY - VOLUNTARY AND COMMUNITY SECTOR</b>	133 - 142
	To agree the commissioning of a project to define a comprehensive approach to using property assets to support the voluntary and community sector, with a clear, transparent, consistently applied process and criteria for informing the allocation and use of community spaces.	
15.	<b>MOVEMENT PLAN, ANNUAL REPORT AND FUTURE CHANGES</b>	143 - 150
	To receive an update on the delivery of the Movement Plan (2019) and note the emerging context leading to a review of the Movement Plan in 2022.	
16.	<b>UPDATE TO FAIRER FUTURE PROCUREMENT FRAMEWORK</b>	151 - 182
	To approve the refreshed Fairer Future Procurement Framework (FFPF).	
	<b>DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING</b>	

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the cabinet wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure Rules of the Constitution.”

**PART B - CLOSED BUSINESS****17. MINUTES**

To approve as a correct record the closed minutes of the meeting held on 18 January 2022.

**DISCUSSION OF ANY OTHER CLOSED ITEMS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT**

Date: 24 January 2022



## Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 18 January 2022 at 11.00 am at the Council Offices, 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Kieron Williams (Chair)  
Councillor Jasmine Ali  
Councillor Evelyn Akoto  
Councillor Stephanie Cryan  
Councillor Rebecca Lury  
Councillor Alice Macdonald  
Councillor Jason Ochere

### 1. APOLOGIES

Apologies for absence were received from Councillors Darren Merrill and Catherine Rose.

Additionally, Councillor Helen Dennis submitted her apologies to attend the physical cabinet but was in attendance virtually. She did not vote on the items and has been marked absent from the physical meeting.

### 2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair gave notice of the following late items:

- Item 9: Policy and Resources Strategy 2022-23 to 2024-25 update
- Items 10 and 23: Future of Aylesbury Estate

Reasons for urgency and lateness will be specified in the relevant minutes.

**3. NOTICE OF INTENTION TO CONDUCT BUSINESS IN A CLOSED MEETING, AND ANY REPRESENTATIONS RECEIVED**

There were none.

**4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**5. PUBLIC QUESTION TIME (15 MINUTES)**

There were none.

**6. MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 7 December 2021 be approved as a correct record and signed by the chair.

**7. DEPUTATION REQUESTS**

A number of deputation requests were received in respect of Item 16: Bankside Yards, appropriation for planning services, which were not heard by cabinet. The leader confirmed that arrangements had been put in place for contact to be made with these groups separately.

**8. HOUSING REVENUE ACCOUNT - FINAL RENT-SETTING AND BUDGET REPORT 2022-23**

**RESOLVED:**

1. That a rent increase of 4.1% for all directly and tenant managed (TMO) housing stock within the housing revenue account (HRA) (including estate voids, sheltered housing and any residual hostels) with effect from 4 April 2022 be agreed. This is the maximum permitted under the Rent Standard 2020.
2. With regard to other HRA - wide charges, that tenant service charges, comprising estate cleaning, grounds maintenance, communal lighting and door entry maintenance be increased as set out in paragraphs 26 to 28 of the report be agreed with effect from 4 April 2022.
3. That the proposed changes to sheltered housing service charges as set out

in paragraphs 29 and 30 of the report with effect from 4 April 2022 be agreed.

4. That changes to charges for garages and other non-residential facilities as set out in paragraphs 31 and 32 of the report with effect from 4 April 2022 be agreed.
5. That the changes to district heating and hot water charges as set out in paragraphs 33 to 39 of the report with effect from 4 April 2022 be agreed.
6. That a pilot project to explore ways in which additional pandemic-driven support may be provided be established as set out in paragraphs 45 and 46 of the report.
7. That the HRA budget proposals set out in the report be agreed and it be noted that these changes ensure a balanced budget is set as required by statute.
8. That the commitments made in December 2021 to ensure that savings made are primarily based on efficiencies be reaffirmed, and where staffing reductions form part of any said savings, that due consultation and process is followed with trade unions.

## **9. POLICY AND RESOURCES STRATEGY 2022-23 TO 2024-25 UPDATE**

It was not possible to circulate the report five clear days in advance of the meeting. The chair agreed to consider this item urgently as the council was committed to publishing budget proposals at the earliest possible opportunity to ensure they were available to the public for comments and questions. Presenting the report to cabinet on 18 January 2022 gives the opportunity for debate prior to presentation of budget figures to cabinet on 1 February 2022. Under the council's constitution, there is a requirement for the overview and scrutiny committee to review and challenge budget proposals and this is due to take place on 24 January 2022.

### **RESOLVED:**

1. That the outcome of the Provisional Local Government Finance Settlement published on 16 December 2021 (paragraphs 19-20 of the report) be noted.
2. That it be noted, as reported to cabinet on 7 December 2021, the intention remains to prepare a balanced one year 2022-23 budget for approval by cabinet in advance of council assembly in February 2022.
3. That the revised budget gap of £1.6m, down from £6m in December be noted.
4. That it be noted that the budget proposals for 2022-23 contained within the report include:

- Un-ringfenced Settlement Funding Assessment grant of £153.6m, a modest increase of £1.1m on 2021-22
  - Other grant income of £89.6m, an increase of £11.4m on 2021-22 but including £8m of one-off Services Grant funding and an increasing amount of ring-fencing
  - Estimated retained business rates income of £17m, a decrease of £1.9m from 2021-22
  - Estimated council tax revenues of £128.548m, including a council tax increase of 2.99% (1% adult social care precept and 1.99% general increase)
  - A forecast deficit on the collection fund in 2021-22 of £2m after allowing for spreading adjustments
  - Pay provision and contractual inflation of £7.3m.
5. That the draft updated Fairer Futures Medium Term Financial Strategy (including Budget Principles) at Appendix G of the report be noted.
  6. That it be noted that the Greater London Authority (GLA) is expected to increase its council tax precept by 8.8% following publication of the Mayor's draft budget in late December.
  7. That it be noted that the GLA council tax precept is due to be set on the 24 February, one day after council assembly sets the budget for Southwark, therefore a council tax setting committee will need to be convened.
  8. That the current budget options proposed to help achieve a balanced 2021-23 budget (Appendices B to E of the report) be noted including:
    - Efficiency savings of £6.962m
    - Net income increase of £4.831m
    - Savings impacting on services of £3.665m
    - Commitments and growth of £19.564m.
  9. That it be noted that, in order to ensure that the base budget is on a secure financial footing a number of commitments are proposed for 2022-23, including £6m for temporary accommodation.
  10. That the proposed fees & charges schedules as set out in Appendix F of the report be approved.
  11. That the departmental narratives and the ongoing equality analyses of the budget proposals (Appendix A of the report) be noted.
  12. That officers be instructed to undertake further consultation for new budget options where necessary or appropriate and
  13. That it be noted that the report and accompanying schedules will be

considered by overview and scrutiny committee on 24 January 2022 and that any recommendations arising will be considered for inclusion in the final report to cabinet on 1 February 2022 for recommendation to council assembly on 23 February 2022.

## 10. FUTURE OF AYLESBURY ESTATE

It was not possible to circulate the report five clear days in advance of the meeting. The chair agreed to consider this item urgently as it was the intention of both parties to conclude the variation agreement shortly. The details set out in the report including the financial implications need to be formally agreed by cabinet in advance of the legal documents being completed.

### **RESOLVED:**

1. That the expenditure of a further £29.8m on acquisitions in future phases of the Aylesbury Estate programme be approved.
2. That the contractual and leasehold acquisition variations to the original project budget for the Aylesbury Estate programme of £13.32m be approved.
3. That the expenditure of £165,000 as discretionary payments to council tenants from later phases of the Aylesbury programme moving to new homes on Plot 18 be approved.
4. That authority to negotiate and approve a further variation of the development partnership agreement with Notting Hill Genesis be delegated to the strategic director of housing and modernisation in consultation with the strategic director of finance and governance, the leader and relevant cabinet members and to conclude that variation.
5. That the variations to the housing investment programme as set out in the closed report to accommodate the financial implications of this proposed development partnership agreement (DPA) variation be approved.
6. That it be noted that a report will be presented to a future cabinet meeting on the revised way forward for rebuilding the Aylesbury estate, to provide more council homes and to make the estate greener, working hand in hand with Aylesbury estate residents.

**NOTE:** In accordance with the provisions of Rule 20 Access to Information rules (decisions for urgent implementation), the chair of overview and scrutiny committee has agreed that this item may be treated as a matter of urgency and is therefore not subject to call-in).

**11. ADMISSION ARRANGEMENTS FOR COMMUNITY PRIMARY SCHOOLS – SEPTEMBER 2023**

**RESOLVED:**

1. That the Southwark Community Primary Schools Admission Arrangements (“the Arrangements”) for September 2023 onwards as set out in Appendix 1 of the report be agreed.
2. That the Published Admissions Numbers (PANs) for primary community schools for September 2023 onwards as set out in Appendix 2 of the report be agreed.

**12. SOUTHWARK COORDINATED ADMISSION SCHEMES FOR PRIMARY, JUNIOR AND SECONDARY ADMISSIONS 2023**

**RESOLVED:**

That the 2023-24 coordinated admission schemes for Primary (Reception), Junior (Year 3), Secondary (Year 7) and 14-19 UTC transfer (Year 10) admissions attached as Appendix 1, Appendix 2, Appendix 3 and Appendix 4 of the report be agreed.

**13. GATEWAY 2 - CONTRACT AWARD COMMUNITY REABLEMENT SERVICE**

**RESOLVED:**

1. That the award of a contract for community re-ablement provision to MiHomecare Limited to deliver an estimated 1,400 hours per week for a period of three (3) years from 1 June 2022 with an option to extend for a further two (2) years (1+1) for an estimated maximum annual contract value of £1.4m and a whole life contract value of £7m be approved.
2. That it be noted that the current contract expires on the 4 January 2022 and approval will be sought via a Gateway 3 contract variation report for the extension of the current contract for a further 5 months to cover the period until the new contract starts on the 1 June 2022, and that an internal occupational therapist assistant (OTAs) team has been established to work alongside the successful provider.

**14. HOME PURCHASE GRANT (CASH INCENTIVE) FUNDING**

**RESOLVED:**

1. That an amendment to the policy for funding the home purchase grant

scheme to enable it to be funded from all resources available to support the council's housing investment programme where permitted rather than solely from capital receipts arising from social homebuy sales be approved.

2. That a variation to the housing investment programme to make available a sum of £2,150,000 for the home purchase grant scheme in 2022-23 to allow the backlog of applications to be cleared be approved.

## 15. **TECHNOLOGY AND DIGITAL SERVICE - DIGITAL INCLUSION REPORT 2022-2025**

### **RESOLVED:**

1. That progress against the previous suite of strategies as agreed by cabinet be noted.
2. That the refreshed vision, outcomes and deliverables contained in the technology and digital strategy be agreed.
3. That it be noted that following the agreement to the technology and digital service, inclusion strategy, a portfolio of projects and programmes phased over the three years of the strategy will be implemented and monitored through the technology transformation and digital delivery portfolio review groups and the technology and digital strategy board.

## 16. **BANKSIDE YARDS - APPROPRIATION FOR PLANNING PURPOSES**

Cabinet heard representations from local ward councillor, Councillor David Noakes and a local resident.

### **RESOLVED:**

That it be agreed:

1. The council entering into an agreement with Ludgate House Limited (LHL) for
  - a) The acquisition by the council of the freehold of the site of the former Ludgate House (title number TGL62703), shown outlined on the plan at Appendix A, and simultaneous grant by the council to LHL of a 999-year lease of the same site. The acquisition will be under section 227 of the Town and Country Planning Act ("TCPA 1990") for the purpose of facilitating the carrying out of development, redevelopment or improvement on or in relation to that land; and
  - b) The acquisition by way of an assignment to the council of LHL's leasehold interest in the Airspace Land (title number TGL54167), shown

outlined on the plan at Appendix B, and simultaneous granting by the Council to LHL of a 249-year sub-lease of the same site. The acquisition will be under section 227 of the TCPA 1990 for the purpose of facilitating the carrying out of development, redevelopment or improvement on or in relation to that land; and

- c) A Put and Call Option between the council and LHL in relation to the site of the former Ludgate House and the Airspace Land, on the principal terms set out in the report.
2. The council entering into an agreement with Sampson House Limited (SHL) for
    - a) The acquisition by the council of the freehold of the site of the former Sampson House (contained within title number TGL138850), shown outlined on the plan at Appendix C, and simultaneous granting by the council to SHL of a 999-year lease of the same site. The acquisition will be under section 227 of the TCPA 1990 for the purpose of facilitating the carrying out of development, redevelopment or improvement on or in relation to that land; and
    - b) A Put and Call Option between the council and SHL in relation to the site of the former Sampson House on the principal terms set out in the report.
  3. That as a pre-condition to the transactions referred to in 1 and 2 above, LHL and SHL enter into agreements, with financial security arrangements, to fully indemnify the council against any costs arising from these arrangements, including, but not limited to, the payment of compensation.
  4. That the council's intention in acquiring the interests under section 227 of the TCPA 1990 is to enable third party rights that exist over the site of the former Ludgate House, the site of the former Sampson House and the Airspace Land to be overridden pursuant to section 203 of the Housing and Planning Act 2016 ("HPA 2016").
  5. To delegate to the director of planning and growth authority to:
    - a) Agree detailed terms and conditions for the transactions referred to in 1 and 2 above and to instruct completion of the legal formalities
    - b) Agree detailed terms and conditions for the indemnity agreement referred to in 3 above and to instruct completion of the legal formalities.
    - c) Subject to completion of the agreements referred to in 1, 2 and 3 above, pay compensation properly claimed where due to third parties arising from the interference of their rights over the former Ludgate House site, the former Sampson House site and/or the Airspace Land in accordance

with section 204 of HPA 2016;

- d) Defend or settle (as appropriate) any compensation claims referred to the Lands Chamber of the Upper Tribunal in respect of rights that are overridden due to the exercise of the council's powers and to take all necessary steps in respect of any other legal proceedings that relate to the use of the aforementioned powers to override third party private rights over the former Ludgate House site, the former Sampson House site and/or the Airspace Land.

- 6. That the council provides full communication to affected residents of this decision and their continued rights and the impact on them, and continues to require the developer to maintain full communication with residents in addition.

**17. BARNWELL HOUSE, ST GILES ROAD, CAMBERWELL, LONDON SE5 7RP- DISPOSAL**

**RESOLVED:**

- 1. That the head of property be authorised to agree terms to dispose of the council's freehold interest in Barnwell House, St Giles Road, Camberwell, London SE5 7RP to Peabody as outlined within the closed report.
- 2. That the earmarking of the capital receipts for the purposes of funding the council's capital programme be authorised.
- 3. That the head of property be authorised to carry out any further negotiations with the purchaser which may be required prior to completion of the transaction.

**18. BROMYARD HOUSE, LEDBURY ESTATE COMPULSORY PURCHASE ORDER**

**RESOLVED:**

- 1. That a Compulsory Purchase Order under Section 226 (1)(a) of the Town & Country Planning Act 1990 ("the 1990 Act") for all land and rights within the Phase 1 area of land identified within the plan at Appendix 1 for the purposes of facilitating the redevelopment, development and improvement of the land and securing the delivery of new homes on the site in line with the proposed planning consent ("the Scheme") and thereby securing vacant possession of Bromyard House and the regeneration of the Ledbury Estate be made.
- 2. That the director of planning and growth, in consultation with the director of housing, be authorised on behalf of the council to:

- a) Take all necessary steps to secure the making, confirmation and implementation of the Order including the publication and service of all notices and the presentation of the council's case at Public Inquiry should one be called.
- b) Acquire for planning purposes all interests in land and new rights within the CPO area as may be necessary to facilitate the Scheme, either by agreement or compulsorily, including entering into negotiations with any third parties for the acquisition of the land interests and/or for new rights over their land (as appropriate), the payment of compensation and dealing with any blight notices served in connection with the CPO.
- c) Approve agreements with land owners setting out the terms for the withdrawal of objections to the CPO, including where appropriate seeking the exclusion of land or new rights from the CPO or giving undertakings as to the enforcement of the terms of the CPO.
- d) Make any minor additions, deletions or amendments to the extent of the land to be included in the CPO as shown in Appendix 1 should the need arise, so as to include all interests in land and rights required to facilitate the construction, maintenance and use of the Scheme.
- e) Take all necessary actions in relation to any legal proceedings relating to the CPO, including defending or settling (as appropriate) any compensation claims referred to the Lands Chamber of the Upper Tribunal due to the making or implementation of the CPO, and to take all necessary steps in respect of any other legal proceedings that relate to the making, confirmation or implementation of the CPO.
- f) Appoint and/or retain such external professional advisors and consultants as are necessary to assist the council in facilitating the Scheme, including in the promotion of the CPO and the settlement of any compensation claims.

**19. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - SOUTHWARK'S CLIMATE STRATEGY AND ACTION PLAN**

Councillor Ian Wingfield, chair of overview and scrutiny committee was unable to attend cabinet to present this report but submitted written comments in advance of the cabinet meeting.

**RESOLVED:**

1. That the recommendations of overview and scrutiny committee arising from representations from Extinction Rebellion Southwark in respect of the council's climate action plan, paragraph 9 of the report be noted.

2. That the cabinet member for climate emergency and sustainable development reports back to cabinet on the recommendations within eight weeks.

## **EXCLUSION OF THE PRESS AND PUBLIC**

That the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in categories 3 and 5 of paragraph 10.4 of the access to information procedure rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed part of the meeting.

### **20. MINUTES**

The minutes of the closed meeting on 7 December 2021 were approved as a correct record and signed by the chair.

### **21. GATEWAY 2 - CONTRACT AWARD COMMUNITY REABLEMENT SERVICE**

The cabinet considered the closed information relating to this item. Please see item 13 for the decision.

### **22. BARNWELL HOUSE, ST GILES ROAD, CAMBERWELL, LONDON SE5 7RP- DISPOSAL**

The cabinet considered the closed information relating to this item. Please see item 17 for the decision.

### **23. FUTURE OF AYLESBURY ESTATE**

The cabinet considered the closed information relating to this item. Please see item 10 for the decision.

The meeting ended at 1.10pm.

**CHAIR:**

**DATED:**

**DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 26 JANUARY 2022.**

**THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE (WITH THE EXCEPTION OF ITEMS 10 AND 23 WHICH ARE SUBJECT TO AN URGENT IMPLEMENTATION AGREEMENT). SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.**

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 1 February 2022	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Residential Care Charter	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Evelyn Akoto, Health and Wellbeing	

### **FOREWORD – COUNCILLOR EVELYN AKOTO, CABINET MEMBER FOR HEALTH AND WELLBEING**

Care homes provide care to the most vulnerable members of our community. The council is seeking to increase our local provision so that our residents can stay close to their families and benefit from local services across the Partnership Southwark agencies. For these two reasons, it is therefore fitting that we ensure that the expectations of the workforce and for the residents and families is high and reflects what we would expect as though they are a valued member of our family. We currently have 16 care homes in the borough, soon to be 17 with the opening of the nursing home on the Burgess Park site, and the 17 homes support over 450 people and these residents are supported by over 630 staff.

I have had the opportunity of visiting care homes over December, to deliver gift vouchers on behalf of the Council as a way of thanking staff for the work that they have done during the pandemic and continue to provide care during the Omicron wave, as well as a precursor to the anticipated adoption of our Residential Care Charter.

This report proposes the Council adopting a Residential Care Charter that sets out our expectations for the experiences of residents living in the care homes and their families. It equally sets out our expectations for the workforce in these care homes, how they should be valued and supported in the important work they do on behalf of us all. We want safe, high quality and ethical care for all. Whilst care is a vocation, this does not mean that the staff should not be properly rewarded for providing care, and they have particularly demonstrated their commitment in the last 18 months during the pandemic.

I am delighted that Unison has endorsed our Charter and joining us in our plan for promoting the Charter with other local authorities. Like the Southwark Ethical Care Charter, our Residential Care Charter will be a trailblazer for other organisations to follow.

The report proposes that our co-produced Residential Care Charter is introduced in 2022 in all new care home contracts and via phased implementation, including pilot and live evaluation, throughout 2022/23. This

will be in the context of our London Living Wage commitment which will be fulfilled from April 2022.

## **RECOMMENDATIONS**

1. That Cabinet agree to the implementation of a Southwark Residential Care Charter as set out in paragraph 7 of the report.
2. That Cabinet agree to the introduction of a Southwark Supplement for staff in Southwark care homes to ensure that staff are paid at least the London Living Wage, as set out in paragraph 11 of the report.

## **BACKGROUND INFORMATION**

3. The Borough Plan 2020-22 commits to introducing a 'Residential Care Charter that protects vulnerable residents and the people who are working to keep them safe'. This commitment relates to adult social care services.
4. Appendix 1 sets out the detailed considerations by officers in relation to developing the Residential Care Charter.

## **KEY ISSUES FOR CONSIDERATION**

5. The council, through the 'Fairer Future, A Healthier Life' priorities, has reiterated its commitment to deliver a residential care charter for home care services and be at the forefront of tackling poor working conditions in care in order to improve the quality of care people receive. Drawing on, engagement with the residents, families, providers, reviewing Unison's Residential Care Charter, Southwark's Residential Care Charter has been developed.
6. As the following constituent organisations and individuals have an interest in ensuring it is successful, it is proposed that the Southwark residential care charter be developed as a four-way compact between:
  - The council
  - Local care home providers
  - The workforce; and
  - Service users and their families and supporters.
7. Southwark's Residential Care Charter has three domains – Safe Care; High Quality Care; and Ethical Care and is set out as follows:

<b>Safe Care</b>	
<b>1</b>	Employers will maintain adequate staff ratios that enable quality care to be delivered.
<b>2</b>	Employers will plan well in advance to ensure adequate staffing levels and adequate time for handover between shifts allow planned time off for staff.
<b>3</b>	Providers will carry out thorough risk assessments to ensure the safety of residents and care home staff.
<b>4</b>	Employers will provide residents and care home staff with safe equipment.
<b>5</b>	Care home staff, including bank and relief staff, will be regularly trained to meet the needs of all residents, as set out in their care plans.
<b>6</b>	Employers will ensure that Disclosure and Barring checks are undertaken and that they pay for these checks.
<b>High Quality Care</b>	
<b>7</b>	Care is about more than personal care. It should include a social dimension that seeks to improve the wellbeing of residents.
<b>8</b>	Families and friends will be involved, at least annually, in the care planning of the residents.
<b>9</b>	Visits to residents will be accommodated by care home providers to maintain the mental and emotional wellbeing of residents.
<b>10</b>	At least quarterly, family and friends forums should take place to meet with care home representatives. Such meetings should include discussions about food and social activities in the home.
<b>11</b>	<p>Residents, families and care home staff must be given information about how to raise concerns and complaints.</p> <p>Care homes will investigate complaints by residents and their families in a swift and robust manner.</p> <p>All complaints will be acknowledged by care homes within 3 working days of receipt and responded to within 10 working days.</p> <p>Complaints will be investigated with a view to understanding the underlying issues that are being raised and any lessons that need to be learned for service improvement.</p>

<b>12</b>	Care homes will enable third parties such as Healthwatch Southwark and the Volunteers from the Independent Calling and Visiting Service, which is managed by Age UK Lewisham and Southwark to enter their premises at least once a year.
<b>Ethical Care</b>	
<b>13</b>	All care home staff will be paid at least the London Living Wage and time spent in the handover between shifts.
<b>14</b>	Zero hour contracts will not be used in place of permanent contracts unless requested by staff.
<b>15</b>	Extra payment will be made for working unsocial hours, including weekends and bank holidays and holiday periods must also be paid as if at work.
<b>16</b>	Care home staff will be given adequate breaks during their working day.
<b>17</b>	Care home staff will be paid occupational sick pay.
<b>18</b>	Care home staff will be paid for the time it takes to carry out a proper handover between shifts, which ensures safety and continuity of care for residents.
<b>19</b>	Training must be free and carried out in work time, so cover for staff must be arranged.
<b>20</b>	Care homes will recognise and respect the rights of their employees to associate freely and to organise and bargain collectively in accordance with the local laws relevant to their employment.

8. By including Southwark's Residential Care Charter in the council's care home contracts, both providers and the council as the commissioner will be transparent about expectations regarding safe, high quality and ethical care. It should be noted that the domains of Safe Care and High Quality Care are over and above (ie more defined than) the standards set by the Care Quality Commission (regulator of health and care services). For example, regulation 16 in the CQC standards only specifies a timescale for informing the CQC about the outcome of an investigation when requested to do so; in the Charter we expect that the complainant receives a response within 10 working days. By setting standards over and above legal requirements, the council ensures that it delivers on its broader duties under the Care Act 2014 to manage the social care market for both council funded social care placed residents and self-funders.
9. Skills for Care data in the fiscal year 2020/2021 indicated that there was a vacancy rate of 12.7% amongst direct care staff in nursing homes in Southwark. There was no data for residential care. For 2020/2021, the

turnover rate for direct care staff was 38% in nursing homes and 29% in residential care homes. The introduction of the Charter should lead to a reduction and stabilisation in these percentages.

10. The adoption of Southwark's Residential Care Charter will place Southwark at the forefront of improving the recruitment and retention of care home staff in the borough, building on the ethical care charter for homecare workers. Recognising staff by paying them a real living wage and improving their work conditions will create the conditions for a more stable workforce that will provide high quality and continuity of care for residents as well as support the development of trusting and long-lasting relationships between care home staff and the families or friends of residents.
11. Given the considerations in Appendix 1, officers propose paying a Southwark Supplement to care home staff, to ensure that all staff in a care home are paid at least the London Living Wage (LLW). It will apply to staff paid below or up to 20% above the LLW. The Southwark Supplement will require a separate agreement between council and the care home provider (as employer of the care home workers). The funding will be ring-fenced with an annual uplift and regular monitoring to ensure compliance. By investing a supplement for care home staff rather than renegotiating fees, there is transparency about value for money. The council can also have increased confidence that this investment in the workforce is being directly received by the staff for whom the money is intended. The council will seek assurances from providers on the number of staff the LLW will apply to in each care home. The council will also monitor and audit its implementation in the care homes.

### **Policy framework implications**

12. The Borough Plan 2020-22 commits the council to raise standards in care homes with a residential care charter that protects vulnerable residents and the people who are working to keep them safe. It also commits the council to increase the number of care homes in the borough.
13. The Charter should benefit:
  - Residents of care homes
  - Family and friends who visit care homes
  - The staff who support the residents.
14. The Charter describes the culture and conditions in a high performing care home. The benefits of a charter are expected to lead to:
  - Improvement in quality of care experienced by residents in care in homes
  - Improvement in care home staff retention and reduction in staff turnover

- Greater emphasis on providing training for staff to maintain their knowledge and skills
- Optimising the independence of vulnerable people living with complex needs or challenging developmental ability.

## **Community, equalities (including socio-economic) and health impacts**

### **Community impact statement**

15. The demographics of people who receive social care commissioned by the council in Southwark can be summarised as follows:

- Southwark has a population of 313,300, of these 25,100 (8%) are aged 65 and over. The number of people aged 65 and over will grow by 13,700 by 2030, which is an increase of 55%. The ageing population and increased prevalence of certain long-term conditions has a significant impact on health and social care provision locally.
- Of the 215 people who receive nursing care, approximately 82% are 65 years of age and over, and of the 175 people who receive residential care, 78% are 65 years of age and over with the remainder being people with learning disabilities, mental health problems or physical disabilities.
- Amongst the nursing care home residents, 59% of these are women and for general care home residents, 57% are women, which is linked to longer life expectancy for women.
- 27% of nursing care residents and 23% of general residents are from Black, Asian and Minority Ethnic groups in Southwark. This is lower than the overall proportion of people (32%) from Black, Asian and Minority Ethnic communities in the borough.
- 362 people are currently accommodated in older people nursing and residential care homes and 95 people in care homes with adults of working age based in Southwark, making a total of 457 residents.

### **Equalities (including socio-economic) impact statement**

16. According to provider self-reporting in the Capacity Tracker, the adult social care workforce data, in 2020/21 includes 625 care home staff working in Southwark. Of these 425 staff worked in residential care homes with 300 direct care roles and 200 staff worked in nursing care homes with 125 direct care roles.

17. In addition, it is worth noting that the Skills for Care data about care home staff in Southwark is such that:

- Gender – 85% female and 15% male

- Age profile – a mean age of 50 years residential care and 46 years in nursing homes
  - Ethnicity data was not available for either setting
  - Nationality data was not available for residential care homes but for nursing homes it showed that 55% were British nationals; 36% were non-EU foreign nationals; and 9% were EU foreign nationals.
18. A full equalities impact on the delivery of the Southwark Ethical Care Charter has been considered throughout the development of this charter. Any changes to the delivery of residential care services will particularly affect older people and those with a disability as they represent the largest group of service users. The implementation of the Southwark Residential Care Charter will also include an equality impact assessment.

### **Health impact statement**

19. The implementation of a Resident Care Charter in Southwark will help to improve the health and wellbeing of both residents and staff in the care homes. It will achieve this by setting out the minimum standards and employment conditions required to deliver high quality residential care in the borough. It will ensure that some of the lowest paid staff are paid the London Living Wage and that they receive adequate, free, on the job training to fulfill their roles. It will aim to assure the safe ratio of staff to residents that will have a direct bearing on the quality of care received by residents in care homes. The charter will also reduce health inequalities in Southwark by ensuring people from socio-economic disadvantage are better remunerated for their work. It will lead to a more stable, well-equipped workforce that is able to deliver high quality, consistent care.

### **Climate change implications**

20. This policy has no direct implications for climate change. The charter's primary focus is on improving standards in care homes and conditions of employment for staff. It does not aim to reduce carbon emissions by, for example, encouraging sustainable travel, attracting green jobs or reducing waste. However, we will work with the providers to ensure they are maintaining good climate practice as part of our commissioning process.

### **Resource implications**

21. Detailed financial modelling based on 6 care homes has been undertaken to determine the likely extra costs of implementing a Residential Care Charter in Southwark. One of the key aspects of the charter is that staff in nursing and residential care homes would be paid at least the London Living Wage (LLW).
22. The modelling was based on financial data provided by 6 in-borough care homes and information on the staff numbers in each of the in-borough homes. The 6 homes provided a breakdown of the number of staff posts needed and staff hours worked in an average week as well as the hourly

base rate of pay for posts earning up to 20% above the LLW. From the data we extrapolated the current staff costs and potential increase in staff cost if the LLW uplift were applied.

23. The total weekly staff cost to the home was calculated as base pay with on-costs multiplied by the number of weekly hours. The new hourly rate of staff following a LLW was determined by calculating the percentage increase needed to bring the staff with the lowest hourly rate up to the LLW and increasing the base pay of all staff in the group by this percentage.
24. The total current weekly staff cost was subtracted from the LLW total weekly cost to give the additional cost of the uplift to the care homes. The total additional weekly cost was divided by the number of staff in the home to give an additional cost per staff in each home. The average additional cost across the 6 homes was then multiplied by the reported number of staff in each of the in-borough care homes to give an estimated staff cost increase for all homes.
25. Further financial modelling will look at direct outgoings but also the wider benefits that can be delivered by the strategy. There are a number of funding sources available including Better Care Fund monies.
26. The Director of Commissioning for Children and Adults will work with the Director of Adult Social Care and Departmental Finance Manager through the budget setting process for 2022/23 and beyond to ensure the sustainability of the new approach to commissioning residential care services.

### **Legal implications**

27. Please see the concurrent report of the Director of Law and Governance below.

### **Financial implications**

28. The proposed implementation of the residential care charter would ensure that all residential and nursing care homes operating within the borough comply with London Living Wage (LLW) commitments. The current LLW rate is £10.85 per hour.
29. Compliance with LLW would result in an increased cost for the care homes as it would effectively require them to alter their salary structure and inflate hourly rates for non-management staff members. Consequently, this would result in the care homes increasing their care rates with the council to accommodate for their increased expenditure.
30. Financial modelling has been executed based on the financial data submitted by 6 of the care homes in Southwark, highlighting their salary structure. The data has been extrapolated to determine the potential

increase in costs to the home by uplifting staff who are currently being paid less than LLW and those who are being paid just above the LLW rate and determining that as a percentage of the total cost to the home. This percentage would then be applied to the council's total cost with the home, consequently determining the estimated additional cost to the council.

31. The estimated additional cost to the council as a result of LLW being applied to all in borough nursing and residential care homes would be approximately £1.40m-£1.75m. However, if the council intend on compliance of LLW for the contracted providers only i.e. only covering the council's client base and no other non-council clients such as self-funders and clients with specific spot arrangements, this would result in an additional cost to the council of an estimated £1.08m-£1.33m.
32. It should be noted that these are estimated cost ranges based on financial data submitted by the care homes, hence there is not sufficient evidence to accurately determine the full cost of implementing the residential care charter. Additionally, LLW has increased by approximately 3% year on year, hence there would be annual recurring costs to the council in accordance with the annual LLW rate increases.

Year	London Living Wage
2018/19	10.20
2019/20	10.55
2020/21	10.75
2021/22	10.85
2022/23	11.05

33. There is no provision within existing budgets in children's and adult's services to cover the additional costs of implementing the residential care charter. However, the department have applied for corporate funding as part of budget challenge as this is a council commitment. Additional funding streams are due to be utilised such as the potential use of future years Better Care Fund increases.

## Consultation

### Unison

34. Officers met with Unison about the development of the Unison Residential Care Charter in the borough at the beginning of 2021. Unfortunately, the take up of Unison's Charter has been low, primarily because councils have reported that they have not identified a way to influence the delivery of residential care services in the same way that they can with homecare contracts. Only one local authority in the UK had adopted Unison's residential care charter – Hartlepool Borough Council - for their in-house care homes.

35. In December 2021, Officers met with Unison to discuss implementation of the Southwark Residential Care Charter in the borough. Unison confirmed that Southwark's Residential Care Charter is compliant with their charter and that they were satisfied with how Southwark will be monitoring provider compliance with the charter. This would include reviewing staff payroll and meeting directly with staff to ensure that the non-financial benefits of the charter are being realised.
36. Unison confirmed that the council's compliance with Unison's Residential Care Charter will be recognised on their website. A certificate of compliance will also be issued by Unison, formally recognising local authorities that adopt their charter.
37. Unison agreed to jointly promote the advantages of the charter with the council as much as possible. This would take the form of issuing a joint press release as well seeking to present at the spring Association of Directors of Adults Social Services (ADASS) conference and the National Children and Adult Services Conference (NCASC).

### **Public consultation**

38. Consultation with the public and different stakeholders was carried out through presentations at forums, surveys and interviews. Colleagues and members of the public were also engaged through the Care Well Forum and the Care Home Provider Forum. Unfortunately, the Covid-19 pandemic significantly limited our ability to effectively engage with residents, carers/family, care home staff and other key partners. Face-to-face surveys and meetings could not be held and most engagement exercises had to be carried out virtually or over the phone which reduced their efficacy.

### **Residents and families**

39. As part of the consultation work, two surveys and interviews were carried out to gauge the views of Southwark care home residents and staff on how local care homes standards could be improved with the development of a residential care charter in the borough. The following paragraphs sets out the outcomes of these consultation exercises.
40. Between January and March 2021, residents and their families living in residential and nursing care homes based in Southwark were surveyed by an external organization on behalf of the council and in September 2020 staff employed in the local care homes were sent questionnaires to obtain the management/organisational perspective of these care homes.
41. Thirteen interviews with residents were conducted over the phone between January and March 2021 by Age UK Lewisham and Southwark on behalf of the council. The original intention was to interview more residents and their carers, but the Covid-19 pandemic prevented this. Respondents (or their family/carers) came from a total of seven older

people's care homes in Southwark. Only three of the respondents were residents of homes with the remainder being family/carers of residents. Furthermore, 4 out of the 13 respondents were living in homes out of the borough. The full report can be found in the appendices.

42. Key findings from the interviews were:
- Four family members interviewed felt that the homes in borough did not meet their family member's needs.
  - Though most were happy with the professional manner and training of care staff, the term "hit and miss" kept on being used; there were excellent examples of care alongside 'adequate' care.
  - Night-time staff were more likely to be agency or locum staff and did not know the residents as well as the day-time teams.
  - Three respondents said that they thought that there was sufficient staff on duty to deliver the ideal level of care sought.
  - Although eight respondents were positive about their key worker, there seemed to be an inconsistency in the calibre of key workers.
  - Two residents without dementia expressed feelings of being isolated in the home, having no one to talk to other than busy staff.
  - The area of greatest development opportunity was in relation to activities and social contacts.
43. The lower number of respondents made it difficult to draw conclusions from this survey. Despite this, it has highlighted the varied standard of care made available to residents, particularly those with dementia. Much of this seems to be attributed to residents feeling isolated because of the restrictions imposed by the lockdown on their and their family's movement. As the lockdown eases, reengaging residents in social and physical activities will be important.
44. In September 2020, a questionnaire was circulated to staff and managers from Southwark's care homes in order to get feedback on how support and services at the care homes are being currently delivered and how they could improve in the future.
45. Questionnaires were distributed to employees working in Southwark care homes for older people and adults with physical or learning disabilities. Engagement sessions were held in four homes in late 2020 to encourage feedback. In the end, 56 questionnaires were returned. A full report of the findings has been published and can be found at the appendices. A short summary of the main headings is set out below.
- On the positive side, 88.4% were aware of procedures to follow if concerns were concerned and 79.1% said the organisation acted on concerns raised by service users (with one respondent saying they didn't).
  - However, only 55% said there are enough staff to resident ratios for them to do their job properly.

- 72% of respondents were happy with the frequency of their shift patterns but some staff mentioned that the 30m minutes handovers between shifts were often challenging.
- Staff suggested how trust and recognition could be improved in the staff engagement sessions; these included both informal and formal ideas ranging from a simple 'thank you' by the management to better pay for staff and lunch vouchers.
- Respondents came up with a number of ideas for improving services and care to the residents, including better food provision, modernising the premises, more social activities for residents, and better use of technology that frees up staff time to provide care.
- 72% of staff said they are provided with free training in work time with cover to enable them to attend.
- However, each care home seemed to have different rules around payment for training; many staff did e-learning at home for which they were not paid.
- Partly due to the pandemic, e-learning was the method of training most used in the last 12 months, although most staff (69%) preferred face-to-face training.
- Dementia and mental capacity were amongst the top 10 requested training sessions needed in the survey, alongside end-of-life and dealing with challenging behaviours.

46. The surveys and interviews demonstrate that while the quality and standard of services are generally high in Southwark, improvements are still required to deliver consistently good services that meet the needs of all residents in a suitably rewarding and educative work environment for staff.

### **Other stake holders**

47. Feedback from the Care Well Forum and Care Home provider forum was positive. Members of the forums supported the implementation of the Charter because it would lead to an improvement in the quality of care provided by Southwark care homes as well as the recruitment and retention of staff in the nursing and residential care sector, replicating the impact of the Ethical Care Charter.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Head of Procurement**

48. Not applicable

### **Director of Law and Governance**

49. This report requires the Cabinet to note and agree several recommendations relating to the introduction of a residential care charter as further detailed in paragraphs 1-3. There are no specific legal implications arising from these recommendations, however in agreeing them Cabinet should have regard to the council's obligations to carry out its duties in accordance with the principles of best value. Cabinet is advised that the council may include workforce conditions as part of its contract/procurement requirements but should only do so when the inclusion of these requirements will achieve best value. This report details the implications and benefits in agreeing the residential care charter which Cabinet should consider.

50. The council is required under the Public Services (Social Value) Act 2012 to consider how what it is proposed to be procured may improve the economic, social and environmental well-being of an area, and consider the additional benefits to the community from the procurement process over and above the direct purchasing of services. These benefits can include investing in employees for improved outcomes to meet the needs of the community and promoting compliance with social and labour law.

51. Cabinet will be aware of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010, and in making decisions the duty to have regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not.

52. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The PSED General Duty also applies to marriage and civil partnership, but only in relation to (a).

53. Cabinet should also note and take account of paragraphs 34 to 47 which describe the nature, scope and findings of the consultation which has been undertaken in order to inform and develop the proposed residential care charter.

## Strategic Director of Finance and Governance (REF: 50EN202122)

54. The Strategic Director of Finance and Governance notes the recommendations of this report detailed in para. 1-2. The implementation of the residential care charter and the introduction of Southwark supplement will require additional financial commitment as detailed in the finance implications section para 28-33 Recommendations of funding streams will need to take into account financial constrains in other part of the council as well as the benefits of the charter to the wider community within Southwark as detailed in the report. As well as the initial investment, this charter will have ongoing financial commitments in line with LLW increases in future years. As the proposed supplement will be dependent on providers being compliant with requests around salary structure, information it is imperative that officers work closely with providers and implement contingency planning to mitigate possible future financial risk.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Unison's Residential Care Charter	Older People and Adults with Complex Needs Team, 160 Tooley Street London SE1 2QH	Jonathan McInerny 020 7525 1687
<b>Link:</b> <a href="https://www.unison.org.uk/content/uploads/2017/03/24230.pdf">https://www.unison.org.uk/content/uploads/2017/03/24230.pdf</a>		
Fairer Future, A Healthier Life – Southwark Council	Older People and Adults with Complex Needs Team, 160 Tooley Street London SE1 2QH	Jonathan McInerny 020 7525 1687
<b>Link:</b> <a href="https://www.southwark.gov.uk/council-and-democracy/fairer-future">https://www.southwark.gov.uk/council-and-democracy/fairer-future</a>		
Southwark Ethical Care Charter	Older People and Adults with Complex Needs Team, 160 Tooley Street London SE1 2QH	Jonathan McInerny 020 7525 1687
<b>Link (please copy and paste into browser):</b> <a href="https://moderngov.southwark.gov.uk/documents/s52528/Appendix%201%20Southwark%20Ethical%20Care%20Charter.pdf">https://moderngov.southwark.gov.uk/documents/s52528/Appendix%201%20Southwark%20Ethical%20Care%20Charter.pdf</a>		
Southwark Council Plan 2018-2022	Older People and Adults with Complex Needs Team, 160 Tooley Street London SE1 2QH	Jonathan McInerny 020 7525 1687
<b>Link (please copy and paste into browser):</b> <a href="https://moderngov.southwark.gov.uk/documents/s90466/Appendix%201%20Council%20Plan%202018-2022%20refresh%20updated.pdf">https://moderngov.southwark.gov.uk/documents/s90466/Appendix%201%20Council%20Plan%202018-2022%20refresh%20updated.pdf</a>		

## APPENDICES

No.	Title
Appendix 1	Considerations by officers about the implementation of the Residential Care Charter within the care home sector
Appendix 2	Southwark Care Home Charter: Summary of Survey of residents of care homes and their family/supporters (V1) – Age UK Lewisham and Southwark
Appendix 3	Residential Care Charter summary of staff engagement – Older People and Adults with Complex Needs Team in Southwark

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Evelyn Akoto, Health and Wellbeing	
<b>Lead Officer</b>	David Quirke-Thornton, Strategic Director of Children's and Adults' Services	
<b>Report Author</b>	Jonathan McInerney, Programme Manager	
<b>Version</b>	Final	
<b>Dated</b>	20 January 2022	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		20 January 2022

## APPENDIX 1

### Considerations by officers about the implementation of the Residential Care Charter within the care home sector

1. Unison has developed an ethical home care charter and a residential care charter; a link has been provided in the background papers to Unison's residential care charter.
2. Care home staff played an important role in continuity of service for its residents during the pandemic, when there was very little known about covid-19. As part of developing Southwark's Residential Care Charter, officers could not find a Charter or commitment from any other local authorities.
3. Homes that sign up to the proposed charter is a commitment to the principles of good person-centred care that recognise and celebrate the contribution of the workforce and the care home's place within the wider community in Southwark. This will complement and not duplicate Care Quality Commission (CQC) standards. On approval, officers will seek sign up to the charter from all residential and nursing homes in Southwark and across all care groups.
4. In developing the charter, officers considered:
  - Impact for, and experiences of, residents and families connected to residential and nursing care in Southwark;
  - Quality assurance in relation to standards of care and the skill of the workforce providing nursing and personal care; and
  - Value for money for all parties involved in provision of good quality, well led services.
5. CQC is a regulatory body for care and health services in England and Wales. CQC registers homes as being with or without nursing care, alongside other specialisms (such as Dementia care). The types of care home within Southwark varies across client groups, from large facilities primarily for older people and those living with long term and complex medical conditions to smaller group home settings for children and adults with learning disabilities and/or mental health need, albeit increasingly the service model for younger adults is moving towards supported living arrangements. The majority of homes tend to be provided by national and sub-regional private sector or charitable organisations.
6. Currently there are 16 registered care homes for adults in Southwark, supporting a range of different support needs, with a third nursing home opening in 2022:

Care Home registration	Total number of homes in the borough	Total number of rooms in the homes
Older People Care Homes - Nursing	2	211
Older People Care Homes – Residential only	5	249
Care Homes for Working Age Adults with Physical Disabilities	2	52
Care Home for Adults of Working Age -Substance misuse	1	26
Care Homes for Adults of Working Age - Learning Disabilities	4	18
Care Homes for Adults of Working Age - Mental Health	2	13

7. The charter is intended to apply across all ages and care groups. The charter has been developed to respond to local engagement, including the ‘I statements’ that were co-produced with older and working age residents with physical and sensory disabilities of care homes, with support from their families and local voluntary organisations such as Healthwatch and Age UK.
8. In June 2014, the council agreed the Southwark Ethical Care Charter for care at home services. This committed the council to ensure amongst other things that, by the end of October 2014, home care workers are paid as a minimum, the London Living Wage, travel time, and are offered a guaranteed level of working hours each week as an alternative to zero hours contracts. Full details of the ethical care charter can be found in the link at the end of this report. Southwark’s ethical care charter has been successfully implemented and all home care providers with council contracts have fully signed up to the charter.
9. There are numerous examples of local authorities across London and indeed the country have applied principles of the ethical care charter to homecare contracts, however it has proved difficult for officers to find similar examples regarding local authorities contracting with care homes. This reflects the fact that a provider who is awarded a contract for homecare can ensure that the staff working on the contract are working for residents whose care is paid at a rate which reflects payment of the LLW.

10. Care homes are different. The staff working in a care home may be supporting residents in the home whose care is funded by different funders/purchasers - commissioning organisations (local authorities or CCG) or self-funders (those who pay for their own care). Care homes will negotiate different rates with different purchasers to reflect volume and certainty of timely payment and therefore although an individual purchaser may wish to pay a rate that reflects the LLW for the people they are funding there is a scalability issue which this report seeks to set out and address in terms of ensuring that care homes are attracted to signing up to the Charter and the council secures value for money.
11. It should also be noted that there are self-funders who purchase their own care in registered homes within the borough. Although not responsible for funding these placements, the council has a market shaping duty under 2014 Care Act (<https://www.gov.uk/government/publications/adult-social-care-market-shaping/adult-social-care-market-shaping>) to ensure that there is sufficient supply of places. The Charter could assist self-funders in making their choices of local homes.
12. Unison launched a residential care charter in 2018 which has been promoted by the union to local authorities and care operators across the country. The Unison Residential Care Charter focuses upon pay and conditions for the workforce, training and the quality of care delivered. A link to the Union's charter can be found at the end of this report.
13. Currently only one local authority in England has agreed a residential care charter – Hartlepool Borough Council. However, the charter applies only to their in-house residential services.
14. The Fairer Futures Procurement Framework means that for commissioning exercises, officers publish tenders that include a requirement to pay the London Living Wage. In relation to the proposed nursing care contracts, officers have included a clause that requires the provider to adopt the Residential Care Charter.
15. Given the challenges set out in this briefing paper to implement the Charter, officers have identified a mechanism, as set out in the next paragraph, that allows care homes to sign up to the residential care charter without a high volume of residents being placed by the council. The proposed approach means that the reach of the Charter will not be limited to homes with block contracts and therefore makes this opportunity practically available to all care homes in the borough.
16. Officers propose paying a Southwark Supplement to care home staff, to ensure that all staff in a care home are paid at least the London Living Wage (LLW). It will only apply to staff paid below or up to 20% above the LLW. The Southwark Supplement will require a separate agreement between council and the care home provider (as employer of the care home workers). The funding will be ring-fenced with an annual uplift and regular monitoring to ensure compliance. By investing a supplement for specific staff rather than renegotiating fees, there is transparency about value for money. The council can also have increased

confidence that this investment in the workforce is being directly received by the staff for whom the money is intended. The council will seek assurances from providers on the number of staff the LLW will apply to each in each home. The council will also regularly monitor and audit its implementation in the home.

17. Officers will work with all care home providers in Southwark, regardless of whether they have a contract with the council or not, to adopt the charter. Working with commissioned providers, we will change contract terms and conditions with Southwark providers of residential, or nursing, care homes. We will also work with providers we don't currently have contracts with to adopt the principles of the charter too. This proposed approach is different from implementing Southwark's Ethical Care Charter for home care because the council is not necessarily a high volume purchaser of in care homes.
18. Officers will initially pilot the charter with care home providers who are committed to delivering the core aims of the charter. The application process for interested providers will commence from January 2022 and the criteria will include:
  - a. homes based in the borough;
  - b. At least 30% of residents in the care home are funded by the council

**TITLE :** SOUTHWARK CARE HOME CHARTER : Summary of Survey of residents of care homes and their family/supporters (V1)

**FROM:** Age UK Lewisham and southwark (AUKLS)

**AUTHOR:** Andy Loxton (Lay Inspector Lead)

**DATE:** 11March 2021

### EXECUTIVE SUMMARY

Age UK Lewisham and Southwark (AUKLS) undertook thirteen telephone interviews of older residents of care homes or their families between January and early March 2021, on behalf of Southwark Council. The outcomes of the survey will be used by the Council to inform the development of a Charter Mark for Care Homes within the borough. The headlines are set out below:

- **Thirteen interviews were conducted. Three of which were with residents and the remainder were with family or friends of residents.**
- **Four involved Southwark residents now living in care homes out of borough, with the remaining involving those who reside in one of the seven older people's care home in Southwark.**
- **Effective PPE and quarantine arrangements were in place in the homes as far as family members could tell – although in most cases it had not been possible to visit their loved ones to check.**
- **There had been no significant issues in relation to pre-pandemic visits to homes. Experience of visits in gardens and the use of video links since covid had not been universally successful with most people stayed in contact via the telephone.**
- **Residents overwhelmingly felt safe and their personal care needs were being met.**
- **Although respondents were happy with the professional manner and training of care staff, the term "Hit and Miss" kept on being used. There were excellent examples of care given alongside others, which although adequate, were not delivered with the compassion that was expected.**
- **Only three respondents said that they thought that there was sufficient staff on duty to deliver the ideal level of care sought.**
- **The overwhelming majority of residents were living with various complex forms of dementia.**
- **The two residents interviewed who were not living with dementia, both expressed feelings of being isolated in the home, having no one to talk to other than busy staff.**

- **The area of greatest development opportunity was in relation to activities and social contacts that matched the needs and preferences of individual residents. This related to both pre-pandemic and conditions since covid measures have been applied to homes.**
- **All respondents were very satisfied with their access to primary care.**

### **1. Approach and Methodology**

The Council had sought the views of residents of care homes and their families/supporters, to inform the development of a Care Home Charter in Southwark. To this end, it launched an on-line engagement /consultation exercise in 2020. Due to the challenges of doing this during the pandemic, response was low. Age UK Lewisham and Southwark (AUKLS) were then asked to undertake a telephone survey on the Council's behalf. Due to the ongoing challenges of the pandemic, the local care homes (as well as social work teams) were unable to disseminate information out to residents and families. Instead AUKLS used its own case records and those of voluntary sector partners to identify respondents.

All the questions from the on-line survey were incorporated into a questionnaire, with the addition of questions that either gave more context to the responses, or facilitated a free-flowing conversation on the telephone. The on-line survey did have a number of duplicate questions (For example in relation to activities), which remained within the telephone survey in order to allow for comparative responses to those made on line. The questions asked and guidance notes for the survey are attached in appendix 1. A number of AUKLS Lay Inspectors offered to help with the survey, but as numbers of respondents remained low, all interviews were conducted by the Lay Inspector Lead employed by AUKLS.

The pre-determined response options for most of the questions took the "Strongly Agree -Neither Agree/Disagree, Strongly Disagree" format. Given the inconsistency of experience of most respondents to any given scenario, an "Always, Sometimes, Never" approach would have been more useful.

**13 interviews** were conducted over the telephone between January and early March 2021. They all followed a conversational approach in order to solicit qualitative information from the respondents, and an opportunity to add comments that have been included throughout the report in order to illustrate specific points made. None of the respondents had completed the earlier on-line survey. It is unfortunate that not more respondents could be identified, but it is felt that there were sufficient interviews to make some useful qualitative observations. A summary of all the responses is attached in appendix 2.

### **2. Profile of the Respondents**

Of the 13 respondents:

- Three were residents of homes (All in Southwark)
- Four were spouses of the resident
- Four were children of the resident
- Two were friends or befrienders of the resident

### 3. Profile of the residents and their care homes

The survey spoke to respondents who were residents in all six older people's homes in Southwark, plus 4 out of borough homes. In summary:

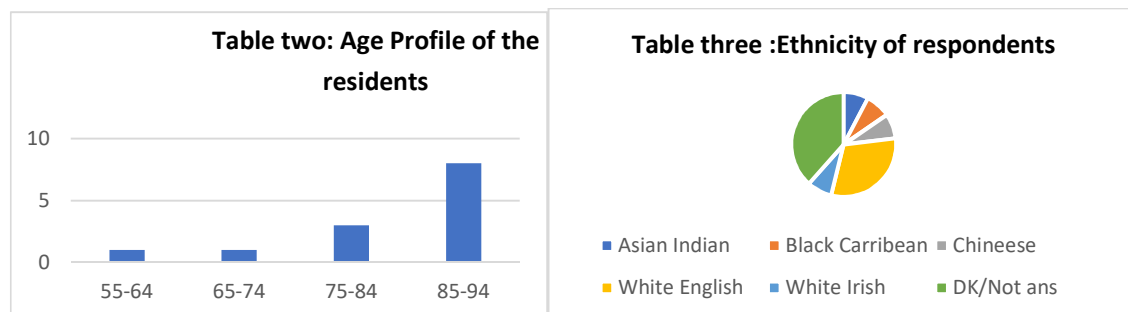
- Dementia was the primary factor given as to why a care home was needed and remained a recurrent theme throughout the conversations.
- Two of the residents appeared to have had "Deprivation of Liberty" notices applied. Three residents appeared to have no family to visit.
- Two residents interviewed maintain full mental capacity but required 24-hour care due to their frailty.
- Two residents had died within 12 months prior to the interview, but the views of their family members were included as their experience was still recent.
- One resident of a local home died shortly after his wife was interviewed.
- None of the deaths were covid related.

**Table one: Care Homes where people resided**

Homes inside Southwark						Homes outside of Southwark				
Twr B	Queens O Elms	Gr'nh've	Bl'grove	Rose C	W'terside	Arcacia LB	Karhu Har	Greenvale	Pear Tree	
2	1	1	1	1	2	1	1	1	1	

Most interviews focused upon the Southwark care homes. The four family members interviewed with loved ones in homes outside of Southwark felt that the homes in borough did not meet their loved ones needs. One was due to cultural linguistic requirements, two were because of a need for more specialist care for early onset dementias and the latter purely the level of personalized care that was available in the chosen home(Within Lewisham). These four respondents tended to respond positively in all areas.

As the majority of interviews were conducted with family and friends, it was not possible to ask details comprehensively in relation to all protected characteristics of the residents other than gender and race. Most residents were in their 80s, although two people were significantly younger and had been placed due to early onset dementia. In keeping with the age profile of very oldest members of Southwark's population, the majority of residents were women (10) with the majority (but not exclusively) of those who provided an ethnic breakdown were white.



## 4. Experience during the covid pandemic

### 4.1 Quarantine Arrangements

All but one resident had moved into a care home before the pandemic. The most recent admission was in a temporary “step down” nursing bed to facilitate a timely hospital discharge.

“I was moved from the hospital late on a Friday night and wasn’t sure where I had been taken.

A further 3 residents had been readmitted to their care home after a hospital admission during the pandemic and been subject to quarantine arrangements.

All said staff explained why quarantine was necessary and residents felt covid safe.

Although one family member indicated that due to the manifestation of their parents’ dementia, they did not really understand what was happening. Several indicated problems understanding

care staff because of the masks that they wore.

As masks are likely to remain for some time to come and given the issues of poor hearing so often experienced by older people, this is likely to be an ongoing issue.

“Mum was in hospital at the end of last year so had to be readmitted to the home so went through a period of isolation in her room and couldn’t mix with other residents”

### 4.2 Use of PPE

Six of the family members indicated that they simply did not know if PPE had been used or how swab tests had been applied, as they could not go to visit to check. All three care home residents we spoke to confirmed that PPE was used at all times. One respondent who visited her husband in the garden over the summer /autumn in 2020 felt that the home could have been more proactive ensuring that PPE was used by other visitors.

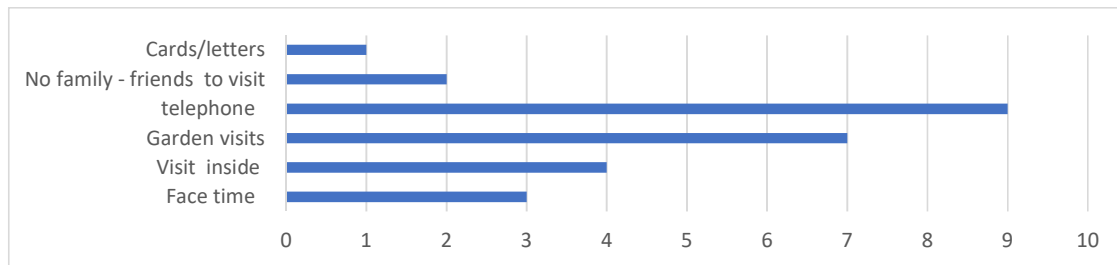
“Social Distancing and the wearing of masks by other visitors was not monitored during garden visits, and many families did not wear masks all the time and were physically hugging the resident they visited “

### 4.3 Contact and visits to residents

No one reported problems visiting their loved ones before the pandemic, although a number cited that in the evenings they may have to wait a while for the front door to be answered as less staff were

on site. Experience of garden visits and the use of electronic communication during the pandemic was more mixed.

**Table four : Means of maintaining contact with Residents during the pandemic.**



Respondents could choose as many methods of keeping in touch as they felt relevant. Telephoning remained the most common form of keeping in contact during the pandemic. Only three respondents had attempted to use some type of “Face time”, with none finding it a satisfactory means of keeping in touch. One respondent indicated that her husband became too upset and confused on a video call, and needed a care worker with him at all times to explain what was happening. Five respondents highlighted problems with WIFI and mobile signals not reaching residents rooms.

Four family members had been allowed limited visits inside the home, only one of which was in a Southwark home.

### 5. The quality of care provided

No-one reported that they felt unsafe or that there were any safeguarding concerns. However, one respondent did provide a neutral response to this question. On further discussion, their safety related to whole hospital discharge process into a care home. This resident appeared to have very few family and friends to provide them support.

Six out of the 13 respondents indicated either neutrally or negatively, that their privacy was compromised. For example, other residents (Living with dementia) coming into their room uninvited. Due to the WIFI and connectivity issues in residents’ rooms, a number of family members said the only effective way to contact was to ring on the main switchboard and speak on the communal telephone.

“We have not been able to have a private conversation all year”

Most respondents indicated that incidents were addressed quickly, although a number highlighted lack of responsiveness in relation to repairs

“Hit and miss- some things I have pointed out were not addressed the following week when I visited- so I personally went and found the handyperson and get them to address it there and then”

The term “Hit and miss” kept coming up time and time again, when respondents were asked about care staff. It was noted that night time staff were more likely to be agency or locum staff and did not know the residents as well as the daytime teams.

“Hit and Miss. There are many very good and kind carers, but there are others who only see it as a job”

Similarly, the importance of empathy and kindness as attributes of care staff were critical, with a number of respondents stating that they were not sure that training could address gaps in this area.

**Table five: There are enough staff to meet the needs of residents**

Strongly agree	Agree	Neither	Disagree	Strongly disagree
1	2	4	5	1

As table five highlights, only three respondents felt that there were sufficient staff generally on duty. Both the residents we spoke to who maintained full cognitive functionality, said that staff were the only people that they could have a “Proper” conversation.

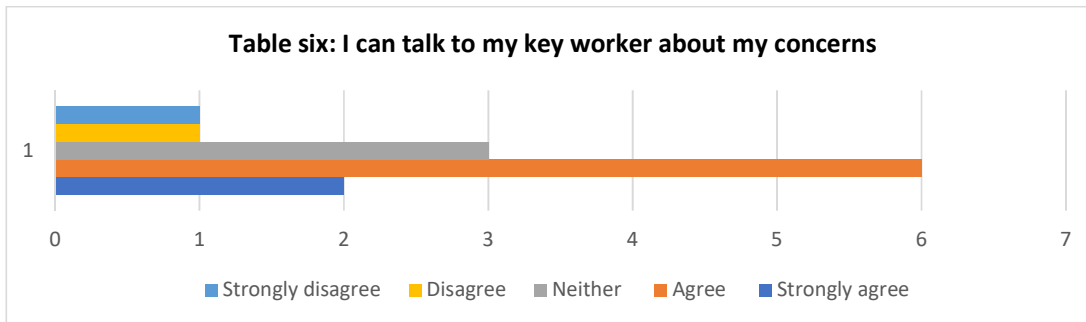
I am about the only person on the floor who does not have dementia and it can be quite lonely as you can’t have a conversation – the staff are lovely but they are too busy to be able to give me too much time to chat.

“Staff are sometimes too busy to do the softer” well-being work with residents that make all the difference”

Although non-one indicated that basic levels of care were not being met, a view was often expressed that staff did not have time to give the level of personalized care desired.

Despite this, 10 out of the thirteen respondents said that the care staff did try to get to know them well.

Feedback regarding the key worker systems was more mixed.

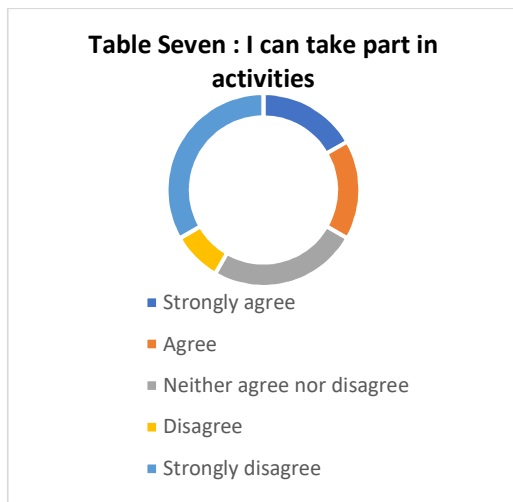


Although 8 respondents were positive about their key worker, there seemed to be inconsistency regarding to the caliber of key workers. A number of the family members interviewed indicated that they preferred or found it more productive to talk to the manager or deputy manager.

"I am not sure she has a key worker - but the manager is always very responsive and take our calls if we have concerns"

**7. Activities and social contact**

Access to activities and social contact that suited the individual residents’ needs was probably the area that showed greatest scope for improvement. The majority of respondents were either neutral or negative in their responses in this area. This applied to their pre covid experience as well as that during the pandemic.



The reasons cited for this were varied but included:

- Activities tended to be in groups and not everyone enjoyed group activities.
- Some families explained that due to complexity of their loved one’s dementia, “quieter” one to one activities and social contact was needed.

- The two residents interviewed who did not have dementia felt that activities were “dumbed down” and not suitable for them.
- Staff not having the time to engage in personalized 121 activities with individual residents.
- Welcome the chance to get out and go on short local trips

All respondents indicated that once covid conditions allow, more could be done to improve activities and social contact for residents. There good examples were given of care homes taking a creative approach.

My husband didn't like to get involved in activities, but he liked to sit in the reception as if he were a member of staff. He was especially interested in chatting to the maintenance guys as he used to be involved in that sort of work – they always made time for him and that really helped him settle in.

#### **8. Access to NHS Treatment**

Reassuringly all respondents indicated that they strongly or very strongly agreed that they had access to NHS care that the needed in the care home.

## Appendix one

### Lay Inspectors Care Home Telephone Survey Questions and Guidance Notes

#### Background

These notes provide guidance to volunteers undertaking care home quality telephone surveys trying to capture the experiences of residents within **care homes**. This work is expressly been commissioned by the council but cannot follow the usual lay inspector's relationship based and observational approach due to the ongoing covid restrictions. So, it has to be conducted over the telephone, as a pragmatic response until such time as we can get back into the homes. In the knowledge, that sadly for this telephone survey at least, very few residents will have either the physical or mental capacity to engage in the exercise.

We will however be exploring how we can develop the service to become part of a wider approach to ensure that good quality care is delivered for everyone, even those without families.

#### General Tips for filling in the form

You can complete the form electronically, either by entering an "X", a dot or highlighting the response answer in **bold**, and typing in any comments into the comment box. Alternatively, you can complete hard copies and I will socially distanced collect them once completed.

The vast majority of questions have been set by the council, and therefore we do not have a great deal of flexibility for this particular exercise. We have however added a number of questions that relate to the older person who lives in the home, in order to established a personalized portrait of the resident, as well as adding comment boxes under most questions to record any other relevant information that is given.

Always introduce yourself as a volunteer from Age UK Lewisham and Southwark, that we are relaunching the Lay Inspectors Service and until such time as it is safe to go back into care homes, we want to hear about people's experience of care: both prior and since the pandemic. It will probably take between 15 and 30 minutes to complete.

You can stress that the answers that they give will support the development of a local Care Charter for residential homes in Southwark, and therefore help to improve the quality care in the future. You can explain that this is a priority for Southwark Council, who are funding this work.

Make the discussions as conversational as possible, using the standardized questions set by the council as your guide to the conversation. Apply "Active Listening" techniques, for example give people time to think and accept silences, to recap what people have told you to ensure that you have understood what they meant and don't give your opinion unless it is asked for.

Speak clearly and slowly, being aware that if you are talking to a resident (and even some family members) there is a strong possibility that they may have memory issues, hearing impairment etc.

If you are speaking to a family member or friend, explain that we will record their personal contact details to ensure that we can feed back as required, but the questions relate to the

resident of the care home. Check with people responding if they have completed a survey over the past few weeks on line with the council. If so continue the interview, but make a note that they have also answered on line.

If you have any safeguarding concerns, report this immediately to the Lay Inspector Service Lead or other manager within Age UK Lewisham and Southwark. If they are not available, contact a manager at Age UK Lewisham and Southwark.

Stress that Age UK Lewisham and Southwark will not pass on personal details without express permission, other than if safeguarding concerns have been identified.

## Section one - About the person in the care home

### **Question 1 What is your name /the name of the person living in the care home?**

We have added this question, but it is optional and names will not be fed back to the council or care home (unless there are safeguarding concerns or we have formal consent to do so in any other circumstance).

### **Question 2 Tel me a bit about yourself / the person in the care home**

We have added this question, as it is important for the respondent to feel that they have a chance to tell their own story. Please record some basic details, so we get a picture of the older person living in the care home. We will not feedback confidential information to the council, although it may help to provide some anonymised portraits. (with additional consent subsequently sought by the Lay Inspector Service Lead)

### **Question 3: Care Home do you live in? (Optional)**

Just the name and provider if known, i.e. Greenhive – Anchor.

### **Question 4: How long have you lived in this Care Home?**

The council want to ask this question to determine the experience of those who have moved into a care home under the pandemic. There is a space for comments on the admission process into a home, as it may have been quite complex for some people.

## **Section 2 - care home move and care staff support**

These questions are **only** asked for people who have moved in to the home since **March 2020**, to seek the specific views of people who have entered a home since the start of the pandemic.

- **Question 5 When you first moved into the home, did you go into a 14-day isolation period?**
- **Question 6 Did the care staff help you to understand why you needed to isolate?**

The council wish to ensure that good infection controls for new residents have been enforced, and delivered in a person-centered way.

### Section 3 - staff and personal protective clothing

All questions from this point on relate to **everyone**, irrespective of how long they have lived in the home

- **Question 7 How often are the care staff in personal protective clothing?**

This is being asked by the council to establish if protective clothing, masks, gloves etc, are being consistently worn by care staff. Please also make a note in the comment section if there are issues about cleaners, catering and other non-care staff are not wearing appropriate protective gear.

- **Question 8 Did the care staff help you to understand why they needed to wear protective clothing?**

This is being asked by the council to ensure that care staff maintain an ongoing and person-centered dialogue with residents about the need for PPE.

### Section 4 - additional questions

These questions relate to **everyone**, and seek views on the experience of care provided by the home

- **Question 9. How often were you given opportunities to talk to and see your family and friends?**

This is being asked by the council to determine whether contact was facilitated by the home between residents and families during the pandemic. It may be useful to include some qualitative description in the comment box.

- **Question 10 Please describe the visits, were they through a digital screen, in the garden, through the window, etc.**

This question leaves free text to describe how the actual or virtual visits took place. It is unlikely that there were many family visits to homes since the pandemic (Other than end of life visits) but there may have been several different approaches used, so record all of them. Just provide brief details, (such as “a video call once a week using zoom”, “we were allowed to meet outside in the garden when the weather was good” “we could make one phone call per week) we know that WIFI connections are generally not great in care homes, so there may have been attempts to use google that were unproductive. All this is rich information to feed back.

- **Questions 11,12, 13,14,15 – relate to general good quality care.**

These are a series of questions set by the council to give respondents an opportunity to give their views on aspects of care being provided. These are expressed as a series of statements voiced by a resident and were co designed with older people and draw on best practice. They are likely to form the basis of a quality mark for the future Residential Care Charter.

You should explain that they will be asked which response feels most relevant for different aspects of care - “Strongly agree”, “Agree”, “Neither agree or disagree”, “Disagree” or “Strongly disagree”.

You can record any relevant qualitative comments made by the respondent in the comments box.

## Section 5 - About you (the person completing the survey)

This section relates to the personal details of the person **completing** the survey,

- **Question 16 Are you:**

Just indicate if the person you are speaking to is either the resident of a care home a family member or some other type of relationship, i.e. friend etc.

- **Question 17 Did you take part in the on-line survey posted by the council in November/ December 2020?**

Check if they have already responded to the council’s on-line survey. We understand response so far has been very low indeed. However, if they have already responded, don’t worry as the responses they provide us are likely to be more qualitative and any double counting can be noted when reporting back.

- **Question 18: Contact details for the person completing the survey:**

You can stress that we will not pass on their personal details unless we are given express permission to do so (or there are safeguarding concerns that need to be immediately addressed). We would however would like to feed back to them the high-level outcome of the survey.

## Section 6 - Equalities Questions

These questions are optional, but explain it helps us, the council and care homes to ensure that we represent the views of Southwark’s Diverse communities.

The council on line survey form does not include a question on ethnicity – but we have included the Age UK LandS categorizations of ethnicity, and will feed that back to the council.

## Appendix 2 Summary of responses

### Section One – About the person in the care home

1 SU profile summary	Older Person	Fam/Friend	3	10					
2. Summary	Early onset dementia	Dementia meant could not live at home	Frail but no dementia	2	9	2			
3. Name of care home (In borough homes on this line)	Queens O	Elms	Gr'n'h 've	Bl'grove	W'side	Rose Crt	Tower B		
	1	1	1	1	1	2	2		
	Greenway	Pear Tree	Arcadia LBC	Karhu Harrow					
	1	1	1	1					
4. How long in home	Less than 5m	More than 5m	1	12					

### Section 2 - care home move and care staff support

5. 14-day isolation	Yes	No	Don't know	4		
6. care staff help to understand isolate	Yes	No	Don't know	4	0	

### Section 3 - staff and personal protective clothing

7. Care staff in PPE	All time	Most time	Sometimes	Never	DK	7	6
8. Care staff explain PPE	Yes	No	DK				

### Section 4 – Quality of care additional questions

9. Opportunities to talk to and see friends +family					Daily	8				
10. Visits and contact during covid	Face time	Visit inside	Garden visits	telephone	No family - friends to visit	3	4	7	9	2

Q11	Strongly agree		Strongly disagree		
	Agree	Neither	Disagree	disagree	
I can take part in activities / hobbies if I want to	1	2	4	4	2
I have access to all the health/ NHS services that I need	6	7			
Staff deal with incidents and accidents quickly and openly and they learn from	1	8	3	1	
Staff are good at caring for my needs	1	8	4		
I can talk to my keyworker about my concerns	2	6	3	1	1

12	Strongly agree		Neither agree nor disagree		Strongly disagree	
	Agree	Disagree	Disagree	disagree	disagree	disagree
Staff have a professional manner			11	1	1	
Staff are well trained to look after me			7	5	1	

13	Neither				
	Strongly agree	Agree	agree nor disagree	Disagree	Strongly disagree
When there is a change in staff, the quality of my care remains the same.		6	5	1	1
Staff are well trained to undertake 'wellbeing checks' and know when I am not feeling well		8	4	1	
Recently staff have had to take coronavirus swabs they explain to me what they are doing, and I understand why they need to do it		5	1		1

14	Neither					
	Strongly agree	Agree	agree nor disagree	Disagree	Strongly disagree	no family - friends
I can take part in activities	2	2	3	1	4	1

15. Quality of care	Neither				
	Strongly agree	Agree	agree nor disagree	Disagree	Strongly disagree
The care workers have a good understanding of what care you need from them.	3	6	2	1	1
The care workers know you well.	1	9	2		1

Section 5 - About the Person completing the survey				
16 Are you	Resident	Fam	Partner	Oth/friend
	3	4	4	2
17. On line survey	Yes	No		
		13		

Section 6 - Equalities Questions- about the resident in the care home								
<b>19. Age</b>	<b>Under 45</b>	<b>45-54</b>	<b>55-64</b>	<b>65-74</b>	<b>75-84</b>	<b>85-94</b>	<b>95+</b>	
			1	1	3	8		
<b>20. Disabled</b>	<b>Yes</b>	<b>no</b>	<b>DK</b>					
	13							
	<b>Dementia</b>	<b>Sensory lo</b>	<b>Phys dis</b>	<b>MH</b>	<b>LD</b>	<b>LTC</b>		
	11	3	8	2	1	13		
<b>21. Sex</b>	<b>Male</b>	<b>Female</b>	<b>Pref not to say</b>					
	3	10						
<b>22. Sexual orient'</b>	<b>Hetro</b>	<b>Lesbian</b>	<b>Gay</b>	<b>Bi</b>	<b>Oth</b>	<b>Pref not to say</b>	<b>not ans</b>	
	6						7	
		<b>ASIAN</b>					<b>BLACK</b>	
<b>23. Ethnicity</b>	<b>Indian</b>	<b>Paki'stan</b>	<b>Bang '</b>	<b>Other</b>		<b>Afric</b>	<b>Carrib</b>	<b>Other Blk</b>
	1							1

	<b>Mxd white</b>	<b>Chinese + other</b>		<b>White</b>		<b>not asked</b>			
	<b>Wht+ Blk</b>	<b>Wht + Blk</b>	<b>Wht + Chinese</b>	<b>Other ethnic group</b>	<b>English</b>	<b>Irish</b>	<b>Scottish</b>	<b>Welsh</b>	<b>Other white</b>
	<b>Carrib</b>	<b>African</b>	<b>Asian</b>	<b>Chinese</b>					
			1		4	1			4

## APPENDIX 3

### Residential Care Charter update – Staff engagement – Update Jan 2021

#### 1.0 Introduction

- 1.1 This report provides a summary of the responses received during the Residential Care Charter engagement. The exercise was designed to gather feedback from residents, staff and managers in order to evaluate the current position and to confirm what needs to take place to develop a Southwark Residential Care Charter.
- 1.2 The aim of the Residential Care Charter is to raise standards of care in the residential and nursing care home sector within Southwark around the following key themes:
- Protecting and supporting residents
  - Terms and conditions of employees
  - Training and support for employees
  - Time to care – staff to resident ratios
  - Quality
- 1.3 This report focuses on the staff responses only. Insufficient responses were received from residents during the engagement process to produce any analysis.

#### 2.0 Summary of key improvements

- 2.1 The following recommended improvements are suggested in response to the staff feedback.

Theme	Improvement	Staff Impact	Financial Impact
Protecting and supporting residents	Review of staff ratios to provide better support to residents.	High	High
	Less paperwork and the use of technology to update client records to free up time to spend with residents.	Medium	Medium
Decent Pay for Quality Work	Better financial remuneration. <ul style="list-style-type: none"> <li>• Pay rise</li> <li>• Bonus</li> </ul>	High	High
Training and support for Employees	Improve balance of face-to-face training / e-learning	High	Medium
	Payment of training, to include e-learning completed at home	Medium	Medium
	Introduction / refresher courses available on the following subjects: <ul style="list-style-type: none"> <li>• End of life</li> <li>• Dealing with challenging behaviour</li> <li>• Dementia awareness</li> <li>• Mental capacity &amp; DOLS</li> <li>• Safeguarding</li> </ul>	Medium	Medium

	<ul style="list-style-type: none"> <li>Testing for infectious conditions 'swabbing' and storage</li> </ul>		
Time to care	Monthly shift pattern with weekly update	Medium	Low
	Paid handovers between shifts	Medium	Medium
Other improvements	Improved joint working / interaction between care homes, social worker and brokerage	Medium	Low

2.2 The full range of suggested improvements for improving trust and recognition are provided below.

Recognition Type	Detail	Financial Impact
Informal recognition	Thanks for doing a good job	Low
	Celebrating staff birthday and special occasions	Low
	Feeling like the manager listens to them and acts on issues raised	Low
	Feeling motivated and supported by management	Low
	Opinions could be valued more and taken into account. Frequent team meeting Supervision (1-2-1)	Low
Formal Recognition	Employer of the Month with a voucher	Low
	Free cooked meals at work during COVID-19	Medium
	Annual staff awards	Medium
	Pay rise	High
	Yearly bonus	High
	Extra bonus from the Council to acknowledge how well staff perform-Collective opinion of staff was to have a financial incentive	High
	Gym equipment for staff to use during breaks	Medium

### 3.0 Results

#### 3.1 Breakdown of responses by Care Home

	Anchor (Rose Court)	Tower Bridge	Athol House	Queens Oak	Unknown	Total
Questionnaires	0	23	0	13	7	43
Engagement Session	6	7	0	0	0	13
<b>Total</b>	<b>6</b>	<b>30</b>	<b>0</b>	<b>13</b>	<b>7</b>	<b>56</b>

- *The Athol house session was attended by 6 managers, their feedback has been included in the analysis.*

#### 3.2 Protecting and supporting residents

3.2.1 Staff gave the following responses in relation to their ability to protect and support residents.

	<b>Strongly agree and Agree</b>	<b>Neither agree or disagree</b>	<b>Somewhat disagree</b>	<b>Disagree and Strongly disagree</b>	<b>Not Answered</b>
I have knowledge of the procedures to follow if concerns are raised	88.4%	4.7%	0.0%	2.3%	4.7%
My organisation acts on concerns raised by patients / service users.	79.1%	11.6%	7.0%	0.0%	2.3%
I have adequate materials, supplies and equipment to do my work.	76.8%	4.7%	16.3%	2.3%	0.0%
There are enough staff to resident ratios for me to do my job properly	55.8%	32.6%	4.7%	7.0%	0.0%

3.2.2 Only 55% of staff that completed the survey agreed that there were enough staff to resident ratios for them to do their job properly.

3.2.3 Staff ratios received a mixed response during the face-to-face staff sessions. Some staff reported sufficient numbers with others expressing the desire to have more time to care to enjoy working with residents in that moment.

Staff fed back the following:

- If there is staffing shortage, we just take more time to do the job.
- There needs to be a recognition that for the residents this is their home
- It is not all task orientated if it is then it takes something away, but not enough staff so this is compromised.
- We need more time with residents, less paperwork by using electronic care records. Better use of technology to free up time to care

3.2.4 Further areas where improvement to the way residents can be protected and supported were identified:

- Knowing the person and understanding their culture.
- Variety of food provision
- To be proactive not reactive
- Updated facilities (present premises are dated)
- Greater funding resource for activities for residents, to provide tailored activity packages for all residents according to differing abilities
- Use of technology (e.g., mobile phones with apps to support electronic updating of client care records) would free up staff time to provide care
- Improvements to the job person specification to recruit the people with the right personal attributes to enable them to care.

### **3.3 Decent Pay for Quality Work**

3.3.1 No staff were are on zero hours contracts.

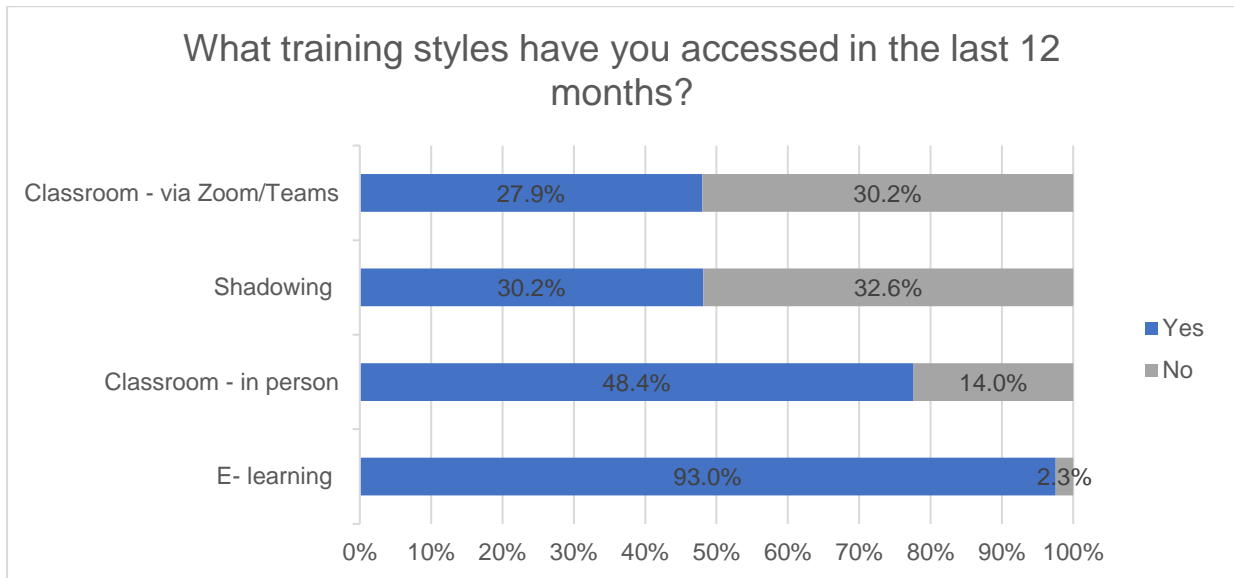
3.3.2 Questions about pay were not included in the staff survey, however staff identified the following areas where pay could be used to demonstrate they were trusted and recognised for their hard work:

- Better financial remuneration.
- Pay rise
- Yearly bonus
- Extra bonus from the Council to acknowledge how well staff perform-Collective opinion of staff was to have a financial incentive

### 3.4 Training and Support for Employees

#### 3.4.1 Training Method

- E-learning was the method of training most used in the last 12 months, although the majority of staff (69%) preferred classroom in person training.
- The preference for face-to-face training was reinforced during the face-to-face sessions.



What type of training style would you like to see more of?	Total	Percent
Classroom - in person	30	69.9%
Classroom - Via Zoom/Teams	9	20.9%
E learning	14	32.6%
Shadowing	10	23.3%
Not Answered	4	9.30%

### 3.4.2 Training Content

- Dementia and mental capacity were amongst the top 10 requested training in the survey. During the face-to-face sessions staff mentioned need for End-of-Life training and dealing with challenging behaviours.

1	Dementia awareness	55.8%
2	Mental capacity & DOLS	53.5%
3	Safeguarding	51.2%
4	Testing for infectious conditions 'swabbing' and storage	44.2%
5	Falls awareness	41.9%
6	Infection Control and Prevention – reducing cross contamination	41.9%
7	Equality & diversity	39.5%
8	Moving & handling	39.5%
9	Health and safety	39.5%
10	Deteriorating adults	39.5%

### 3.4.3 Training During Work Time

- The majority of staff (72%) are provided with free training in work time with cover to enable them to attend.

Are you provided with free training during work time?	Total	Percent
Yes	31	72.09%
No	3	6.98%
Don't know	7	16.28%
Not Answered	2	4.65%

- Each care home had different rules around payment for training. A summary of the responses to this question are provided below:
  - Paid if you come into the home for 2 hours.
  - Not meant to do on shift and most do it at home where it's not paid
  - Staff get paid if working on their day off
  - Staff don't get paid extra for carrying out e-learning on days off
  - Staff felt they should be paid for home-based e-learning.

### 3.4.3 Further feedback on training.

- Ensure process for refresher and renewal of certificates for clinical practice.
- Different types of training such as 'learning sets'.
- Internal training needed to improve job and skills
- Staff skills and competencies developed through training and kept update

### 3.5 Time to care

3.5.1 Staff were informed about their shift patterns monthly and weekly. 72% of staff were happy with this frequency.

How often are you informed of your shift patterns?	Total	Percent
Weekly	18	41.9%
Fortnightly	2	4.7%
Every 3 weeks	0	0.0%
Monthly	13	30.2%
Other, please specify	7	16.3%
Not Answered	3	7.0%

3.5.2 The following feedback was received during the staff sessions about the time available to care.

- Time to care for them is about quality not quantity.
- Having sufficient time to provide high quality, personalised care to residents is critical
- There are occasions when they don't have sufficient time to care on account of the complex needs of some residents.
- Handovers to enable incoming shift to understand particular needs and challenges for individual residents.
- Staff have 3 shift handovers of 30mins each during 24-hour period that they feel is sufficient to enable them to care effectively for residents.
- Staff are also paid for handover sessions between shifts.
- Staff feel that this approach also enables better use of time in providing care and support.

### 3.6 Trust and Recognition

3.6.2 There were no questions about trust and recognition contained within the survey, it was however discussed in detail at all the face-to-face sessions.

3.6.3 Below is a summary of the range of formal and informal recognition valued by staff.

Recognition Type	Detail	Financial Impact
Informal recognition	Thanks for doing a good job	Low
	Celebrating staff birthday and special occasions	Low
	Feeling like the manager listens to them and acts on issues raised	Low
	Feeling motivated and supported by management	Low
	Opinions could be valued more and taken into account. Frequent team meeting Supervision (1-2-1)	Low
Formal Recognition	Employer of the Month with a voucher	Low
	Free cooked meals at work during COVID-19	Medium
	Annual staff awards	Medium
	Pay rise	High
	Yearly bonus	High
	Extra bonus from the Council to acknowledge how well staff perform-Collective opinion of staff was to have a financial incentive	High
	Gym equipment for staff to use during breaks	Medium

### 3.7 Other areas for improvement

3.7.1 Staff fed back the need for greater responsiveness from partner organisations and other external bodies. There is a need for more support from Social workers, no social worker called throughout the lockdown to find out how the clients were doing. In addition, response times for social workers can be slow at times.

## **Appendix 1 Engagement Approach – All Groups**

### **1.0 Introduction**

- 1.1 An approach to engaging with the Care Homes was agreed in February 2020, this was amended due to the impact of the COVID19 pandemic on care homes.
- 1.2 The preferred approach would have been to meet with resident's face to face, working in small groups or one-to-one to engage at a measured pace and in a sensitive way, this approach would have allowed allow colleagues to provide physical support to residents to help them to answer the questions, this would have taken place during pre-existing events such as coffee mornings and carers meetings.
- 1.3 Meetings with staff would have also taken place face-to-face at team meetings, in contrast to residents it was presumed that the staff would find the online survey accessible and easy to engage with.
- 1.4 Due to COVID19 there has been a national restriction on visitors in care home settings since March 2020, this limits the opportunity to meet with either residents or staff face to face in these settings.

### **2.0 Change of Approach**

- 2.1 During the first wave of COVID19, the work on the Residential Care Charter was paused with many business-as-usual activities to allow staff to focus work during the emergency period. The Council and CCG went into recovery mode in July 2020 and this this work was reinstated as a priority for The Council. Despite this, the ongoing restrictions to Care Home visitors meant the approach to engagement shifted towards online and virtual meetings.

### **3.0 Staff Engagement**

- 3.1 Between August 2020 and December 2020, officers made the following attempts to encourage Care Home staff and managers to engage with the consultation:
  - Emails sent to encourage take up off the survey
  - Survey discussed on weekly calls to Care homes
  - Following feedback from staff experiencing difficulty with the online survey; paper surveys were distributed and collected from the Care Homes
  - Offers of virtual meetings with staff during handovers and other times to suit their shift patterns.
- 3.2 Despite attempts to increase uptake of the survey, the timing of the engagement was not appropriate in most cases as Care Home staff are predominately focused on controlling infections within their homes to prevent outbreaks. During this time Care Home staff and managers have been grappling with the complexity of data submissions, training, dealing with staff absences and loss of residents; it has been difficult to escalate this work as a priority.

### **4.0 Resident Engagement**

- 4.1 Lay Inspectors were appointed to support engagement with residents. They have also experienced challenges contacting residents and family under the current enhanced COVID19 restrictions and the subsequent challenges across the sector.

4.2 A summary of their activity to date is provided below:

Dec 20	AKULS have two active volunteers to support with the survey
8/12/20	All homes contacted  Acknowledgement received from Tower Bridge and Queens Oak (QO indicated that they would be too busy to disseminate information till the new year)
14/12/20	Anchor homes contacted via email
21/12/20	Flyer sent to all homes to send to residents electronically. No response received.

4.3 Alternative approaches used to contact families:

- Through internal and external Age UK Land S communication (i.e., sending out details of the survey on Twitter)
- Mail outs to COPSINs and other voluntary sector partners (Alzheimer's Society, Southwark Pensioner's Centre, etc) Carers Well Being Hub etc
- Older people network within Southwark- such as Former Lay Inspectors, Southwark Pensioner's Action Group etc.
- Social Care – in order to publicise the work

4.4 Current position – 18/01/21 – There are 5 family members potentially lined up through the voluntary and community contacts.

**Appendix 2 - Demographic Information – Survey Results****Sex**

	<b>Total</b>	<b>Percent</b>
<b>Male</b>	8	18.60%
<b>Female</b>	33	76.74%
<b>Not Answered</b>	2	4.65%

**Sexual orientation**

	<b>Total</b>	<b>Percent</b>
<b>Heterosexual/straight</b>	33	76.74%
<b>Lesbian/Gay woman</b>	1	2.33%
<b>Gay man</b>	0	0.00%
<b>Bi-sexual</b>	0	0.00%
<b>Other (please specify if you wish)</b>	0	0.00%
<b>Prefer not to say</b>	3	6.98%
<b>Not Answered</b>	6	13.95%

**Ethnicity**

	<b>Total</b>	<b>Percent</b>
<b>White British</b>	6	13.95%
<b>White Irish</b>	0	0.00%
<b>White English</b>	0	0.00%
<b>White Scottish</b>	0	0.00%
<b>White Welsh</b>	0	0.00%
<b>White Northern Irish</b>	0	0.00%
<b>Other European</b>	0	0.00%
<b>Other White (please specify if you wish)</b>	0	0.00%
<b>Black British</b>	5	11.63%
<b>Black Caribbean</b>	2	4.65%
<b>Nigerian</b>	1	2.33%
<b>Ghanaian</b>	0	0.00%
<b>Sierra Leonean</b>	2	4.65%
<b>Somali</b>	0	0.00%
<b>Other African</b>	9	20.93%
<b>Other Black (please specify if you wish)</b>	0	0.00%
<b>Asian British</b>	0	0.00%
<b>Indian</b>	0	0.00%
<b>Bengali</b>	3	6.98%
<b>Chinese</b>	0	0.00%
<b>Pakistani</b>	0	0.00%
<b>Vietnamese</b>	0	0.00%

<b>Filipino</b>	2	4.65%
<b>Any other Asian (please specify if you wish)</b>	0	0.00%
<b>Mixed white/Black Caribbean</b>	0	0.00%
<b>Mixed White Black African</b>	0	0.00%
<b>Mixed White/Asian</b>	0	0.00%
<b>Other Mixed background (please specify if you wish)</b>	1	2.33%
<b>Latin American</b>	0	0.00%
<b>Gypsy, Roma or Irish Traveller</b>	0	0.00%
<b>Other ethnic background (please specify if you wish)</b>	4	9.30%
<b>Not Answered</b>	8	18.60%

<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 1 February 2022	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		<b>Gateway 1 - Procurement Strategy Approval</b> Integrated Community Equipment Service	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Evelyn Akoto, Health and Wellbeing	

## **FOREWORD – COUNCILLOR EVELYN AKOTO, CABINET MEMBER FOR HEALTH AND WELLBEING**

The Integrated Community Equipment Service is an important aspect of supporting people to be safely discharged from hospital, providing adaptation equipment to support the residents to become or maintain independence. It is therefore welcomed that this procurement will support access to this vital equipment to continue.

The Integrated Community Equipment Service is an example of collaboration for two reasons. Firstly, the council is commissioning this service with other local authorities so that we can secure value for money from economies of scale. Secondly, the council, through a pooled funding arrangement, has provided health colleagues access to the contract so that the economies of scale are further increased.

The pooled funding arrangement between the council and the CCG has a ratio that reflects the respective usage of professionals in the system (35% social care and 65% health). The funding arrangement enables integrated teams like Intermediate Care Southwark and our hospital discharge teams to support residents to safely return home or live as independently as possible in a care setting such as extra care, residential care or nursing care. The use of the Better Care Fund for supporting this funding arrangement reflects the integrated nature of this service and provides an opportunity for partners to think about how the fund can be extended in the future.

It is noted that the overall cost of this contract has been affected by the pandemic and Brexit. The pandemic has increased demand for services and affected the supply chain, therefore increasing price and volume. The way in which Brexit was implemented has also affected the supply chain and therefore costs within the contract. Officers are working with the lead commissioner, the supplier and end-users of the contract to try to minimise the financial impact of these two significant drivers in cost, whilst ensuring that quality is not compromised.

The Integrated Community Equipment Service provides many benefits for Southwark residents, including providing value for money as we are in a stronger place to negotiate as part of the collaboration with other local authorities. Additionally, the service provider absorbed the initial increased costs attributable to

the pandemic and Brexit at the beginning of the pandemic. These financial benefits extend the CCG and therefore, by ensuring value for money and the use of the Southwark Pound, we are able to ensure that our funding is focused on direct support for our residents.

Benefits for our residents include being able to have equipment installed in their homes so that they can return to home and live there for as long possible, reducing the need for being admitted to hospital and increasing independence and wellbeing.

## **RECOMMENDATIONS**

1. That Cabinet approve the procurement strategy for the provision of Integrated Community Equipment by Southwark Council, under the Section 75 agreement with Southwark Council and South East London (SEL) Clinical Commissioning Group (CCG), via the pan-London consortium's newly procured Integrated Community Equipment Service (ICES) call off contract which is anticipated to commence on 1 April 2023, and will run for five years, with the option to extend for an additional two years (1yr +1yr), at an estimated annual cost of £980,000, an estimated five year total cost of £4.9m and an estimated five year plus two years total cost of £6.8m for Southwark Council.
2. That Cabinet note that Southwark Council and SEL CCG continue to deliver the ICES service under the current Section 75 (s75) agreement, whereby the council contribute 35% of the contract cost, and SEL CCG contribute 65%.
3. That Cabinet note that Southwark Council continue to be the lead commissioner for this contract in the borough, and be responsible for contract management.
4. That Cabinet note that, as part of the joint commissioning arrangement between Southwark Council and SEL CCG (Southwark), SEL CCG will continue to be represented at the regular ICES management board meetings and will continue to be consulted with and included in any decision making processes relevant to the service.
5. That Cabinet note that the financial modelling is yet to be completed by the consortium lead as part of the pre-procurement work, however, the estimated spend for Southwark Council based on the current framework, is £4.9m for the proposed initial five year contract term.

## **BACKGROUND INFORMATION**

6. The Integrated Community Equipment Service (ICES) is mostly used by occupational therapists, physiotherapists and nurses who are employed either by health organisations or the council. Equipment is loaned out to patients or vulnerable service users of any age in Southwark to promote independence and to enable care or support to be provided within the home environment and at school. Equipment is also loaned to residents in care homes. Examples of provision include installation of handrails to support people to use the stairs at home safely; provision of a hoist which can enable people to get out of bed

with greater independence whilst keeping their carers safe; and provision of ramps to enable wheelchairs users to access the community and safely remain living in their preferred home environment.

7. The overall role of ICES is to support health and social care professionals providing community equipment to individuals which will:
  - support discharge from hospital
  - prevent unnecessary admissions to hospital
  - support on-going frailty
  - prevent or delay further deterioration, e.g. falls prevention, intermediate care, move to a care home
  - support an individual's choice to remain in their own home and help to give elderly and disabled people control over their own lives
  - aid rehabilitation and reablement
  - maintain and/or increase independence, and optimise care and support packages
  - facilitate informal care provision, and reduce the risk of a breakdown in carer arrangements
  - reduce the length of hospital stay and reduce 'bed blocking' in hospitals, by facilitating earlier hospital discharges
  - reduce the costs of long-term care by avoiding the need for care home admissions
  - reduce the costs of long-term care by avoiding the need for paid carers, and/or by reducing the number of carers or frequency of care visits required;
  - play a key role in the delivery of early intervention and prevention strategies, and in avoiding crisis admissions to high cost services
  - promote independence, safety, social inclusion, quality of life, improved end of life care.
  
8. There is a Section 75 (NHS Act 2006) agreement in place between Southwark Council and NHS South East London (SEL) Clinical Commissioning Group (CCG), for the Integrated Community Equipment Service where the council is the lead commissioner.
  
9. ICES is financed by a joint funding arrangement between the council and SEL CCG by means of a combined budget, with a cost sharing ratio of 35:65 respectively. The current agreed annual budget across both organisations for 2021-22 is £2.25m. This cost sharing includes the costs related to contract management.
  
10. Medequip was awarded the ICES service contract as part of a framework agreement with other boroughs, the contract commenced on 1 April 2017 for a period of four years with the opportunity to extend for a further two years. The contract is in the final year of the extension and comes to an end on 31 March 2023.

11. The bi-Borough partnership of City of Westminster and Royal Borough of Kensington and Chelsea are the lead commissioner of the pan-London 'call off contract' from the ICES Consortium Framework agreement. Southwark is one of 21 London boroughs, which make up the consortium. As part of the collaboration with other local authorities, Southwark has a stronger position to secure risk sharing between the commissioning organisation and the delivery partner. For example, the service provider absorbed the initial increased costs attributable to the pandemic and Brexit at the beginning of the pandemic. Each borough has a locally designed contract and places orders for items of equipment as and when identified and prescribed by health and social care professionals. As well as benefitting the residents that use the equipment, this contract will benefit residents looking for employment, as set out in paragraph 63, at least four apprenticeships over the initial life of the contract, with another two or three if the contract is extended, as per the Fairer Futures Procurement Framework requires one apprenticeship per £1 million in the contract value.
12. The governance of the consortium is operated through a management committee and a board; which respectively meet on a monthly and bi-monthly basis. The incumbent provider, Medequip, attend both these meetings and present a quality report on performance and updates on their action plan as well as discussing and resolving ongoing issues.

### **Summary of the business case/justification for the procurement**

13. The recommendation to remain within the pan-London consortium under the s75 agreement with Southwark Council and NHS South East London (SEL) Clinical Commissioning Group (CCG) is being made for the following reasons:
  - It allows for continuous delivery of statutory service provision.
  - Southwark Council and SEL CCG continue to benefit from the collective buying power of 21 boroughs/CCGs.
  - It supports the continuation of a Section 75 agreement between Southwark Council and SEL CCG.
  - Benefit from a dedicated resource provided by the consortium that will centrally monitor and manage the quality and costs of the community equipment service.
  - Benefit from a dedicated resource provided by the consortium which will lead the future procurement and contract award process.
14. The collective buying power of the consortium provides Southwark with best value for money and options that shape the equipment market, ensuring that developments in equipment are in line with the needs of our residents.
15. The consortium is a growing entity and discussions are in place with an additional two local authorities who have approached the consortium lead with a request to join.

16. Additionally, the activity fees associated with equipment delivery and collection under this contract have been fixed for the last four years, and the consortium recognised an increase in costs beyond their control, such as the ULEZ (Ultra Low Emission Zone) and the increases in the congestion charges that have been set by the Mayor of London, and any increases in local parking charges. However, by contrast, the equipment costs have increased due to Brexit and increases in materials and shipping costs.
17. Under the Care Act 2014, the council has a duty to provide community equipment to vulnerable residents and a lack of this service provision would be a failure to meet the statutory duties.
18. There would be an impact on residents' services, for example, discharges to care homes could be delayed or even not facilitated if the appropriate community equipment were not available in the care home at the time of discharge.
19. If Southwark Council and SEL CCG do not remain in the pan-London consortium they will have to undergo a procurement exercise to ensure a new contractual arrangement is in place to commence from 1 April 2023. The council and SEL CCG will need to find the resources to manage the tender and procurement process and may find that the equipment charges and associated costs are higher when they are not part of a wider consortium and do not have the collaborative buying power and negotiating prowess associated with the joint arrangement.

### **Market considerations**

20. The consortium lead is currently carrying out market engagement to test the appetite of the market for service delivery in the future, and to ensure due diligence. A questionnaire has been sent out and feedback from the market will support determining the delivery model in the new contract.
21. The commercial sector provider market is dominated by three providers, who between them have the majority of the market share of outsourced local authority and CCG Community Equipment contracts; however, there are also some other smaller providers.
22. The consortium note that nationally, there is a reluctance to bring any Community Equipment Service back in-house during the ongoing period of austerity, combined with the unknown environment post-Brexit. Those authorities who still have in-house services are reported to be considering their options as to whether to outsource partially or move to a fully managed service.
23. The market in London is segmented in the following way for the 33 London boroughs:

- 21 (64%) have an outsourced ICES contract with one of the providers via the pan-London consortium;
- 7 (21%) have an outsourced ICES contract with another of the two main providers;
- 2 (6%) are thought to be operating an in-house service or through a trading arm of the local authority;
- 3 (9%) are using a shared service arrangement.

## KEY ISSUES FOR CONSIDERATION

### Options for procurement route including procurement approach

24. The potential options for procurement are set out in table 1 below:

<b>No.</b>	<b>Option</b>	<b>Impact</b>
1.	Do nothing	<ul style="list-style-type: none"> <li>• The council would not meet its legal duties under the Care Act 2014.</li> </ul>
2.	Provide the service in-house	<ul style="list-style-type: none"> <li>• Integration ceases with the current arrangements ceasing</li> <li>• Individual social work teams and occupational therapy teams would need to source equipment to meet eligible needs identified under the Care Act 2014 and arrange delivery</li> <li>• Likely higher costs for equipment and delivery, and significant resources needed by practitioners and council officers to implement</li> </ul>
3.	Conduct a competitive procurement process for a Southwark Council and SEL CCG integrated community equipment service	<ul style="list-style-type: none"> <li>• The process would ensure the potential for a competition between providers for the service provision</li> <li>• Provision is likely to be more expensive than the current service, as economies of scale from the consortium are lost</li> <li>• The tender process and mobilisation for the service may not complete before the current contract end date 31 March 2023</li> <li>• The identified cost of the roles involved in the procurement / tender process, including a clinical lead, commissioning lead, procurement support and data analyst support</li> </ul>

<b>No.</b>	<b>Option</b>	<b>Impact</b>
4.	Join the pan-London consortium for a London integrated community equipment service	<ul style="list-style-type: none"> <li>• The process would ensure the potential for a competition between providers for the service provision</li> <li>• The number of boroughs (21) and likely volume of equipment indicated for the joint procurement are likely to result in collective bargaining and better buying power, value and economies of scale</li> <li>• All overheads will be jointly met by the consortium</li> <li>• Southwark will have access to depots pan-London</li> </ul>

### **Proposed procurement route**

25. The recommended procurement route would be participation in the pan-London consortium for an integrated community equipment service.
26. The current procurement timeline as identified by the consortium lead is outlined below. However, this is subject to change and a longer than necessary mobilisation period has been factored in to allow for some flexibility in the timeline, if needed:
- November 2021 – Boroughs confirm their intention to remain in or leave the consortium
  - January 2022 – Publish Contract Notice
  - January 2022 – Publish ITT
  - February 2022 – Tender Closes
  - March 2022 – Tender Evaluation
  - April to June 2022 – Intention to award and standstill
  - June 2022 – Contract award, local sign offs and contract signing
  - July 2022 to March 2023 – Mobilisation
  - April 2023 – Go-live.
27. The consortium lead, the Bi-Borough partnership of City of Westminster and Royal Borough of Kensington and Chelsea, are managing the procurement process. However, boroughs contribute to working groups focusing on different elements of the procurement and the Southwark commissioning lead and operational leads will continue to attend workshops to ensure Southwark's residents are catered for, and that Southwark Council and SEL CCG's priorities and commitments are reflected in the procurement documentation. This will include the service specification, the method statements, KPIs and contractual arrangements.
28. Southwark Council and SEL CCG will participate in evaluating the bids if invited to by the consortium lead.

29. The contractual arrangements are still in consultation stage and are yet to be finalised by the consortium lead, and may be different to the current contractual arrangements.

### Identified risks for the procurement

30. Identified risks are set out in the table below:

No.	Risk	Risk Level	Mitigating Action
1.	Legal challenge from other providers	Low	<ul style="list-style-type: none"> <li>The pan-London consortium conducts a publicly advertised competitive tender process, in compliance with procedures required by the Public Contracts Regulations. The council will be a party able to use the procurement, and will be able to call-off the framework agreement.</li> </ul>
2.	Sustainability of the provider	Low	<ul style="list-style-type: none"> <li>All providers in a position to apply for this tender are well-established providers, of significant size, with a broad customer base within London, and across the country. Providers will have to provide a detailed financial submission as part of the tender process for the consortium.</li> </ul>
3.	Increased activity within the service	Medium	<ul style="list-style-type: none"> <li>Arrangements are in place for regular and robust contract management of the contract, including a review of prescribing activity against the contract, and will identify any significant increases in prescribing by teams early</li> <li>Ongoing work is in place to continue to increase the rate of collections to reduce new spend on equipment across the contract</li> <li>The Southwark Council Occupational Therapy team are conducting training with prescribers to ensure they are informed about the different pieces of equipment that may be prescribed, to ensure that correct items of equipment are prescribed, and over-prescribing does not take place</li> </ul>

No.	Risk	Risk Level	Mitigating Action
4.	Delay within the consortium progressing the re-procurement	Low	<ul style="list-style-type: none"> <li>• The lead commissioner is currently advising that the procurement timeline is on track, as outlined at paragraph 26</li> <li>• Southwark Council commissioning lead will continue to be part of and meet with the procurement sub groups to ensure the timeliness of this procurement and that Southwark's input is included</li> </ul>
5.	Impact of the Covid-19 pandemic	Medium	<ul style="list-style-type: none"> <li>• Shortage of various raw materials and microchips caused by shipping and manufacturing issues associated with the pandemic are contributory factors to some higher than expected product price increases</li> <li>• The consortium lead is keeping boroughs aware of items of equipment that are low on / out of stock and boroughs have been asked to order alternative equipment, where appropriate</li> <li>• People are staying at home rather than being admitted to a hospital or care home</li> </ul>
6.	Impact of Brexit	Low	<ul style="list-style-type: none"> <li>• Due to the impact of the EU exit, there is the risk of additional cost pressures as there are supply chain issues due to the shortage of HGV drivers</li> <li>• There is also a risk of the ability to secure the equipment needed</li> </ul>

### Key / Non Key decisions

31. This report deals with a key decision.

### Policy Framework Implications

32. Section 2 of the Care Act (2014) places a general duty on local authorities to provide, arrange or identify services, facilities and resources to prevent, delay or reduce the needs of adults for care and support in the local area, such as community equipment.

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

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

34. The community equipment contract is aligned with the council's "Fairer Future for All" vision, including the Fairer Future promises to create an age friendly borough and secure value for money services.

### Procurement Project Plan (Key Decisions)

Activity	Complete by:
Enter Gateway 1 decision on the Forward Plan	18/10/2021
DCRB Review Gateway 1	24/11/2021
CCRB Review Gateway 1	02/12/2021
Brief relevant cabinet member (over £100k)	21/12/2021
Notification of forthcoming decision - Cabinet	24/01/2022
Approval of Gateway 1: Procurement strategy report	01/02/2022
Scrutiny Call-in period and notification of implementation of Gateway 1 decision	10/02/2022
Completion of evaluation of tenders	22/04/2022
Forward Plan (if Strategic Procurement) Gateway 2	01/12/2021
DCRB Review Gateway 2:	01/06/2022
CCRB Review Gateway 2	01/07/2022
Notification of forthcoming decision – despatch of Cabinet agenda papers	01/08/2022
Approval of Gateway 2: Contract Award Report	01/09/2022
End of scrutiny Call-in period and notification of implementation of Gateway 2 decision	01/10/2022
Add to Contract Register	31/03/2023
Place award notice on Find a Tender Service	31/03/2023
Place award notice on Contracts Finder	31/03/2023
Contract start	01/04/2023
Initial contract completion date	31/03/2028
Contract completion date – (if extension(s) exercised)	31/03/2030

\*Please note as the Bi-Borough partnership of City of Westminster and Royal Borough of Kensington and Chelsea are leading on this procurement these dates may be subject to change.

### **TUPE/Pensions implications**

35. The procurement may have implications for the incumbent external service provider where they do not participate or are unsuccessful in the tendering exercise. Should a contract be awarded to a provider not currently contracted with the council, then it is anticipated that TUPE will apply.
36. Due diligence will be undertaken to obtain relevant TUPE information from incumbent providers. Where required additional information may be requested from incumbent providers to provide assurance that the full TUPE (and any pension implications) obtained and therefore due diligence is completed. This information will then be made available to bidders at the appropriate stage during the procurement.

### **Development of the tender documentation**

37. The Bi-Borough partnership of City of Westminster and Royal Borough of Kensington and Chelsea are developing tender documentation on behalf of the pan-London consortium. All boroughs are participating in sub-groups to shape the documentation and identify robust and meaningful KPIs.
38. Individual boroughs will not be named and listed in the tender documentation, a total number of boroughs who have expressed an interest to be included in the pan-London consortium will instead be cited. However, the Contract Notice will name the boroughs included in the pan-London consortium.

### **Advertising the contract**

39. The contract will be published via Pro-Contract and other procurement portals, as well as advertised using the Find a Tender Service in line with the requirements of the Public Contract Regulations 2015.

### **Evaluation**

40. The Bi-Borough partnership of City of Westminster and Royal Borough of Kensington and Chelsea will co-ordinate the tender evaluation process and this will be outlined once established. However, the quality and price ratio has been confirmed; the split is 60:40 respectively, with a Social Value element of 10% maximum.

### **Community, equalities (including socio-economic) and health impacts**

#### **Community impact statement**

41. Southwark's Borough Plan describes the vision for the borough and sets out priorities and promises to the people of Southwark. The Plan was refreshed in 2020 to consider the progress made since 2018 when it was first developed and to reflect the new demands and priorities Southwark faces from the COVID-19 pandemic.

42. The delivery of this service contract aligns with Southwark's Borough Plan, specifically promoting independence, safety, social inclusion and quality of life for residents through enabling access to community equipment, and creating a fairer future for all with reduced health inequalities.
43. Southwark Council have recently embarked on the Southwark Stands Together programme which brings together local organisations, community groups and individuals across the borough committing to identify, and then implement solutions to address entrenched racism and injustice. It recognises the importance of listening to the voice of the workforce to hear their concerns and most importantly identify solutions to address areas of inequality by taking positive action to address these imbalances. In addition, the programme seeks to ensure we meet the needs of our residents and ensure those from all ethnic backgrounds are treated equally and fairly, and receive the same service.
44. Partnership Southwark is a Local Care Partnership within South East London Integrated Care System, working with other health, care and non-statutory organisations and local communities to bring together services and support at a neighbourhood level so that they do a better job of keeping people healthy and meeting their needs. Since 2019, they have been working to better join up services and support, tackle the causes of inequality, and improve the health and wellbeing of Southwark residents.
45. Partnership Southwark focus on the groups most affected by long-standing health, social and racial inequalities. Their work is informed by engaging the community in Southwark to understand their needs, develop services and support that work for them, and empowering people to look after their own wellbeing and live longer, healthier lives, by focusing on prevention and self-management.

### **Equalities (including socio-economic) impact statement**

46. The Public Sector Equality Duty under section 149 of the Equality Act 2010 requires the council, when exercising its functions, to have due regard to:
  - The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
  - The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and
  - Foster good relations between those who have protected characteristics and those who do not.
47. 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment. The council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce.

48. An Equalities Impact Assessment will be undertaken as part of the recommissioning of this service contract in order to assess the impact of the service, especially for those who have protected characteristics under the Equality Act 2010. The assessment will determine whether the service is being accessed by all Southwark residents, and identify any gaps. Preliminary assessment shows that the current service delivery model under the integrated system is being accessed by most groups, and is comparative to the borough profile regarding protected characteristics in some groups.
49. During July 2021, engagement with service users was conducted by Southwark Council officers, and a total of 20 telephone surveys were completed with either service users or their family / carer. The breakdown of protected characteristics for the service users who took part in the survey is as follows:
- Age range covered 26 years to 95 years of age.
  - All service users noted they had a disability and/or long term health condition.
  - Two thirds were female, one third male.
  - Service users were from Asian and mixed White and Asian (5%), Black British, Black African, Black Caribbean (25%) and White backgrounds (55%) which is comparative to the borough profile; 15% preferred not to say.
  - The majority did not want to state their religion, or stated they had no religion.
  - Three quarters stated they were heterosexual, the rest preferred not to say.

### **Health impact statement**

50. The Health Inequalities Framework, which was approved at the Health and Wellbeing board in March 2021, notes that health inequalities are avoidable, unfair and systematic differences between different groups of people that influence our opportunities for good health, both physical and mental.
51. The Framework notes that the COVID-19 pandemic has exacerbated existing health inequalities in Southwark, impacting all groups but particularly people from Black, Asian and minority ethnic backgrounds, low-income households and those with disabilities.
52. Outcomes from the Southwark Stands Together (SST) programme have been used to develop five recommendations to tackle health inequalities experienced by Black, Asian and minority ethnic communities. The Health Inequalities Framework will incorporate the findings from SST and address these alongside the other influences of inequalities; including other protected characteristics such as socio-economic factors and inequalities experienced by socially excluded groups.

53. The implementation of an Integrated Community Equipment Service will improve the health of residents by providing equipment and resources to prevent, delay or reduce the needs of adults for care and support.
54. Providers will be expected to expand the number of local apprenticeships they offer, and they will also be expected to offer flexible and part-time working arrangements to encourage a wider range of applicants and reduce barriers to employment. The new contract will require all staff employed by the community equipment provider to be paid the London Living Wage. It will therefore reduce health inequalities in Southwark by ensuring people from socio-economic disadvantage are better remunerated for their work and will lead to a more stable, well-equipped workforce that is able to deliver high quality, consistent care for service users.
55. One of Southwark's Borough Plan key aims is to support and protect vulnerable residents so that they can lead healthy and active lives. The Integrated Community Equipment Service will enable many older and disabled residents to live safely and independently at home, many of whom are recovering from illness after discharge from hospital. It will provide them with the care and support they need to live healthy and fulfilled lives and prevent many from having to be admitted to residential or nursing care.

### **Climate change implications**

56. The recycling and collection of equipment contributes towards a positive environmental impact as well as being cost effective for the council and CCG.
57. The incumbent provider participated in a major motor manufacturer's electric vehicle development and trialling programme, and from December 2021, will have six electric vehicles (EVs) beginning to operate within London. They have developed and implemented a programme of conversion to EVs, with the aim that by December 2027, 100% of all service delivery vehicles will be electric.
58. Vehicles currently being procured by the incumbent provider are Euro 6 classified, reducing Nitrogen Dioxide emissions by more than 55%.
59. Building on this, and following the introduction of the Ultra-Low Emission Zone and phased expansion of the zone in London, the consortium will work with the market to promote the use of more efficient vehicles that meet the required emission standards. A green fleet will be the desired outcome for the new contract.
60. The current service provider has four depots within London which limits the amount of travelling the technicians have to undertake when collecting and delivering items of equipment to and from the depots.

### **Social Value considerations**

61. The Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social,

economic and environmental benefits that may improve the well being of the local area can be secured. The details of how social value will be incorporated within the tender are set out in the following paragraphs.

### **Economic considerations**

62. The current contracted staff associated with the contract are paid the London Living Wage as a minimum. The future service provision will also include the London Living Wage.

### **Social considerations**

63. Four of the current depots being utilised by the incumbent provider are based in London, providing opportunities for promoting local labour initiatives or the use of local supply chains, recruiting whenever possible from neighbouring boroughs. Apprenticeships are offered through the contract for local residents to gain experience as part of a dynamic company. As the Fairer Futures Procurement Framework requires one apprenticeship per £1 million in the contract value, Southwark has sought to secure a commitment of at least four apprenticeships over the initial life of the contract, with another two or three if the contract is extended.
64. The service will promote independence and people's ability to live longer in their own homes, and be discharged to their own homes sooner after a hospital admission, promoting their social wellbeing within their own communities.

### **Environmental/Sustainability considerations**

65. The recycling and collection of equipment contributes towards a positive environmental impact.
66. Emerging technologies and digitalisation benefits have been realised by the consortium and are being integrated into the development of the new service specification.

### **Plans for the monitoring and management of the contract**

67. The council's contract register publishes the details of all contracts over £5,000 in value to meet the obligations of the Local Government Transparency Code. The report author must ensure that all appropriate details of this procurement are added to the contract register via the eProcurement System.
68. The contract will continue to be monitored and managed within the Commissioning department with Contract Review reports being presented to the Children's and Adults' Departmental Contracts Review Board (DCRB) and Corporate Contract Review Board (CCRB) in line with Contract Standing Order (CSO) requirements.
69. An ICES Management Board takes place on a monthly basis hosted by the Assistant Director of Children and Adults Joint Commissioning, with

representatives from contract management, clinicians, commissioning, finance, budget holders and the SEL Southwark CCG. This board is responsible for monitoring the delivery of the contract and the recommissioning timetable. Monitoring of the contract through the board shows good contract performance.

### **Staffing/procurement implications**

70. The procurement approach is managed on our behalf and led by the Bi-Borough partnership of City of Westminster and Royal Borough of Kensington and Chelsea, so there will be no staffing implications for Southwark Council.
71. Southwark Council's contract management team, and occupational therapy team currently support the Integrated Community Equipment Service contract. These posts are joint funded by the council and CCG and it is anticipated this arrangement will continue under the new contract.

### **Financial implications**

72. The current agreed annual budget across both Southwark organisations for 2021-22 is £2.25m.
73. Subject to further financial modelling, the estimated total projected spend over the next five years is £13.9m. This takes into consideration changes in demand and projected cost increases in line with historical trends.
74. ICES is financed by a joint funding arrangement between the council and the SEL CCG, with a cost sharing ratio of 35:65 respectively. Hence, Southwark Council have a total estimated cost of £4.9m for the five year contract term, and SEL CCG have a total estimated cost of £9m. Total estimated costs for the additional two years if exercised are £6.8m and £12.6m respectively.
75. The ICES contract is also funded by the Better Care Fund for both the council and CCG element. The council have a BCF allocation of £480k, whereas the CCG have a BCF allocation of £278k. The BCF is subject to change on an annual basis depending on organisation priorities.
76. The current annual consortium membership fee is £20,650, made up of an IT Licensing fee of £10,500 and the consortium membership fee of £10,150. The current annual consortium fee is incorporated into the combined budget mentioned above but is yet to be confirmed for the new contract.
77. The contract is demand led and budgets are agreed each year through meetings with SEL CCG and Southwark Council, and expenditure is monitored through the ICES Management Board. In addition, there is an element of control over spend as we only call off the framework as needed.
78. Given that the ICES contract is a cost and volume contract, active contract monitoring will be a key role in ensuring that activity is in line with the proposed budget.

79. The ICES contract has experienced both an increase in demand and inflationary increases in the cost of various equipment due to COVID-19 and implications of Brexit.
80. The majority of community equipment prescribers are in Southwark's acute trusts, and this is reflected in the ratio of funding between the council and the CCG, so the financial risk to Southwark Council is low.

### **Investment implications**

81. The Integrated Community Equipment Service operates on an equipment loan basis. Boroughs do not invest in specific items of equipment, apart from Special Items that are not included in the standard equipment catalogue. These items are purchased by the ordering borough but once returned, are shared with other boroughs in the consortium, in a reciprocal arrangement.

### **Legal implications**

82. Please see concurrent from the Director of Law and Governance.

### **Consultation**

83. During July 2021, engagement with service users was conducted at borough level. All service users who received delivery of an order or who had a collection booked were contacted and asked to complete a questionnaire, compiled on the boroughs behalf by the consortium. The engagement was intended to gauge service users' satisfaction with the service they received from the incumbent provider, and to consider how it could be improved for the new contract.
84. In Southwark, a total of 20 telephone surveys were completed, with either service users or their family / carer. A link to the survey was shared with a wide range of community and voluntary organisations within the borough. The consortium are reviewing the summary of overall key findings, and will share the findings with boroughs when complete.
85. A survey was designed for prescribers as well and was conducted at the same time. In Southwark it was promoted by ICES team via the manager's network, and by the Principal Occupational Therapist at Team Manager and Service Manager Level. It was also promoted virtually via MS Teams channel. Southwark reported the highest volume of responses within the consortium, with a total of 40 completed surveys.
86. The consortium lead is currently carrying out market engagement to test the appetite of the market for service delivery in the future, and to ensure due diligence. A questionnaire has been sent out and feedback from the market will determine the delivery model in the new contract. The intention is to make the contract more attractive and flexible than it currently is.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Finance and Governance REF: [62EN2122]**

87. The Strategic Director of Finance and Governance notes the contents of this report and in particular the financial implications referenced at paragraph 72 to 80. It has been noted that this is a cost and volume contract, hence regular board monitoring with all stakeholders is essential.
88. The dynamic of a joint funding arrangement, coupled with the contribution made by the Better Care Fund (BCF) reflects the shared benefits accruing to the council, CCG and health partners in their endeavours to improve outcomes for the residents of Southwark. Whilst funding is secure for 2021-22, the service and other partners will need to work closely to mitigate any risks arising from future spending reviews and subsequent changes to the BCF.
89. Given the significant increase in demand in recent times close contract management and contingency planning will be necessary to mitigate risk for the new contract.
90. The Strategic Director also notes that further in depth financial modelling is yet to be undertaken, which will take into consideration changes in demand in line with historical trends and changes to the demographic of users.

### **Head of Procurement**

91. This report seeks Cabinet's approval of the procurement strategy for the provision of Integrated Community Equipment Service (ICES) to be procured as a call-off contract under the pan-London consortium form under s75 agreement with Southwark Council and NHS South East London (SEL) Clinical Commissioning Group (CCG) as detailed in paragraph 1.
92. The proposed contract is due to commence on 1 April 2023 for a period of five years with an option to extend for a further two years (1yr + 1yr) with an annual anticipated value of £980,000 and a total cost of £4,900,000 to Southwark Council for the estimated five years period and £6,860,000 inclusive of the additional two year extended period.
93. The reasons for choosing the proposed procurement route is detailed in paragraphs 13 to 23, which meets both the council's governance process and PCR 2015 requirements. The procurement route, process and contract terms and conditions will ensure high quality service delivery, best value and sustainable benefits.
94. The procurement process is detailed in paragraphs 34 to 39 and paragraphs 40 in this report specifies the evaluation methodology to be applied by the council in selecting the successful bidder for the proposed contract. The report also highlight potential risks and mitigating actions in paragraph 30, impacts for equalities health and climate are detailed in paragraphs 46 to 60, social value commitments are detailed in paragraph 61 and confirmation of the payment of London Living Wage is detailed in paragraphs 54 and 62.

## Director of Law and Governance

95. This report seeks approval of the procurement strategy for the future provision of an Integrated Community Equipment service, involving “call offs” from a new framework for the service which has been procured by the lead commissioners of a pan-London consortium formed of 21 London boroughs, including Southwark.
96. Due to the nature and current estimated value of the service required by the council its procurement is governed by the Public Contracts Regulations 2015 (PCR), which require expressions of interest to be sought through the publication of a contract notice on the UK’s Find-a-Tender portal. However, in this instance the report proposes that the council, acting as local lead commissioner on behalf of the SEL CCG will access its equipment supply through a framework which is to be procured in line with the PCR by the bi-borough partnership of the City of Westminster and the Royal Borough of Kensington and Chelsea, which acts as the lead commissioner for a consortium of London boroughs. This means that the council will not be required to undertake a separate tendering exercise and instead will be able to place orders following a process defined in the terms of the framework agreement made between the bi-borough partnership and the appointed service provider.
97. The proposed procurement strategy is also consistent with the requirements of the council’s Contract Standing Orders (CSOs), which reserve to the Cabinet the decision to approve the report recommendations.
98. Cabinet will be aware of the Public Sector Equality Duty (PSED) in section 149 of the Equality Act 2010. At each stage, in exercising its function (and in its decision making processes) the council must have due regard to the need to:
  - (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
  - (c) Foster good relations between person who share a relevant protected characteristic and those who do not share it.
99. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Marriage and civil partnership are protected in relation to (a) only.
100. The community impact statement and the health impact statement in this report note the benefits that the proposed procurement is intended to generate and it is noted that an equality impact assessment is to be undertaken for the purposes of understanding the impact and accessibility of the existing service, especially for those service users with a protected characteristic under the

Equality Act 2010, and identifying any gaps in order to inform any improvements. The report further notes the engagement that has been (and is to be) made with service users and service providers, both in order to establish the level of satisfaction with the current service and the level of interest in the new procurement. Those activities serve to demonstrate the council's observance of and compliance with the PSED, although Cabinet must be satisfied in this regard when considering the report's recommendations.

## BACKGROUND DOCUMENTS

Background Documents	Held At	Contact
None		

## APPENDICES

No	Title
None	

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Evelyn Akoto, Cabinet Member for Health and Wellbeing	
<b>Lead Officer</b>	David Quirke-Thornton, Strategic Director for Children's and Adults' Services	
<b>Report Author</b>	Sarah Bullman, Joint Commissioning Officer, Partnership Commissioning Team	
<b>Version</b>	Final	
<b>Dated</b>	20 January 2022	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	Yes	Yes
Head of Procurement	Yes	Yes
Director of Law and Governance	Yes	Yes
<b>Contract Review Boards</b>		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
<b>Cabinet Member</b>	<b>Yes</b>	<b>No</b>
<b>Date final report sent to Constitutional Team</b>		20 January 2022

<b>Item No.</b> 12.	<b>Classification:</b> Open	<b>Date:</b> 1 February 2022	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Gateway 0: Children's Residential Provision	
<b>Ward(s) or groups affected:</b>		All Wards	
<b>From:</b>		Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Young People and Education	

**FOREWORD – COUNCILLOR JASMINE ALI, DEPUTY LEADER AND CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE AND EDUCATION**

The approval of GW0 reports is a decision reserved for the relevant lead member, however, the significance of opening children’s homes in the borough is such that I have brought this report to Cabinet for a collective decision as fellow corporate parents. As the Chair of our Corporate Parenting Committee, I am delighted to bring the following paper about children’s residential homes.

Developing local residential provision for children in borough is in keeping with our Corporate Parenting Strategy. We have 456 children in our care and 578 more working towards independence as they leave our care. The majority of children in our care are placed over 20 miles away from Southwark. We are trying to support more children in care by recruiting local foster carers, and developing more local housing.

Local residential placements mean that the children in our care can access all of the services and initiatives that we put in place for children and young people. This includes excellent schools of which 96% are good or outstanding, free mental health drop in facilities, a youth new deal which supports young people with access to education, training and employment as well as opportunities for scholarships to university. While foster care families are our preferred option for children in our care, it is not the right one for all children. Children’s homes provide a local home for children who need it.

Last year, I encouraged officers to submit a bid to the DfE who are looking to develop more residential homes for children. The children and adults team put forward a winning bid and secured £1.85m to invest in a in a property that we will own in the borough. The team have done brilliantly for our children in care, the pot of money to bid from was £19m and we have been allocated 10% of that fund.

The report proposes that up to three children’s residential homes in Southwark. We will develop a comms plans to ensure that we explain the key messages in this report so that all residents have an understanding about we are opening these important services for our most vulnerable children. Children in care are entitled to receive the very best start in life and this means being able to access the excellent

services that we and other agencies in Southwark have developed for all our children.

## **RECOMMENDATIONS**

1. That Cabinet, as part of the corporate parent family, approve this strategic options assessment, which recommends opening up to three homes within the borough so that our children in care, who deserve the best start in life, achieve better outcomes.
2. That Cabinet note the next steps set out in the report.

## **BACKGROUND INFORMATION**

### **Introduction**

3. There are two primary routes which lead to children becoming 'looked after' or to them 'coming into care'. These are for a child to be accommodated with parental consent under section 20 Children Act 1989<sup>1</sup>; or the child being made the subject of a Care Order under section 31 Children Act 1989.
4. The functions of local authorities in relation to children who are 'looked after' by them are set out in the 1989 Children Act and associated regulations and guidance. The key regulations are the Care Planning, Placement and Case Review Regulations 2010<sup>2</sup> which are underpinned by guidance<sup>3</sup>
5. More generally, services for children in Southwark Council are graduated according to need. Southwark provides Early Help services to strengthen families and avoid needs escalating to a level where children need more intensive support. When such support is necessary, children in need are allocated to Social Workers who support their families with multi-agency planned work to improve parenting and family life. If children are experiencing significant harm, they become subject to formal Child Protection Plans.
6. For children who cannot be looked after by their parents, owing either to the harm they have suffered or to families' inability to meet their needs, children may become looked after by the local authority as described above in paragraph 3. Local authorities have a duty to place children in the most appropriate placement available. This may be with a relative, friend or other connected person or if this is not appropriate then with a foster carer who is not a relative, friend or connected person.
7. Where a child cannot be placed with a relative, friend, connected person or foster carer then a children's residential placement may be appropriate. The small minority of children living in children's residential homes (approximately 10% of looked after children in Southwark) are children that need specialist

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<sup>1</sup> Children Act 1989

<sup>2</sup> Care Planning, Placement and Case Review Regulations 2010

<sup>3</sup> The Children Act 1989 guidance and regulations (June 2015)

linked with disabilities and children who often have a history of living in multiple foster homes where carers have been unable to meet their needs.

8. Based on the work undertaken to date, there have been sufficient compatible children needing local placements over the past four years (to fill three five bedded homes). This indicates a clear need for:
  - More Southwark children currently in residential placements to be living closer to home. For most children local placements offer clear benefits including better connections with family and local services to support their needs.
  - Better outcomes for children from Black, Asian and Minority Ethnic backgrounds. Children with these backgrounds faced significant disadvantage both in terms of their identity and in terms of their education associated with their placement at a distance when compared to their white counterparts. Having provision locally will help address this imbalance and improve outcomes for these children.
  - An offer of wraparound support to meet the needs of children that links into the services within Southwark including partnerships with education, health and the Police. Discussions have commenced with stakeholders on the wraparound support (both out-reach or in-reach) to alert them to the potential developments, these will be formalised should it be agreed to source children's residential provision.
9. This report sets out the rationale and needs supporting the recommendations and next steps to addressing a significant gap in local provision.

### **Residential Care Definition**

10. The Care Standards Act 2000<sup>4</sup> says that 'an establishment is a children's home 'if it provides care and accommodation wholly or mainly for children'. The Independent Children's Home Association is supporting that the term "children's home" is protected and used only to refer to settings regulated by the Office for Standards in Education, Children's Services and Skills (Ofsted). Within this report the term residential home or residential care or children's homes, refers to children's homes run by a Registered Manager and staffed by paid employees.
11. Some children struggle to manage the intimacy of living in a foster family, and may have difficulties managing close attachments to adults or they may simply not wish to have a replacement family. For these children it is now recognised that residential care can, and often does, provide excellent care.
12. Modern children's homes are based on a model of care which is as close to family life as possible. Ofsted, the regulator of these settings, prefers homes which are non-institutional and homely. Good homes need a staff team who are consistent and committed to the children, including children who based on

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<sup>4</sup> Care Standards Act 2000

their experiences may display and act-out very challenging (often physically and verbally abusive) behaviours. There are mandatory qualifications for staff members to support them and the children in their settings.

13. In order to maintain the homely feel, and ensure the needs of children are being fully met, smaller homes with up to 5 beds are seen as best practice. Homes of this size are more likely to meet the regulations and gain registration from Ofsted.
14. There are a variety of types of children's homes. All have a Statement of Purpose, which states the numbers and ages of children they cater for alongside the aims and ethos of the home. Some homes have specialisms relating to the period of time they expect children to be resident for (short-term or medium-long-term) and specialisms relating to the needs they cater for. For example, some specialise in provision for children with special educational needs or for children with physical disabilities, some include educational provision, some provide therapeutic care with input from psychologists. Statements of Purpose also describe the home's approach to behaviour management, including levels of surveillance, monitoring and restraint. It is these Statements of Purpose that placing authorities refer to when a home is considered for a child.

### **Knowledge about Residential Care**

15. In July 2016, Sir Martin Narey's independent review of children's residential care was published<sup>5</sup>. The outcomes of the review provide a helpful summary of the key issues relating to the sector. The report is positive about the quality of children's homes, stating that "children living in homes in England are treated overwhelmingly well". The report makes recommendations for better use of children's homes by children's services, stating that children's homes should not be seen as institutions to be used only as a last resort. The report states "There is a very real and unmet demand for the greater use of children's homes as part of an initial assessment for older children when first coming into care, and those on the edge of care."
16. In her social care commentary: Creating The Environment for Excellence in Residential Practice<sup>6</sup>, Yvette Stanley, National Director, Social Care, Ofsted, shares what a sample of consistently good and outstanding children's homes have done to maintain their success. All had kept the same manager in post and Stanley's report gathers information on the common experiences of these managers to understand why they were so successful and what can be learned from their experience.
17. In relation to the statements of purpose of the home, the report highlights the work done by managers to ensure the whole team understand the vision and purpose of the home ensuring this is specific and relevant and owned by the team. The report highlights the enquiries made by managers to ensure new children are a good match for other children already living in the home, taking

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<sup>5</sup> Residential Care in England (June 2016)

<sup>6</sup> Creating the environment for excellence in residential practice (February 2020)

a deep and personal interest to ensure the group will work well together. Managers are described as “hands on”, modelling the good practice they want, giving staff confidence in their practice with children.

18. The training and learning approach for the team are emphasised, as is a “can-do” attitude and ambition for children, celebrating their achievements and having both high aspirations for children and high expectations of them. Managers in the best homes hold the home’s budget. The importance of recruiting and retaining good staff featured highly. A common feature of managers was that they clearly identify staff as their most valuable asset and desire to support them as well as they possibly can, recognising that without an experienced, skilled and confident staff team, they cannot carry out their role effectively.
19. Other key documents updating knowledge of the residential care sector are referenced in more detail below.

### **Context**

20. Section 22(3) of the 1989 Act sets out the general duty of the local authority looking after a child to safeguard and promote the welfare of the child. This duty is the foundation of all activity. This duty has become known as ‘corporate parenting’. In simple terms, ‘corporate parenting’ means the collective responsibility of the council, elected members, employees, and partner agencies, for providing the best possible care and safeguarding for the children who are looked after by the council.
21. Local Authorities also have a duty to place children close to home. The Children Act 1989 22C(7) to (9) places a duty on local authorities to ensure, as far as reasonably practicable, any placement for a looked after child:
  - allows the child to live near his/her home;
  - does not disrupt his/her education (particularly at Key Stage 4);
  - enables the child and their sibling/s to live together, if the child has a sibling/s who are also looked after by the local authority;
  - provides accommodation which is suitable to the child’s needs if the child is disabled; and
  - is within the local authority’s area (Sufficiency Duty<sup>7</sup>).
22. In ideal circumstances, the proposed placement should meet all of the above criteria. However, this is not always possible and difficult decisions and compromises may have to be made.
23. When balancing whether a placement meets the needs of the child, living close to his/her home is the criteria that is most challenging need to meet. This is due to there being no residential care provision within the borough and the difficulties in identifying suitable local provision within London, this is a common picture across the capital. Additionally some children will however,

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<sup>7</sup> Sufficiency Statutory guidance on securing sufficient accommodation for looked after children (2010)

due to safety reasons, still need to be placed outside of Southwark – without local provision these decisions continue to be difficult and therefore there are some children who will not have the opportunity to stay connected to Southwark.

## National Context

24. The care system for children in England, including residential care, has undergone a significant transformation in recent years. Much of what has happened in the homes has been driven by changes in policy, such as a shift in priorities towards fostering, with wide-ranging implications for those who registered managers, residential staff and the children and young people that live in them.
25. Concerns over the standard of care within children's homes were recognised within the Care Standards Act 2000 and the subsequent 2001 Children's Homes Regulations coming into force to improve the quality of care in the sector. These regulations improved the quality of care but again reduced the willingness for many local authorities to invest in these services. It was at this stage that the initial growth in the independent sector happened to fill the gap.
26. Recognising changes in the Residential Care sector over the past five years, the Local Government Association has recently commissioned reports on this subject. Newgate<sup>8</sup> references the challenges for local authorities in successfully commissioning and operating Children's Homes.
27. The study acknowledges the difficulty for local authorities in predicting the flow of placements. It describes the capital investment involved in purchasing and running a property, of obtaining Ofsted approval and of identifying a suitably skilled Registered Manager. Costs, which are higher in London and the South have distorted the market, with more capacity being available in the Midlands and North where property prices are lower. The study reports that demand substantially outstrips supply.
28. There are now four privately run homes for every local authority home; and the report provides positive examples of provision in local authorities which have taken recent decisions to increase in-house provision (including Stockton, Liverpool, Suffolk and Hertfordshire) and others (including Liverpool) which have established partnerships with the voluntary sector. It also provides examples of local authorities working together to improve commissioning, though notes that with demand being currently so far in excess of supply, these frameworks and commissioning hubs are often undermined by other authorities outside the hubs, which spot-purchase local placements.
29. The Profit Making and Risk in Independent Children's Social Care Placement Providers paper<sup>9</sup> focuses on the risk involved with the concentration of spending directed by local authorities towards the 16 largest providers, which make a weighted average profit of 17.4% of income (measured using the

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<sup>8</sup> Local Government Association Children's Homes Research (January 2021)

<sup>9</sup> Profit making and Risk in Independent Children's Social Care Placement Providers (January 2020)

Earnings Before Interest, Taxes, Depreciation, and Amortisation EBITDA method).

30. The paper states that “Profitability across the sector is not uniform but has been growing in the most recent 2-3 years, especially for the largest providers as demand has increased. There is evidence that some investors have made above-average returns on their investments. This is further indication, added to that in several other studies and enquiries that traditional methods of commissioning and procurement are struggling to influence the development of the market.”

### London and Regional Context

31. Meeting the sufficiency duty is a particular challenge for meeting the needs of children from London and the south of England, as is illustrated by the table below. This indicates the average distance from home to the children’s home, by region, at 31 March 2018. There is more up to date information (at paragraph 55 below) about the average distance at which Southwark children are placed.
32. The council has taken a step towards meeting the commissioning challenge in relation fulfilling the sufficiency duty by joining the Commissioning Alliance. This is a partnership of 18 London Boroughs and has created frameworks for children’s residential care, independent fostering agencies and Special educational needs and disabilities (SEND) independent schools. These frameworks provide intelligence across the partners that enable evidence-based discussions in relation to commissioning planning, which has included the development of local (London) provision.

<b>Region where child originally lived</b>	<b>Average distance in miles from the home to the children’s home</b>
England	36
North West	21
Yorkshire and Humber	25
West Midlands	26
North East	28
East Midlands	29
South East	43
East	49
South West	54
London	60

(Source: Newgate p4<sup>10</sup>)

33. Given the capital expenditure costs of establishing homes in areas like London which have relatively fewer suitable properties available at commercially viable prices, it is perhaps understandable that independent providers operate more homes in areas of the country where capital expenditure on property and

<sup>10</sup> Local Government Association Children’s Homes Research (January 2021)

staffing is lower. The trend therefore continues that new children's homes are established primarily in the North West and West Midlands.

34. Out-of-area placements are necessary to safeguard some children from gangs and child sexual exploitation, or in meeting certain specialist needs. However, placement at a distance makes it difficult for children to maintain relationships with their family and their peers, and for some children placement at a distance can increase risks. Location is an important factor which needs to be balanced with children's other needs.

### **Southwark Context**

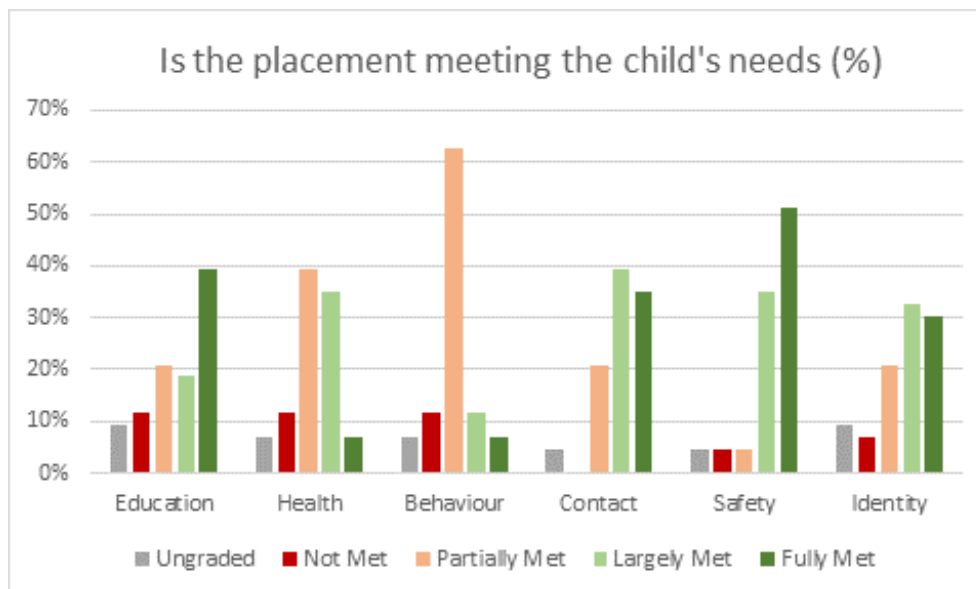
35. Southwark is an inner London borough with 43 children in residential placements (as at 1 February 2021). Due to there being no residential care provision within the borough, all children are placed outside of it. Out of these children over 68% are placed over 20 miles from their home with only 32% placed within a 20 mile radius of Southwark.
36. Of these 43 children, 10 (33%) are White British and 33 (77%) are from Black, Asian and Minority Ethnic backgrounds. The impact of these children being placed further away from Southwark is explored later in this report.
37. Southwark faces many of the same challenges as other neighbouring London Boroughs. The numbers of children in residential homes are similar, the difficulties in identifying suitable local provision are similar and the cost of placements is increasing.
38. The case files of Southwark children show that approximately a quarter need to be placed at a distance from Southwark, and this need is likely to continue. However, it is not clear that placements at a distance necessarily improve the safety of these children. Some of those placed at a distance maintain contact with their networks, go missing more frequently and for longer durations, and/or establish unhelpful connections with other networks where they are placed.
39. Attendance with education is a problem for around half the children in residential care. A large proportion have Education, Health and Care Plans (EHCPs) and access to provision is often exacerbated when children change placements in emergencies because it takes time to get children registered with a new school. This has been offset more recently by the wider availability of remote tuition, albeit some children are reluctant to engage with this.
40. As with younger children, many young people in this age group benefit from therapeutic support to address the traumatic experiences of their childhoods and in better placements this support is also provided for staff teams to help them understand and contextualise children's behaviour.
41. Often children who have had foster care breakdowns have a period of deteriorating behaviour prior to a move to residential care. Others have sudden breakdowns. Most commonly breakdowns follow some sort of violent behaviour and consequently foster carers, and sometimes parents, refusing to

have children remain living with them. Children's case files show some children coming into residential homes in an emergency when with more time it would have been possible to place them in a foster home had the right sort of home been available. For some of these children there is evidence of behaviour improvement when moved to residential homes.

42. Within Southwark the children can be grouped into the following three categories based on the support provided to meet their needs:
- Residential provision – a child placed in Ofsted registered care and support accommodation.
  - Semi-independent provision – a child placed in unregulated support accommodation.
  - All Age Disabilities (AAD) Service – a child or young person who has a severe to profound and permanent disability(s) which may include a learning disability, physical disability, communication difficulties, visual or hearing difficulties or complex health needs.

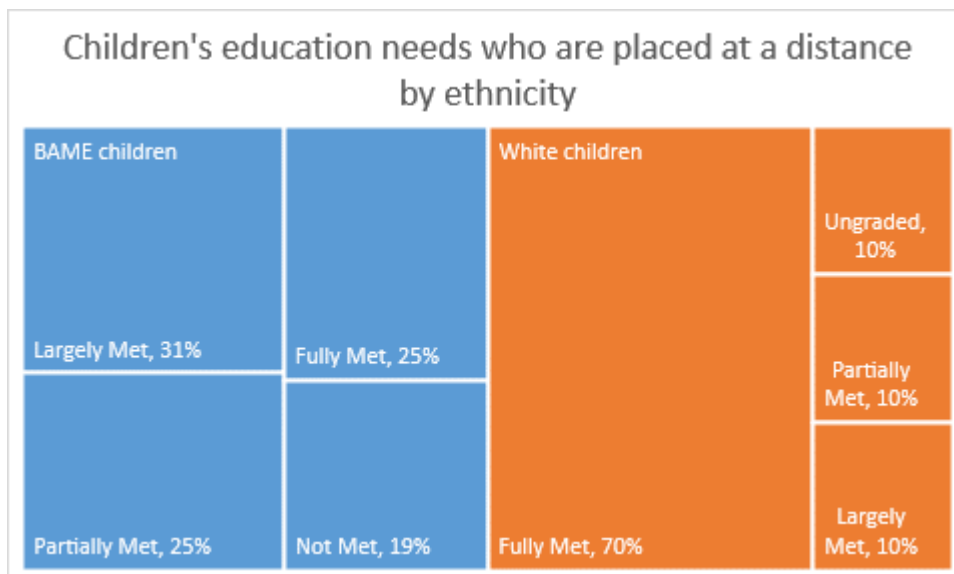
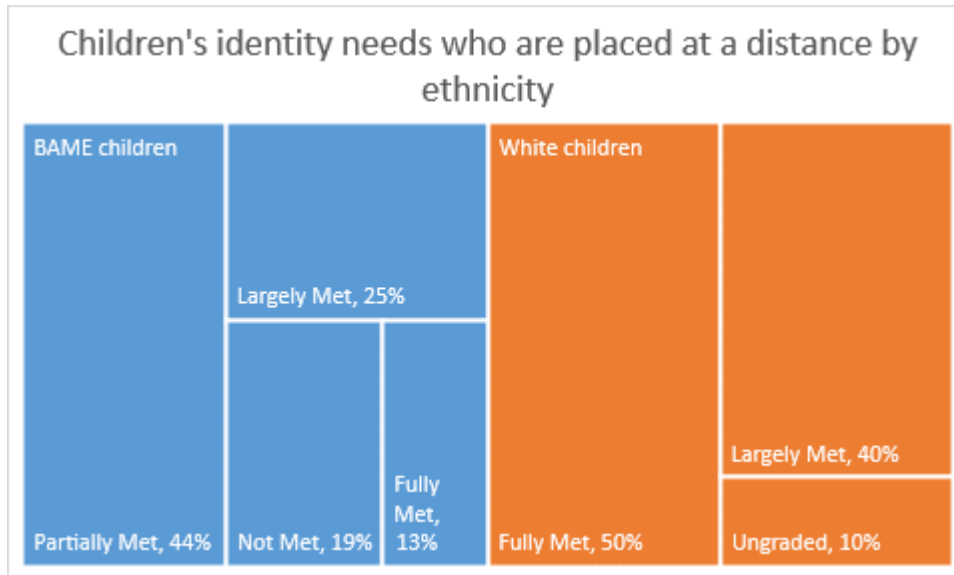
### The Current Residential Population

43. A study of the case files of the 43 children in residential placements (as at 1 February 2021) was undertaken. Twelve of the 43 children were worked with by the All Age Disability (AAD) Service to meet their needs.
44. The files of children currently in residential placements and placed at a distance were scored by social workers according to how their needs were met under different headings. The scorings are represented in the bar chart below.



45. It was notable that children who were from Black, Asian and Minority Ethnic backgrounds faced significant disadvantage both in terms of their identity and in terms of their education associated with their placement at a distance when compared to their White counterparts.

46. In short, while the scorings for other areas of children's lives were comparable between different ethnic groups, 90% of white children placed at a distance were scored as having their identity needs fully or largely met compared with 38% of Black, Asian and Minority Ethnic children. And in relation to education, 80% of white children placed at a distance had their educational needs fully or largely met compared with 56% of Black, Asian and Minority Ethnic children.



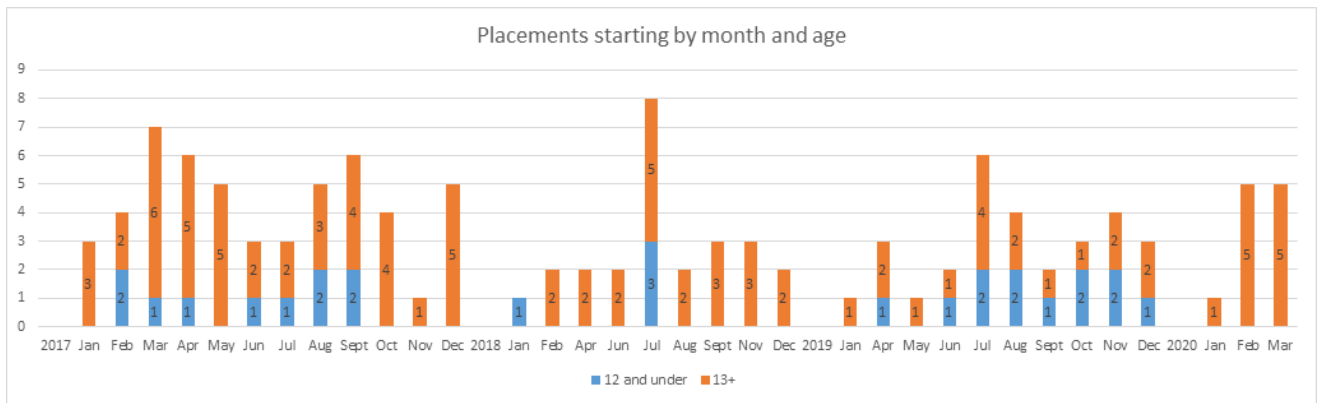
47. Placements for older children are generally of a shorter duration than for younger children or for children worked with by the All Age Disability Service. Over the past four years, there has been some limited use of unregulated placements in the 13-15 year old age group reflecting a difficulty in identifying residential placements for some children in the group, especially in an emergency.
48. Despite the shorter duration, residential placements for this group of children often do offer some stability. It is not uncommon to see repeat foster placement

breakdowns followed by a more stable first residential placement. Many files and conversations with social workers demonstrate the high value professionals attribute to placement stability.

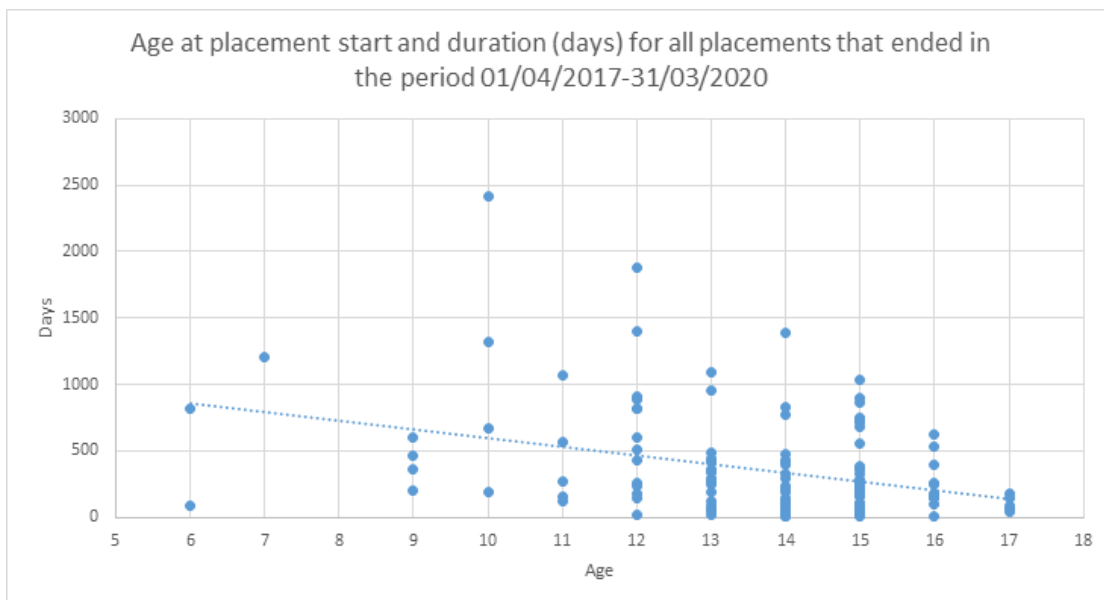
49. However, the value of stability for children with multiple previous disruptions can lead to an acceptance of placements which only partially reflect the child's assessed needs. A period of assessment undertaken in a short term residential home could enable a more balanced assessment of the child's needs and better specification of the foster or residential home which could meet their needs in the longer term.
50. There is clearly a need in terms of numbers for more local children's homes for all age groups. Case files and conversations with social workers clearly show that many children would benefit from being placed closer to home and in an environment similar to where they have grown up. A short-term residential children's home with a specific assessment function would also help determine which children would benefit most from placement in a local longer-stay children's home.
51. 16-17 year olds are less likely to be placed in residential homes as most are able to live in supported semi-independent accommodation. Semi-independent accommodation is not regulated by Ofsted and there is a national consultation underway about proposed standards for the sector. A proportion of these 16-17 year olds have high levels of needs and are in high cost placements.
52. Further analysis is underway to understand the needs of Southwark young people living in semi-independent accommodation, alongside the accommodation needs of care leavers more generally. There is ongoing work with Housing colleagues to review and identify the best pathways for different groups of young people, how existing accommodation can best be used, and the addressing the increasing need for affordable housing.

### **The Changing Residential Care Population**

53. As part of the study, the files of children in residential care between 1 April 2017 and 31 March 2020 were also reviewed to provide a long term picture of the children in residential care over the time period.
54. Southwark's use of residential children's homes, secure units and semi-independent provision (17% of all looked after children) is in line with similar local authorities to Southwark (statistical neighbours) average (18% of all looked after children).
55. The table below shows the flow of children coming into and leaving residential placements. As illustrated, there are more new placements made for children aged 13 and over (amber) compared with younger children (blue).



56. The smaller number of younger children starting placements is offset by the longer duration of these placements compared to placements for children in the older age group. The table below shows the length of placements (in days) on the vertical axis and the age of the child on the horizontal axis. The dotted best fit line shows the relatively shorter duration of placements for older children.

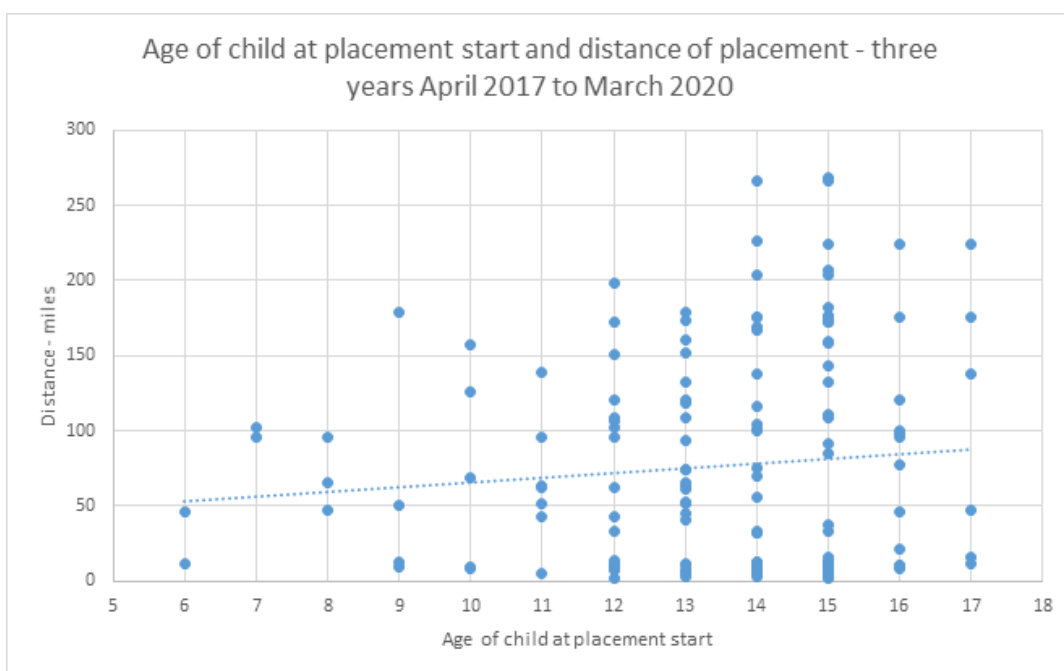


57. This is the same placement duration information in table format (the medians are indicated by arrows):

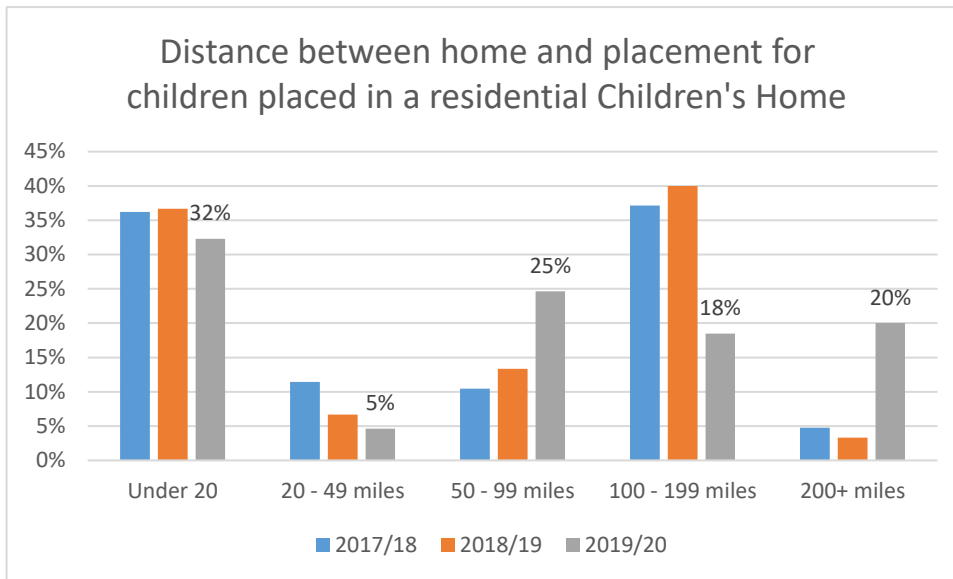
	Age											Grand Total	
	6	7	8	9	10	11	12	13	14	15	16		17
< 7 days										1	1		2
< one month							1	1	5	3			10
< three months								4	7	5		3	19
< six months	1					2	1	1	5	7	4	2	23
< a year				2	1	1	3	9	6	11	3		36
< two years				2	1	1	3	4	4	6	3		24

	Age												Grand Total
	6	7	8	9	10	11	12	13	14	15	16	17	
Two years+	1	1			2	1	6	2	3	5			21
<b>Grand Total</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>4</b>	<b>5</b>	<b>14</b>	<b>21</b>	<b>30</b>	<b>38</b>	<b>11</b>	<b>5</b>	<b>135</b>

- 58. Average placement distance for all children over the period between 1 April 2017 and 31 March 2020 is 75 miles. The graph shows average distance tends to increase as children get older.
- 59. Placement distance does not correlate with children being at risk of offending, but there is more correlation with children at risk of sexual and criminal exploitation (the average distance for this group is 101 miles).



- 60. Based on children in placement between April 2017 and March 2020, the chart below shows the distance between home and placement for children living in residential homes.



61. The high number of children placed at a distance continues in the current financial year. On 1 February 2021 68% of children in residential children's homes were placed more than 20 miles from Southwark.

### **How Residential Care Needs Are Currently Met in Southwark**

62. The process for commissioning residential placements involves an assessment of the young person's particular needs and matching these with an available placement in a residential children's home.
63. In Southwark this involves referral of the child to one of a number of residential home providers appointed to a framework organised by the Commissioning Alliance – a sub-regional local government organisation currently used by 18 London Boroughs. If this search presents no suitable results and if there is a pressing need for a suitable placement, a search is also conducted through the Council's own Access to Resources Team for a placement and a spot-purchase can be made outside the framework.
64. Around a half of residential placements are made in circumstances of pressing need. Usually owing to a foster placement breakdown, following a succession of other foster placements having already broken down, and the social work team making a decision that a residential placement would better meet the child's needs, particularly the child's need for a period of stability.
65. It should be noted that the market for both foster homes and residential homes is unbalanced, with the need for this provision outstripping supply.

### **The Experience of Children in Residential Care**

66. A child being placed away from home provides challenges in any circumstance however this is further compounded for children from Black, Asian and Minority Ethnic backgrounds who have found themselves in areas of the country where they may feel like an outsider.

67. The statement above is demonstrated when comparing how well the children's needs are being met in comparison to their white counterparts. The starkest difference being in:
- Identity - 90% of white children placed at a distance were scored as having their identity needs fully or largely met compared with 38% of Black, Asian and Minority Ethnicity children.
  - Education, 80% of white children placed at a distance had their educational needs fully or largely met compared with 56% of Black, Asian and Minority Ethnicity children.
68. The lack of children's residential provision within Southwark at present means that this issue is likely to persist and children from Black, Asian and Minority Ethnicity backgrounds are going to continue to be disproportionately impacted.
69. Among the smaller number of younger children coming into residential placements, files show high needs in terms of the children's behaviour and mental health. The children have often had traumatic starts to their lives and have usually struggled in foster care settings.
70. Residential placements for younger children are less common, but are more stable. Case files for these children show optimism around the prospects of therapeutic input and stability providing children with a chance to overcome their difficulties and returning to be cared for in a family home.
71. The strong therapeutic offer within the borough could help further improve outcomes for all children but specifically the younger age group. Discussions with key stakeholders have commenced to understand the wraparound support needed for a successful children's residential home, this will be further progressed upon following approval of this report.
72. In both the context of the Southwark Stands Together programme<sup>11</sup>, and the council's duty as a corporate parent, having local provision within the borough will help to address this imbalance and help children achieve their outcomes at such a formative time in their lives.
73. A joined up approach is critical to meeting the needs and achieving the outcomes the children deserve. It is important to underline that this provision will require ongoing input and commitment from a wide range of key stakeholders both within the council and externally.

### **Current residential care spend**

74. In order to understand the current residential care spend, the 31 children who are not being worked with in the All Age Disability Service were analysed to understand the differential of costs and the causes of these.

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<sup>11</sup> Southwark Stands Together Programme (August 2020)

75. The cost per week for placements covers a wide range from £3,200 to £8,500 with a summary found in the table below:

<b>Cost Range (£ per week)</b>	<b>No of Children</b>
8,000+	1
7,000-7,999	2
6,000-6,999	3
5,000-5,999	6
4,000-4,999	11
3,000-3,999	8

76. As at 1 February 2021, the weekly cost for placements among the 31 children (excluding AAD) was £155,362. It is important to note that this is a snapshot and the costs can vary, as can the number of children in placement.
77. It is also important to caveat the summaries below that they are referring to 31 children only, as such any outliers can shift the averages substantially.
78. An investigation was undertaken on the various factors that contribute to the placement costs including age, gender, ethnicity, location of placement and additional placement costs. The following conclusions have been reached:
- Children aged 12 to 15 have the highest average placement cost ranging between circa £5,000 for 13, 14 and 15 year olds to circa £6,300 for 12 year olds.
  - The costs for the genders are comparatively similar with females having a slightly higher average placement cost than males however this is primarily due to one female costing £8,500 per week.
  - Children from Black, Asian and Minority Ethnicity backgrounds have higher average placement costs than their White counterparts. It is important to note that children from these backgrounds make up 74% of all placements, however this doesn't necessarily indicate that ethnicity of children causes a difference in placement costs.
  - The data indicated that the distance of placements away from Southwark did not drastically impact upon cost. For example the average cost of placements over 200 miles away from the borough is very similar to those under 20 miles from the borough.
  - Over 50% of the children in placements have additional costs above their standard placement cost. These cover additional 1:1 or 2:1 staffing, education or health/therapy costs.
79. In summary, the core determinant of spend are the needs of the children as opposed to distance from Southwark, age, gender or ethnicity. These are typically made up of additional costs to cover staffing, education and/or health.
80. In considering the delivery model the staffing and wraparound services including health and education will be further investigated to ensure the needs can be met.

81. Further exploration will take place on costs outside of placement fees such as travel costs by the child, family and professionals such as social workers. This will be considering as part of the delivery model and the impact this has on the council's budget.
82. It is anticipated that some children will still need to be placed outside of the borough due to safety reasons or for specialist provision to meet their needs. This will be further investigated and proposed through the Gateway 1 report.

### **What the sector looks like**

83. As of April 2020, there were just over 2000 private and voluntary children's homes in England. The 10 largest providers owned 616 and therefore have a market share of around 30%.
84. Caretech Holdings PLC (191 homes) was the single largest provider, owning almost double the number of children's homes than the next largest provider, Keys Group Limited (G Square Healthcare Private Equity) (98 homes). The 191 homes owned by Caretech account for 31% of homes owned by the 10 largest providers and 9% of all private and voluntary children's homes nationally.
85. As of February 2021, 10 Southwark children were placed with the largest 10 providers. These were all outside of London.
86. There are 99 registered independent children's homes in London. Between them, they offer up to 519 available spaces. There are only 172 London children placed within these homes. If we assume that these homes are running at 80% occupancy (ICHA data 2020) this leaves 415 used beds. Meaning London is only using 40% of the occupied capacity.
87. The rationale for 80% occupancy is due to the competing needs of the mix of children leading to difficult matching. As such this level of occupancy is considered as being normal within this children's residential provision.

## **KEY ISSUES FOR CONSIDERATION**

### **Options for or barriers to securing local provision**

#### **Property Cost**

88. Property is a key challenge in setting up a new children's home with the sourcing of a suitable property, suitable location, planning permission, any adaptations needed and ongoing costs being significant. This is further compounded for property within London which typically comes at a premium.
89. While some organisations will have the capital to invest in a property, others will prefer to lease a home. This leasing approach is particularly prevalent in smaller or third sectors organisations will most likely prefer to lease a property.

90. One solution may be if the local authority could make suitable property available. This could persuade more organisations to open a home locally and widen the potential market for providers. As part of market insights undertaken to date a number of providers did indicate that having the property already sourced would be an attractive option.
91. Southwark Council are experienced in their development and homes building capabilities and are experienced at procuring properties. As such are in a position to consider sourcing properties from their portfolio, or purchasing new properties, that may be suitable for a children's residential home. Additionally, the council has in-house expertise to source properties. This would require collaboration from corporate property colleagues to be successful should this be a preferred option.
92. Owning the property may allow for the property acquisition, fit-out and certain premises related mobilisation costs to be incurred as capital costs and the revenue could be focused on ongoing premises maintenance costs and care provision.
93. It is important to note that even if the Council were the landlord, the commissioned provider would be the registered provider and have decision making over which children were accepted.

### **Property Suitability**

94. In order to ensure the success of a children's residential home, there needs to be strong consideration of the property itself as well as the location. This needs careful consideration especially in the context of gaining Ofsted registration.
95. Child exploitation and gangs are a risk that will need considering. This can be managed through early engagement with the police and relevant teams to understand the risk of the location of any identified properties. Ongoing engagement with the police will be needed to ensure the risks are managed in an ongoing basis.
96. In order to provide a homely feel to any property there may need to be refurbish properties to the required standard to meet legal requirements and potentially planning permission obtained. This will be considered and costed as part of the property sourcing process.
97. A new residential home also has the potential risk of facing opposition by local communities who have concerns that residential care provision may lead to anti-social behaviour, increased traffic and/or impact house prices. Consultation with the relevant community would have to be undertaken.

### **Upfront Costs**

98. Another area of challenge is the upfront costs such as staffing, overheads and registration fees that would be incurred in the lead up to Ofsted registration. Before Ofsted registration is in place the home cannot support any children

however the provision needs to be fully staffed and trained to gain the registration.

99. Following registration being gained there would still be a period before suitable children move into the provision. This is likely to take a number of months to ensure this is done in an appropriate way to consider the differing needs of the children to ensure they can be placed together using the matching process.
100. From the market insights undertaken providers indicate that they would be more amenable to operate a home on behalf of a local authority if they had assistance with set up costs or a longer contract that would enable them to recoup these costs.

## **Staffing**

101. Recruiting staff is a challenge for the all children's home providers<sup>12</sup>, whether that be in-house or independent. The sector is highly regulated meaning that there is a need to employ staff experienced in childcare and, a Registered Manager who meets Ofsted requirements. Children's homes need to prove that safe, high-quality care is being consistently delivered, as well as complying with new regulations and demonstrating that outcomes for children are improved.
102. The strict regulations of running and working in these homes can create individual and organisational stress which can lead to low levels of retention. They can also be difficult places to work requiring a high level of patience and resilience<sup>13</sup>. Other reasons for low retention are the lack of career progression opportunities for those not driven by managerial roles.
103. As part of the market insights work undertaken, providers did indicate having the local authorities' assist them with recruitment, such as advertising, may help to provide a level of mitigation for this.
104. Local authorities may have some advantage in recruiting and retaining staff due to better terms and conditions of employment, the support mechanisms in place and increased career options over independent organisations.
105. The council is a London Living Wage (LLW) employer and has the Fairer Futures Procurement Framework, which requires the payment of LLW, as a minimum, to staff working on Southwark contracts.
106. The above points will be further explored and quantified within the Gateway 1 report.

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<sup>12</sup> Local Government Association Children's Homes Research (January 2021)

<sup>13</sup> Residential Care in England (June 2016)

## Future service requirements and outcomes

107. Nationally, 91% of local authorities are exceeding their budget for children's social care. In London the financial shortfall is £185m per annum (ISOS 2019). Nationally, there has been a 22.5% increase in the cost of residential placements since 2013 (Public Accounts Committee 2018). With wildly different prices paid by local authorities for the same provision<sup>14</sup>.
108. There is also limited supply. London has 14% of the country's looked after children population but only 5% of residential homes. Estimates indicate there is a 58% shortfall of residential provision in London.
109. This leads to a high number of looked after children placed outside of London – away from family and communities. A lack of supply and competition between local authorities is leading to rising placement costs.
110. In short it is difficult to find the right placement, in the right place at the right time.
111. To reiterate what was stated in paragraph 8, based on the work undertaken to date, there have been sufficient compatible children needing local placements over the past four years (to fill three five bedded homes). This indicates a clear need for:
- More Southwark children currently in residential placements to be living closer to home. For most children local placements offer clear benefits including better connections with family and local services to support their needs.
  - Better outcomes for children from Black, Asian and Minority Ethnic backgrounds. Children with these backgrounds faced significant disadvantage both in terms of their identity and in terms of their education associated with their placement at a distance when compared to their white counterparts. Having provision locally will help address this imbalance and improve outcomes for these children.
  - An offer of wraparound support to meet the needs of children that links into the services within Southwark including partnerships with education, health and the Police. Discussions have commenced with stakeholders on the wraparound support (both out-reach or in-reach) to alert them to the potential developments, these will be formalised should it be agreed to source children's residential provision.
112. In meeting the needs of all Southwark children there are considerations which will be further expanded upon and addressed as part of developing the procurement strategy that will be presented to Cabinet for decision:

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<sup>14</sup> Residential Care in England (June 2016)

- Agree a vision statement for this work in consultation with children.
- Ensure the local homes can keep children safe. A separate home for younger children will be considered.
- Identification of potential properties including how these best fit the requirements of a residential home. Need for corporate colleagues to prioritise identifying the relevant sites.

### **Strategic service delivery options and assessment**

113. The following represent the service delivery options that are being considered as part of this report:

- In-house – develop our own service.
- Regional arrangement – engage with other local authorities in a shared protocol allowing each other access to capacity to in-house provision.
- Fully commissioned service - tender for an existing children’s home provider to source property and run the service.
- Commissioned residential care service - council to source property and tender for a provider to run the service.
- Jointly commissioned service Pan-London or regionally.
- Pan-London Vehicle (PLV) - Secure and Complex Residential
- A combination of all or some of the above.

### **In-Source and External Procurement Options**

114. The market for children’s residential care provision ranges from small independent to large providers across both the private and voluntary sector.

115. Officers are undertaking early market engagement events which will give an informed insight into the market’s view on, capacity to deliver a children’s home within the borough, level of interest, challenges, barriers and key areas to consider when developing a new home. Various procurement options and contracting arrangements are also being reviewed with the market in order to inform the future procurement strategy.

116. Developing local residential children’s homes will assist in keeping children close to their family, community and those that know them best. It would help reduce the dependency on high cost residential placements wherever they may be placed. It would also reduce the risk of the use of unregistered placements for the more vulnerable 16 and 17 year olds.

117. Regardless of the options pursued, the following will need to be considered as part of the project:

- Increased demand on local services - An additional cohort of children with complex support needs living within the borough will require significant investment in support services from social care as well as our partners in education, health etc. This will require some considerable scoping with local partners.

- Fluctuating occupancy rates - Matching children with complex needs together in larger homes will be difficult at times leading to inconsistent occupancy rates which in turn may cause budget pressures and frustrations within senior leadership.

118. The options set out below are aimed to deliver the short term ambition of achieving one 5 bed children's residential home in the first instance, with the potential for opening additional homes in the longer term. This may include the potential to develop a hybrid of options where assessed to be beneficial.

119. All options will be considered further and set out within a Gateway 1 report including an indicative timeline for the short and long term approach. From this report a preferred procurement route will be proposed should an external procurement be the selected method to deliver this service:

### **Option 1 – Do nothing and continue with the current purchasing arrangements**

120. As per paragraph 27, the council could do nothing and allow the sector to continue to develop without any intervention.

#### **Considerations**

121. A number of local authorities in London are seeking to intervene in their localities. The interventions range from opening their own services, commissioning new services and/or partnering with the independent sector. These interventions are for the benefit of the young people that they are responsible for and therefore access to these services will be ad hoc and therefore not address the issues related to outcomes set out in this report.

### **Option 2a – In-house**

122. Having an in-house residential provision will importantly enable a better step down to lower support provision such as fostering or return to family. Direct access to all the in-house services will help form a holistic joined up approach using the same therapeutic models.

123. The home could also provide short term planned respite to children and young people on the edge of care.

124. Having a local authority run home will also give the local authority the ability to develop employment and training opportunities for Southwark's social care staff.

#### **Considerations**

125. Achieving excellent outcomes and value for money - Southwark used to run its own children's homes. The decision to re-enter the sector should take into account the reasons for closing the homes and the lessons that these reasons provide to ensure that the council successfully opened and sustained Good or Outstanding homes.

126. Reputational Risks - the home will need to comply with Ofsted regulations and standards. An Ofsted rating of requires improvement or inadequate could have a negative reputational impact on the authority.
127. Capital and operating costs - Initial capital investment may be considerable depending on available property. Revenue expenditure will initially be high per child placed due to the timescale required both to open and get to high occupancy rates

**Option 2b – In-house with a regional arrangement – engage with other local authorities in a shared protocol allowing each other access to capacity to in-house provision.**

128. Southwark could open our home/s and offer access to other local authorities in exchange for the same opportunities within their homes. The benefits are that we keep children closer to home in not-for-profit accommodation well linked to local services. It does however come with increased reputational risk as we will be caring for another local authority's children.
129. Sharing provision is a way of increasing the number of possible referrals being matched to the homes which should improve the occupancy beyond 80%.
130. The simplest way of sharing in-house capacity with another local authority is by offering the capacity on a dynamic purchasing vehicle (DPV) each week that a 5th bed is occupied will bring an income of c.£4k which can reduce running costs or offset other external spend.

**Option 3 – Fully commissioned service (provider to resource and run home)**

131. This option involves the council conducting a competitive tender exercise to commission a single provider to source a suitable property in the borough of Southwark to establish a 5 bed children's home which can be registered with Ofsted.
132. The provider would be responsible for the infrastructure, management, staffing and all necessary steps such as; identifying a suitable property, refurbishment, recruitment of staff (in particular a registered manager) and Ofsted registration.
133. Southwark would commission placements on a block purchase arrangement, either:
- 5 beds in the residential home for the duration of the contract or
  - Up to 3 beds with the other beds being available to other local authorities on a spot purchase basis.
134. A commissioned provider would protect from many of the risks associated with operating residential children's homes. Like an in-house provision, it will increase local residential sufficiency. The specification could be prescriptive

regarding the service to be provided and placement costs could be determined within the contract.

135. The costs of a commissioned service are likely to be high for a one or two home service, similar or higher than for the local authority to run although this will have to be tested with the market. Any private or voluntary organisation may need a similar capital and revenue commitment from the local authority to an in-house project.
136. The advantages and disadvantages of this procurement option are set out in the table below:

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Council utilises provider expertise in establishing a children's home.</li> <li>• Provider would take on all the risks associated with operating a residential children's home.</li> <li>• Increase local sufficiency.</li> <li>• Guaranteed number of beds will be available in borough for the duration of the contract.</li> <li>• Service specification can be prescriptive to ensure high quality services are provided.</li> <li>• Placement costs can be fixed.</li> </ul>	<ul style="list-style-type: none"> <li>• Contract price could be high due to the level of risks placed on the provider being costed into contract price.</li> <li>• Contract may not be attractive to prospective bidders, due to the risks associated with setting up a home.</li> <li>• Small independent providers may not be able to tender for this option due to the setup costs and initial investments required.</li> <li>• A prescriptive specification may put off providers from bidding.</li> <li>• Linking support and property may create an issue in the future when recommissioning the support part of the service.</li> <li>• Council will have less control over service delivery.</li> <li>• Referrals could be rejected if deemed too high risk.</li> <li>• Not maintaining high occupancy rates will be expensive.</li> <li>• Works better for larger local authorities where they have 4 or more homes, improving efficiencies and the ability to match more effectively.</li> </ul>

137. This option will require further analysis into the differing contracting arrangements available to ensure an acceptable level of risk for both parties.

#### **Option 4 – Commissioned residential care service (council to source property and provider to run home)**

138. Similar to option 2, however the council will identify or purchase property that could be used and be refurbished for a residential home, and the provider is commissioned to run the service.

139. The council will identify a suitable property from its existing housing stock. The responsibility of ensuring the property is fit for purpose will lie with the council and the provider will be responsible for completing the necessary steps to register the home with Ofsted.
140. The costs of a commissioned service are likely to be high for a one or two home service, similar or higher than for the local authority to run although this will have to be tested with the market. Any private or voluntary organisation may need a similar capital and revenue commitment from the local authority to an in-house project.
141. The advantages and disadvantages of this procurement option are set out in the following table:

<b>Advantages</b>	<b>Disadvantages</b>
<ul style="list-style-type: none"> <li>• Finding a suitable home within the council's housing stock should be less problematic than a provider sourcing a home.</li> <li>• A contract for a provider to run the home in a council property will simplify the tendering process when the contract is retendered.</li> <li>• A contract for running the home only, should be more financially viable to smaller independent providers who may not have the economic and financial capacity to tender for a fully commissioned service.</li> <li>• Increase local sufficiency.</li> <li>• Guaranteed number of beds will be available in borough for the duration of the contract.</li> <li>• Service specification can be prescriptive to ensure high quality services are provided.</li> <li>• Placement costs can be fixed.</li> </ul>	<ul style="list-style-type: none"> <li>• Council is responsible for the capital expenditure and the risks associated with establishing a residential home.</li> <li>• A prescriptive specification may put off providers from bidding.</li> <li>• Council will have less control over service delivery.</li> <li>• Referrals could be rejected if deemed too high risk.</li> <li>• Not maintaining high occupancy rates will be expensive.</li> <li>• Works better for larger local authorities where they have 4 or more homes, improving efficiencies and the ability to match more effectively.</li> </ul>

### **Option 5 – Joint commissioned service with neighbouring boroughs**

142. Officers will explore the level of interest from other neighbouring boroughs to form a joint commissioning arrangement however a number of factors will need to be aligned such as timescales and the service meeting the needs of Southwark residents as well as another borough/s.
143. Initial research has shown that local authorities are either opting to join local or regional procurement consortia established to procure residential care through frameworks and spot purchasing agreements, or are looking into developing their own in-house provision rather than entering into a joint commissioning arrangement.

144. Of the children currently in residential provision, 74% were placed there on spot contracts and 26% through a dynamic purchasing vehicle (DPV). Providers, especially local providers, are choosing to not join these contracts as it gives them better choice of the children (matching) and a greater flexibility in pricing.
145. Block contracts give the provider guaranteed regular income stream and is generally more attractive if it involves multi-home projects. A successful example is the Thames Valley Cross Regional project which supplies 30 beds for 5 local authorities. In 2020 they had an occupancy rate over 90%.
146. These contracts could be negotiated by the strategic commissioning group at a regional level either through the proposed Pan London Vehicle (mentioned below) or through another regional arrangement.
147. The benefits are that they allow for increased occupancy rates and may allow access to more specialist provision.
148. For providers they are better able to manage occupancy levels while minimising any financial risk.
149. Officers will further review any opportunities for a joint approach through the work being developed to inform the procurement strategy.

#### **Option 6 – Pan-London Vehicle (PLV) – Secure and Complex Residential**

150. This option will require the council to collaborate with other London local authorities to establish a company limited by guarantee which will then be owned jointly.
151. The PLV project initially intends to commission the build of secure children's homes and subsequently commission the service provision within these homes. Provisions for complex adolescent residential and emergency/assessment is also in scope of this project.
152. The intention of the PLV is to commission a number of new homes and increase provision across London to enable good local options for children that will keep them close to families, schools and health.
153. London Leaders have agreed for a Pan-London Vehicle ("PLV") to be established - A company limited by guarantee and owned by the London local authorities ("LAs").
154. Its first phase will be to commission the build of the secure children's home ("SCHs") project for London and subsequently commission the service provision within these homes.
155. Its second phase, over the next 3 years, will be to support boroughs to jointly commission between 30 - 60 new homes depending on the level of commitment. These homes will be required to be opened across London - in

every borough, to enable good local options for children. Options that will keep them close to family, school and health.

156. The contract model will be developed to share the risk between local authorities and the provider and incentivise quality of care and education. The vehicle will be the mechanism used to commission placements jointly – a consistent pan-London solution.
157. Joining up the commissioning capacity across London to reduce duplication and inefficiency. Focusing on innovative market shaping strategies that deliver more in-London placements. Strategies that share the risks between the boroughs and the providers to encourage a more diverse provider base.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Project aims to focus on innovative market shaping strategies that deliver more in-London placements.</li> <li>• Risks are shared between the participating boroughs and the provider.</li> <li>• Strategy will encourage a more diverse provider base.</li> <li>• Quality of care and education will be incentivised.</li> <li>• Commissioning placements jointly will lead to a consistent approach across London.</li> <li>• Joining up the commissioning capacity across London will reduce duplication and inefficiency.</li> </ul>	<ul style="list-style-type: none"> <li>• The timescales for this project do not align with Southwark as it is a medium to long term plan.</li> <li>• The project relies on sufficient number of local authorities to commit to the project as well as the availability of land and financial support.</li> </ul>

### Market considerations

158. Commissioning have undertaken market insights sessions with providers to understand the market. The following were the key themes that providers fed back to the council as being important:
- Smooth registration process with Ofsted.
  - Good communication channels with local Ofsted inspector.
  - Service focussed on referrals that are matching needs rather than age.
  - Service developed with neighbouring boroughs, a growth model to service expansion.
  - Local care leavers champion and good practice example of local Police champion (Nottingham).
  - Support to continue education in a mainstream school setting.
  - Therapeutic guidance and support for home staff.
  - Upfront set up costs and financial support during mobilisation.
  - Support with recruitment.

### Decommissioning Services

159. Not applicable.

## Policy Implications

160. London Borough of Southwark (LBS) has a duty under the Children Act 1989 (section 22c) to provide sufficient placements in the locality, as far as reasonably practical, to meet the accommodation needs of children looked after and of our care leavers.
161. Southwark's Children Looked After and Care Leavers Placement Sufficiency Strategy 2018-2022<sup>15</sup> sets out the Council's vision, values and principles to meet this duty on a local level:
- Be the champions our young people deserve
  - Deliver high quality care, support and accommodation services
  - Do our best to enable families to stay together
  - Keep children and young people safe at all times
  - Keep children and young people's needs and wishes central to our work
  - Keep all children and young people in care and care leavers well informed about their rights and where to go for help
  - Empower children and young people to take control of their own lives and realise their full potential
  - Deliver proactive support that secures the best long term outcomes for all children and young people
  - Ensure the views of children, young people and their families inform service improvement
162. The Borough Plan 2020-22<sup>16</sup> sets out the eight priority themes that demonstrate how the council will achieve the seven vision statements in the plan. The provision of this service will contribute to the delivery of the following commitments.
- Vision 5 states that the council aims for 'all children and young people in the borough to grow up in a safe, healthy and happy environment where they have the opportunity to reach their potential'.
163. In response to the impact of COVID-19 on Black, Asian and Minority Ethnic residents, the council embarked on a listening exercise with the communities of Southwark to gain an insight into the barriers and experiences of inequalities Black, Asian and Minority Ethnic communities face in their daily lives. Southwark Stands Together commits to root out inequalities by implementing the recommendation from the Southwark Stands Together work against racial inequalities and injustice.

## Recommended Strategic Delivery Option

164. Based upon the information and details outlined in this report, the recommended strategic delivery option is the development of Children's

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<sup>15</sup> Children Looked After and Care Leavers Placement Sufficiency Strategy 2018-2022

<sup>16</sup> Southwark's Borough Plan 2020-22

Residential Provision within the borough of Southwark and future investigation and details of the approach to delivery of this service will be undertaken to progress that option.

165. To aid the delivery of a sufficient accommodation it is recommended for corporate property to aid in the sourcing of suitable properties to deliver Children's Residential Provision and any accommodation needs that may follow the semi-independent analysis detailed in paragraphs 46 and 47.

### Identified risks for the service and recommended strategic option

166. The identified risks are as set out below:

	Risk	Detail	Mitigation	Risk Level
1	Ofsted do not register the provision	Ofsted require the staffing and property to be ready before they can inspect and register the provision	Early engagement with the local Ofsted officer to engage them in the process and offer the best chance of the provision being registered	High
2	A suitable property is not available to deliver the provision from	Ofsted will not register the provision if the property is not adequate for delivery.	Some potential properties have been identified however engagement from corporate property is requested to mitigate further.	Medium
3	Lack of interest from the market (should external procurement be the preferred option)	Financial and operational challenges faced by providers may result in low interest in bidding for this provision.	Initial soft market testing has indicated that there will be sufficient interest by providers in applying for this tender with the council however this will need shaping to ensure the provision is attractive.	Medium
4	Affordability	The council may not be able to afford the costs whether delivered in-house or commissioned.	Robust financial modelling will be undertaken on all options to ensure that the price put forward within the Gateway 1 is accurate and that funding streams are fully explored.	Medium

### Key/Non Key decisions

167. This is a key decision.

### Next Steps

168. Following approval of the recommendation detailed within this report a Gateway 1 Procurement Strategy report will be produced to provide detail on the identified options. This will include:

- Detailed cost modelling for each option
- Further engagement with the market
- Benchmarking with established and well performing residential homes
- User consultation (including development of a vision statement)
- Development of a detailed service model
- Detailed timescales for delivery
- Best fit analysis of potential properties for service delivery.

### Service Delivery Project Plan (Key Decisions)

Activity	Complete by:
Enter Gateway 0 decision on the Forward Plan	30/12/2020
Gateway 0 shared with Children and Families DMT	12/07/2021
LMB Review Briefing	20/07/2021
DCRB Review Gateway 0	04/08/2021
CCRB Review Gateway 0	12/08/2021
Notification of forthcoming decision - IDM	19/08/2021 (estimated)
LMB Approval of Gateway 0: Strategic Options Assessment	27/08/2021
Briefing to Chief Officer Team	06/09/2021

### Community, equalities (including socio-economic) and health impacts

#### Community impact statement

169. These services within this report will provide care and support to looked after children, young people and their family networks under the care of Southwark.

170. It is believed that having in-borough children's residential provision will have a positive impact in relation to the groups identified as having a "protected characteristic" under the Equality Act 2010 and the councils' equality agenda. An Equality Impact Assessment will be produced to further understand and quantify the impact.

### **Equalities (including socio-economic) impact statement**

171. Officers are mindful of the need to have due regard to the Public Sector Equality Duty imposed by section 149 of the Equality Act 2010, which requires the Council to:

- Eliminate discrimination, harassment, victimisation or other prohibited conduct;
- Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and those who do not share it.

172. It is believed that having in-borough children’s residential provision will have a positive impact in relation to the groups identified as having a “protected characteristic” under the Equality Act 2010 and the councils’ equality agenda. An Equality Impact Assessment will be produced to further understand and quantify the impact.

173. In line with the Southwark Stands Together Programme, the Council pledges to:

- promote an open and transparent culture where employees who experience/see racism or discrimination are able to raise it and expect the issue to be dealt with swiftly and fairly
- listen to and amplify our diverse voices within our organisations on how we create an inclusive, fair and representative workplace at all levels
- work to address and prevent structural racial inequalities and structural racism within our organisation, the organisations we partner with and within the service the service we deliver
- champion organisations that address racial injustice and organisations that promote equality and diversity
- ensure that people of all backgrounds can rise to the top of the organisation.

174. It was notable that children who were from Black, Asian and Minority Ethnic backgrounds faced significant disadvantage both in terms of their identity and in terms of their education associated with their placement at a distance when compared to their white counterparts. Having provision within the borough can help to address this imbalance and help children achieve their outcomes.

### **Health impact statement**

175. The health and wellbeing of Southwark looked after children will be at the core of the work for this service as the council.

176. Key impacts that the provision will aim to address which predate the pandemic but now are even more prominent are for example:

- Nationally, school attainment for looked after children is much lower compared with non-looked after children at all key stages.
- Looked after children are almost 10 times as likely to have a statement of special educational need or an education, health and care plan (EHC) than all children.
- Looked after children with a statement or EHC plan are more than twice as likely to have social, emotional and mental health needs.

### **Climate change implications**

177. Following council assembly on 14 July 2021, the council has committed to considering the climate change implications of any decisions through a Climate Change Strategy<sup>17</sup>.
178. All current children are placed outside of the borough. Having children's residential provision within Southwark will reduce the need in the future for some children to be placed at such a distance and is anticipated to reduce emissions due to decreased travel. Some children will however, due to safety reasons, still need to be placed outside of Southwark.
179. In the development of properties for this provision climate change will be a key focus and careful consideration will be given to impact of buildings to ensure alignment to the Climate Change Strategy action plan around 'Greener Buildings'.
180. The Gateway 1 report will further quantify the climate change implications of the proposed provision.

### **Social Value considerations**

181. The Public Services (Social Value) Act 2012 requires that the council considers, before commencing any procurement process, how wider social, economic and environmental benefits that may improve the wellbeing of the local area can be secured. Social value considerations and how the delivery of these services can benefit the local area are detailed below:
182. The Gateway 1 report will detail how the recommended option will demonstrate Social Value.

### **Economic considerations**

183. The options considered within this report intend to support the local economy by providing jobs for local people. As per the Council's commitment any workers will also be paid London Living Wage (LLW) as well as adhering to the requirements of the "Ethical Care Charter".
184. The Gateway 1 report will further quantify the economic impact of the proposed provision.

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<sup>17</sup> Climate Change Strategy July 2021

### **Social considerations**

185. The Provider(s) will be expected to meet the London Living Wage (LLW) requirements for services provided. Given the need to recruit and retain high quality staff, it is considered that best value will be achieved by including this requirement.
186. Should the decision be made to tender for the service within the Gateway 1 report then as part of the sourcing/tender process, bidders will be required to confirm that they will be paying LLW and the benefits that this will provide to the council. As part of any tender process, bidders will also be required to confirm how productivity will be improved by payment of LLW. Following award, these quality improvements and any cost implications will be monitored as part of the contract review process.
187. In accordance with the council's Fairer Futures Procurement Framework, any successful Provider would be expected to recognise trade unions.

### **Environmental/Sustainability considerations**

188. All current children are placed outside of the borough. Having children's residential provision within Southwark will reduce the need in the future for some children to be placed at such a distance and have a positive environmental impact due to decreased travel. Some children will however, due to safety reasons, still need to be placed outside of Southwark.
189. Ahead of any home opening, the current placements will be reviewed to ascertain the best suitability for children placed outside of the borough to be moved back into the new provision.

### **Plans for the monitoring and management of project**

190. The council's contract register publishes the details of all contracts over £5,000 in value to meet the obligations of the Local Government Transparency Code. Commissioning must ensure that all appropriate details of this procurement are added to the contract register via the eProcurement System.
191. The contract will be performance managed by the contract monitoring in Children's and Adults' Services in conjunction with operational service leads from Social Care. Managing and monitoring of the contract will include:
- Compliance with the specification;
  - Performance measurement of the provider;
  - Service user outcomes;
  - Service user satisfaction;
  - Stakeholder satisfaction; and
  - Annual report to Directorate Contract Review Board and Corporate Contract Review Board.

192. The service will be evaluated on an annual basis to ensure the delivery meets the outcomes required and is meeting the Council's Sufficiency Duty. This will involve engagement between the Council and the provider to allow for an opportunity for co-production to measure and maximise positive outcomes for looked after children.

### **Resource implications**

193. The recommended options proposed within this report will be further explored and a Gateway 1 Procurement Strategy Report will be produced for approval.
194. Developing the Gateway 1 report will have staff resource implications. The Assistant Director for Commissioning Children, Adults and Families is responsible for resourcing the Commissioning function to deliver this work.
195. Operational staff involvement will be key to ensuring a clear strategy and service model that delivers high quality service provision, which complements and supports operational delivery.

### **TUPE/Pensions implications**

196. There are no TUPE/Pensions implications arising from this report. Any implications from future changes will be set out in a Gateway 1 procurement strategy report.

### **Financial implications**

197. The focus of developing provision within the borough is to better meet the needs and outcomes for Southwark's looked after children in its duty as a corporate parent.
198. Detailed cost modelling on the options proposed within this report will be further explored and a Gateway 1 Procurement Strategy Report will be produced for approval.

### **Investment implications**

199. Should the Council source and maintain any buildings as part of this project there is an opportunity for consolidating the capital costs with care costs and achieving better value for money.
200. The sourcing and maintenance arrangement of any buildings will require the support of corporate colleagues, in particular property, to identify suitable buildings from the council's stock.
201. The above assumptions will be tested and quantified within the Gateway 1 Procurement Strategy report.

### **Legal implications**

202. Please see concurrent from the Director of Law and Governance.

## **Consultation**

203. Consultation has been undertaken with the market and operational colleagues to date. This will be expanded upon as detailed in the proposed next steps and include consultation with service users and their families.

## **Other implications or issues**

204. None.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Finance and Governance REF: [10bDK2021-22]**

205. The Strategic Director of Finance and Governance notes the contents of this report, and specifically the comments written under Financial Implications. Any budgetary pressures resulting from recommendations in this report will have to be contained within current budget provision, whilst capital requirements will have to be requested via the Council's capital investment process.

## **Head of Procurement**

206. This report seeks approval from the Deputy Leader and Cabinet Member for Children, Young People and Education approve this Strategic Options Assessment for delivery of Children's Residential Provision services for Southwark Council.

207. The Deputy Leader and Cabinet Member for Children, Young People and Education notes that the key issues are detailed in paragraphs 85 to 105, procurement options are detailed in paragraphs 112 to 156, the risk are detailed in paragraph 156, confirmation of the payment of London Living Wage is detailed in paragraph 182, management and monitoring of the contract is detailed in paragraphs 189 to 191.

## **Director of Law and Governance**

208. This report seeks approval of the Strategic Options Assessment for delivery of children's residential provision services.

209. Under the council's Contract Standing Orders a pre-procurement/gateway 0 report is required for any service contract with an estimated contract value of £10m or more. As noted in paragraph 163 the recommended strategic delivery option is the development of children's residential provision within the borough and paragraph 167 notes that the detail of the procurement strategy will be confirmed in a Gateway 1 report.

210. Paragraph 169 acknowledges the Public Sector Equality Duty imposed by section 149 of the Equality Act 2010 and notes that an Equality Impact Assessment will be produced to further understand and quantify the effect and impact of in-borough children's residential provision on individuals and groups

identified as having a “protected characteristic” under the Act and the councils’ equality agenda.

## BACKGROUND DOCUMENTS

Background Documents	Held At	Contact
Residential Care in England (July 2016)	Children’s and Adults’ Services, 160 Tooley Street, London, SE1 2QH	Genette Laws 07908 669001
<b>Link (please copy and paste into browser):</b> <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/534560/Residential-Care-in-England-Sir-Martin-Narey-July-2016.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/534560/Residential-Care-in-England-Sir-Martin-Narey-July-2016.pdf</a>		
Social care commentary: creating the environment for excellence in residential practice (February 2020)	Children’s and Adults’ Services, 160 Tooley Street, London, SE1 2QH	Genette Laws 07908 669001
<b>Link (please copy and paste into browser):</b> <a href="https://www.gov.uk/government/speeches/social-care-commentary-creating-the-environment-for-excellence-in-residential-practice">https://www.gov.uk/government/speeches/social-care-commentary-creating-the-environment-for-excellence-in-residential-practice</a>		
Local Government Association Children’s Homes Research (January 2021)	Children’s and Adults’ Services, 160 Tooley Street, London, SE1 2QH	Genette Laws 07908 669001
<b>Link (please copy and paste into browser):</b> <a href="https://www.local.gov.uk/sites/default/files/documents/Childrens%20Homes%20Research%20-%20Newgate.pdf">https://www.local.gov.uk/sites/default/files/documents/Childrens%20Homes%20Research%20-%20Newgate.pdf</a>		
Profit making and Risk in Independent Children’s Social Care Placement Providers (February 2020)	Children’s and Adults’ Services, 160 Tooley Street, London, SE1 2QH	Genette Laws 07908 669001
<b>Link (please copy and paste into browser):</b> <a href="https://www.revolution-consulting.org/wp-content/uploads/2020/03/Profit-Making-and-Risk-in-Independent-Childrens-Social-Care-Placement-Providers-Final-29-Feb-2020-report.pdf">https://www.revolution-consulting.org/wp-content/uploads/2020/03/Profit-Making-and-Risk-in-Independent-Childrens-Social-Care-Placement-Providers-Final-29-Feb-2020-report.pdf</a>		
A Review of the Residential Child Care Services in the London Borough of Southwark (1991)	Children’s and Adults’ Services, 160 Tooley Street, London, SE1 2QH	Genette Laws 07908 669001
<b>Link (please copy and paste into browser):</b> <a href="https://www.whatdotheyknow.com/request/179946/response/476129/attach/3/Social%20Services%20Inspectorate%20Report.pdf">https://www.whatdotheyknow.com/request/179946/response/476129/attach/3/Social%20Services%20Inspectorate%20Report.pdf</a>		
Southwark Stands Together Programme	Children’s and Adults’ Services, 160 Tooley Street, London, SE1 2QH	Genette Laws 07908 669001
<b>Link (please copy and paste into browser):</b> <a href="https://www.southwark.gov.uk/southwark-stands-together-workforce-workstream/the-southwark-stand-together-pledges">https://www.southwark.gov.uk/southwark-stands-together-workforce-workstream/the-southwark-stand-together-pledges</a>		
Children Looked After and Care Leavers Placement Sufficiency Strategy 2018-2022	Children’s and Adults’ Services, 160 Tooley Street, London, SE1 2QH	Genette Laws 07908 669001

Background Documents	Held At	Contact
<b>Link (please copy and paste into browser):</b> <a href="https://moderngov.southwark.gov.uk/documents/s76190/Appendix%201.pdf">https://moderngov.southwark.gov.uk/documents/s76190/Appendix%201.pdf</a>		
Southwark's Borough Plan 2020-22	Children's and Adults' Services, 160 Tooley Street, London, SE1 2QH	Genette Laws 07908 669001
<b>Link (please copy and paste into browser):</b> <a href="https://www.southwark.gov.uk/council-and-democracy/fairer-future/council-plan">https://www.southwark.gov.uk/council-and-democracy/fairer-future/council-plan</a>		

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Young People and Education	
<b>Lead Officer</b>	David Quirke-Thornton, Strategic Director of Children's and Adults Services	
<b>Report Author</b>	Daniel Lilley, Senior Commissioning Officer, All Age Disabilities	
<b>Version</b>	Final	
<b>Dated</b>	20 January 2022	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	Yes	Yes
Head of Procurement	Yes	Yes
Director of Law and Governance	Yes	Yes
<b>Contract Review Boards</b>		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
<b>Cabinet Member</b>	Yes	No
<b>Date final report sent to Constitutional Team</b>		20 January 2022

<b>Item No.</b> 13.	<b>Classification:</b> Open	<b>Date:</b> 1 February 2022	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Grants and Commissioning Review	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Alice Macdonald, Equalities, Neighbourhoods and Leisure	

### **FOREWORD – COUNCILLOR ALICE MACDONALD, CABINET MEMBER FOR EQUALITIES, NEIGHBOURHOODS AND LEISURE**

Our Voluntary and Community sector play a vital role in Southwark providing support, hope and advice across a huge range of areas to residents. We saw that more than ever during Covid; for many people our voluntary sector provided a lifeline. We have an incredibly broad and vibrant range of organisations in our borough from grassroots organisations to household names. We invest over £11 million per year in local VCS organisations making Southwark one of the most generous local authority funders in London. That's because we know what a difference they make and how critical they are to our borough.

I am proud of that record and that investment. But we are always seeking to increase the impact of our funding and to ensure that the organisations we fund are truly representative of our population. A key issue identified as part of Southwark Stands Together was unequal access for our Black Asian and minority ethnic communities to our grants programmes - an issue that was compounding inequality- and one that we are determined to address

That's why I am pleased to bring this report, which is the culmination of two independent but linked reviews developed with community representatives. These reviews looked firstly at how to address barriers facing Black, Asian and minority ethnic led groups in accessing grant funding and secondly how to improve the overall effectiveness of our funding. This report sets out a number of actions we will take to address the challenges raised. This includes the allocation of £400,000 in grant funding to support our community organisations with 50% ring-fenced to support Black, Asian and minority ethnic led organisations. We also commit to develop a funding prospectus with our communities. This is the first step in a process and we know there is much more to do to ensure we can build a fairer, more equal Southwark together.

I want to finish by thanking everyone who took part in and contributed to these reviews especially the community representatives we worked with who played such an important role in ensuring wide engagement. I look forward to working with them on the next steps in this process. I also want to pay tribute to Maxine

James who was part of the team on this review and who sadly died during the work. She was a hugely dedicated and passionate advocate for equality.

## RECOMMENDATIONS

### Recommendations for the Cabinet

1. That Cabinet notes the findings of two independent reviews i) the Southwark Stands Together grants review, that examined whether there are obstacles to Black, Asian and minority ethnic groups making successful grant applications (Appendix 1); and ii) the Community Investment Review which looks at the effectiveness of funding to deliver outcomes (Appendix 2).
2. That Cabinet approves the allocation of an additional £400k in grant funding, with £200k of this to be available specifically for groups that self-identify as Black Asian and minority led. The funding will support our community organisations to recover from pandemic impacts, to thrive and self-organise, to strengthen networks, partnerships, and equalities infrastructure and support more inclusive and responsive service delivery. This funding is additional to the other funding which will remain available for all community groups as advertised.
3. That Cabinet notes we will identify organisations as Black Asian and minority ethnic led if the organisation self identifies as Black Asian or minority ethnic led and 75% of the governing body, ie Board of Trustees, Directors, Management Committee, and 50% of the senior staff of the organisation, (key decision-makers) self-identify as being from that specific community or identity.
4. That Cabinet agrees that all grant and commissioning teams collect data about the protected characteristics not only of service users of organisations we are considering funding or commissioning, but also the composition of the board or management of an organisation, so we are able to identify who is leading the groups we fund and as well as those who are not successful in their applications or tenders.
5. The Cabinet tasks officers with building a database of Black, Asian and minority ethnic led organisations in the borough, so we are better able to include and act positively to encourage and support Black Asian and minority ethnic led groups to access funding opportunities.
6. The Cabinet agrees that council officers, working with community representatives and the voluntary and community sector (VCS), will develop a funding prospectus for the council over the next nine months that will support the delivery of the Borough plan. This will be presented to Cabinet in Autumn 2022 for approval. The prospectus will:
  - Apply council wide
  - Be created in partnership with our key VCS and health partners in two phases

- Include a review of the current VCS outcomes framework
  - In phase one we will focus on developing our priorities
  - In phase two we will work with our partners on how we will deliver the outcomes and priorities together.
7. The funding prospectus will also set out how we will address other issues that have emerged from both reviews and identify how council procurement processes can reflect the learning from this work, including:
- How we support organisations grow and bid successfully to deliver larger programmes
  - How we involve Black Asian and minority ethnic community representatives in the grant making assessment process to make it more transparent and fair
  - How we can substitute the current colour blind approach to our funding for a more nuanced intersectional one.
  - How we remain informed by the data and evidence we are receiving across the council and embed flexibility.
  - How we can ensure that we continue to ring fence funding for Black Asian and minority ethnic led organisations beyond the programme described above.

### **Recommendation for the Leader of the Council**

8. That approval of the criteria and award of grants for the pot of £400,000 and the £200,000 set aside for Black, Asian and minority ethnic groups is delegated to the Cabinet Member for Equalities, Neighbourhoods and Leisure.
9. That this grants programme will be co-produced with community representatives including representatives of Black, Asian and minority ethnic groups.

### **BACKGROUND INFORMATION**

10. Covid-19 has highlighted levels of poverty and community exclusion, which have compelled the Council to consider a step change in its approach to grants and funding. The pandemic has thrown a spotlight on the scale of need across Southwark's communities. The evidence is that the virus has had a disproportionately heavy impact on already disadvantaged and minoritised groups and particularly on Black, Asian and minority ethnic groups. In both adversity and normality the VCS plays a vital role in sustaining our communities and our residents.
11. The council is committed to making Southwark more just and fair, and taking positive action to tackle inequalities that still affect too many people.
12. We recognise the critical role the VCS plays in addressing and mitigating the impacts of inequality both regionally and at the neighbourhood level.

Our grant making, commissioning and procurement at all levels has a significant impact on the ability of these organisations to meet needs, address inequality, and support communities to thrive. What and who we invest in makes a difference to the health, well being and resilience of our communities.

13. Looking at information held by the Charity Commission the community investment review identified that there were 179 LB Southwark charities with a focus on Black, Asian and minority ethnic beneficiaries in Southwark. Data indicates that Black, Asian and minority ethnic focused charities are typically smaller, with almost half (87 out of 179 [48.6%]) being classified as micro charities with an annual income of under £10,000. A large majority of micro charities have no paid staff and rely on volunteers to provide services.
14. The Council's Community Investment comprises annual grants and contracts to the value of over £11m per annum to local VCS organisations. The Council has been a consistent investor and supporter of the sector.
15. There are a wide range of both national and local funders also supporting VCS organisations in the borough. We estimate that annual levels of community investment are currently over £40m. This still means that the Council's community investment grants (at around 20% of the total) comprise a proportionally significant part of all local funding available, and makes Southwark Council one of the most beneficent local authorities in London.
16. The change in the funding to the VCS over the last 7 years has been significant. To give one example of what can be a complex picture, there has been a reduction of 12% in funding for community infrastructure: in terms of core community sector grants, advice services and the council for voluntary services. This reflects the significant reduction in funding of council services which has seen a loss of £227million since 2010.
17. As part of Southwark Stands Together - tackling racism and inequality- the council is committed to strengthening our approach to equalities, embedding it in everything we do and to increase representation of Black, Asian and minority ethnic residents in community leadership positions.
18. The listening exercises we did as part of Southwark Stands Together in summer 2020 identified unequal access by our Black Asian and Minority Ethnic communities to resources - and in particular our grants programmes - as an issue that was compounding the inequality they were experiencing. Providing priority funding for Black Asian and minority ethnic groups reflects the intent to address this inequality.
19. In addition, the Community Support Alliance was set up as a new model for partnership working across the sector to address the consequences of the pandemic. The vulnerability, poverty and exclusion faced by many in

our community led to a feeling that there was a need for the council to review the effectiveness of our current funding programmes.

20. In response we commissioned two reviews to examine in more detail the issues raised through Southwark Stands Together and the Community Support Alliance.
21. Equinox Consulting carried out a review of what is currently funded and any structural barriers that Black Asian and minority ethnic groups may face in making successful grant applications and how to address them.
22. A second review carried out by Rocket Science has examined how effective our investment in the VCS is in reducing inequality. It follows on from the Community Hub that reviewed community needs arising from the pandemic.
23. In addition, the councils' Public Health team is undertaking a separate review of their contracted services that include Sexual Health, Substance Misuse, and Free School Meals. An independent organisation is undertaking an independent review of Public Health's processes and practices, including how they design, commission and deliver services, to understand how these processes contribute to inequalities facing Black Asian and minority ethnic communities. This project will develop a toolkit and training package that can be tested for use in the commissioning of Public Health improvement services and in the wider health and care system.
24. It is anticipated that the lessons from this Public Health review will also inform practice in commissioning and grant making across the council and its findings will also inform the funding prospectus and practice.

### **Review Key Lines of Enquiry (KLOE)**

25. Southwark Stands Together Grants Review:
  - Consult with stakeholders and recommend a definition of Black Asian and minority ethnic led groups"
  - Suggest how best to use this definition of Black Asian and minority ethnic led groups to identify those groups/organisations who either apply for funding or who are funded by the council
  - Examine the support in place for organisations to access funding and how targeted support can be offered to groups from Black Asian and minority ethnic backgrounds who have not previously been funded
  - Examine whether the way in which the Council structures its grant making enables or disables people to access these opportunities
  - Examine the Council's grant making and commissioning processes and requirements and any barriers these may generate

- Identify examples of good practice in grant making and commissioning within Council and elsewhere and how they might be applied more broadly in Southwark.

### **The key findings from this review**

26. Survey respondents were overwhelmingly Black, Asian and minority ethnic organisations and most felt that in the absence of any new classification to describe the needs of excluded communities, Black, Asian and minority ethnic is perhaps the best terminology to describe them from a funding perspective, and we should therefore make use of it. It should not however be used in terms of community identity. An extract from the review is set below. This has been included because it conveys the range of views on definition and sets out that it is problematic and incomplete.
27. *“BAME is a term that has evolved over the years. Some respondents feel that it has been imposed on the disadvantaged communities by the authorities who find it a term of convenience but feel that it is ill-defined for the people it is used to refer to. Several terms including “Black Minoritised Communities” or “People of Colour” are emerging but are not deemed to be perfect or appropriate. However, some find the term BAME useful for distributing funding or developing indices of inequality. It allows them to deal with deprivation that affects the newly arrived migrant communities and members of disadvantaged communities that are often discriminated against because of their race and colour. We are yet to find the most appropriate term to replace it if we must insist on lumping together people of different races, cultures and linguistic backgrounds who sometimes have conflicting and contradictory needs together even for funding purposes.”*
28. As part of the review engagement with stakeholders a focus group had taken place that specifically considered whether a definition should be used and what that definition should be. The definition adopted and referenced in recommendation three above is consistent with the Diversity Equity & Inclusion data standard produced by a number of independent funders.
29. There has been a lack of consistent information gathering about the Black Asian and minority ethnic led organisations the council funds. We need to know more about who we fund through better data collection.
30. In the absence of alternative definitions, the review and the Council have concluded, taking account of the strong reservations referred to above, that this definition should be used for funding and data gathering funding purposes. The Council commits to using more specific community identity definitions that reflect how communities chose to define themselves where they specifically chose to do so.
31. Black Asian and minority ethnic led organisations that we currently fund

are concentrated at the lower end of the grant making value e.g. Neighbourhoods Fund and Black History Month, and these are focused on project funding rather than core funding.

32. Through better data collection through the portal, we will compile a register of Black Asian and minority ethnic groups and engage them in regular forums. With this improved knowledge of Black Asian and minority ethnic led groups, it will become possible to provide more assistance to groups applying for funding and to provide more appropriate and targeted infrastructure support for Black Asian and minority ethnic groups.
33. Compared to others in London we fund fewer Black Asian and minority ethnic focused projects. There has been a strong focus on assessing who the beneficiaries of funded services are, but inconsistent assessment and no agreed definition of whether groups are Black Asian and minority ethnic led.
34. It is recommended that we substitute the current colour-blind approach to funding to a more nuanced intersectional one to ensure funding is effective instead of merely efficient in addressing deprivation and we fund specialist services targeted and delivered by communities themselves ('by and for' or community-led groups) on the assumption that they are closer to the communities and have been set up specifically to assist their communities and be more effective.
35. Other recommendations are:
  - Co-production of projects with smaller organisations.
  - Provide support for external funders to know the Southwark patch.
36. Involve Black Asian and minority ethnic community representatives in the grant making assessment process to make it more transparent and fair.
37. **Community Investment Review Key Lines of enquiry:**
  - Evaluate the effectiveness of our grants and commissioning in delivering outcomes for residents to deliver a Fairer Future for All
  - Evaluate whether the funding programmes contribute to long-term reductions in inequality
  - Evaluate how well we measure the social and economic value of our investment
  - Evaluate how our investment supports community infrastructure
  - Consider how effective funding programmes are in embedding services in neighbourhoods. How can funding be provided to test new ways of providing housing, employment, skills, money, social care and immigration support in local communities? This included testing how support from established public & VCS providers can be made accessible in partnership with local community 'anchor' organisations rooted in each part of the borough.

## Community investment review findings

38. Local VCS organisations that took part in the survey were broadly positive about the effectiveness of Southwark Council funding. Core funding is a key enabling requirement; there are opportunities for more joined-up funding approaches and promoting access to contracts as well as grants programmes.
39. Another key finding is that our approach to working with the VCS should be based on collaboration and co-production rather than informing and consulting. Changing this will improve our delivery.
40. We should think about the value of our neighbourhood funding and what this achieves in terms of addressing inequality and need.
41. With most of our VCS funding (by monetary value) through contracts rather than grants, supporting Black Asian and minority ethnic led groups to access contract funding is an important change to achieve equality.
42. Across all aspects of the council's community investment, there is an opportunity for a more flexible approach aligned with the Civil Society Futures principles of power, accountability, connectedness and trust.
43. Stakeholders proposed that the council as a funder should include a strong focus on tackling root causes, a sharper equalities-lens, and a more balanced approach to risk and more proportionate monitoring and evaluation focusing on overall impact, using an updated shared outcomes framework. To achieve this the following is proposed:
44. For the council to renew its commitment to community investment, putting communities at the heart of policy making, will require the following:
  - Continue the support and emphasis that the council puts on supporting infrastructure, including specialist infrastructure and community anchors, to add value and reach into different front-line communities
  - Develop procurement and commissioning approaches to strengthen local civil society and improve outcomes, including integrating the four aspects of the social value model: supporting Covid-19 recovery, tackling economic inequality, fighting climate change, and driving equal opportunities.
45. The Council's Common Outcomes Framework, which was developed as part of the VCS Strategy, has not been widely adopted across the council. There is an opportunity to refresh this and strengthen its use so that organisations are able to evidence their impact in meeting community needs.

## KEY ISSUES FOR CONSIDERATION

46. Although the two reviews were carried out independently of each other representatives from the first group also contributed to the second review. A key concern is to ensure that the issues affecting Black, Asian and minority ethnic groups in accessing grant funding are addressed and the recommendations sets out a number of ways in which this is done.
47. However, the issues identified for the first grant review around obstacles to grant funding and inequality for Black, Asian and minority ethnic groups were also identified within the second review which looked more broadly at the larger area of community investment. This is referenced in paragraphs 55 and 56 below. There is a long term challenge in addressing the inequality of leadership and representation for funding that is allocated through contracts with even less Black, Asian and minority ethnic led organisations being awarded contract funding.
48. The allocation of £400k in grant funding provides a significant additional resource at a time of need for the VCS in Southwark. By ring fencing funding of £200k it will enable us to immediately address concerns raised by Black Asian and minority ethnic groups without any impact on existing funding streams.
49. The funding criteria will be flexible and responsive to need. Groups will be able to apply for core funding and to cover costs such as utilities, premises and staffing. Groups will be asked to evidence how the funds applied for will make an impact and how they will help communities to self-organise and thrive. Funding for this grant will not disqualify organisations from seeking other funding.
50. We will work with community representatives and residents to ensure that a broad range of views and voices inform the criteria and approach to allocating the funding, from communication of opportunity to decision on grant awards.
51. The funding provides for a particular focus on how equalities groups and in particular Black, Asian and minority ethnic groups can grow and recover from the pandemic. The funding could be used to:
  - Enable organisations to develop with a view to being in a stronger position to apply for longer term core funding.
  - Support targeted sector wide capacity building, governance, or direct staffing costs for organisations.
  - Meet the objective of increasing representation of Black, Asian and minority ethnic residents in community leadership positions.
52. The ring fenced fund will begin the process of addressing the points made by Black, Asian and minority ethnic community leaders as part of the review consultation. They stated that funding had reduced over the years and also:

- Defunded groups tend to disappear or try to seek funding from elsewhere
  - Black, Asian and minority ethnic 'facilitating organisations' have disappeared
  - There is a lack of interest among funders in funding groups based on race alone
  - Black, Asian and minority ethnic organisations have had decreased access to core funding
  - Black Asian and minority ethnic organisations cannot compete when it comes to contracts.
53. Organisations that are not Black, Asian and minority ethnic led will be able to apply to the non-ring fenced grant funding to strengthen their equalities delivery and to become more representative of the communities they serve in their leadership.
54. As part of the Common Purpose grants awards we have embedded approaches that are recommended in the review such as investing in core funding and longer term funding to provide stability and therefore opportunities for growth. As part of the next steps we need to think about how we can embed these practices in other programmes.
55. Although we invest significantly in the sector the majority of the £11.3M investment is delivered through contracts (£7.4M) rather than grants that have been outside the scope of these reviews. The learning from this needs to also impact the way we commission and procure our contracts to the sector if we are going to have a significant impact on outcomes and addressing inequality.
56. Collection of data about the identity of the organisations that are funded is being addressed through the council wide grants application portal with a standard question that will enable organisations to identify as Black Asian and minority ethnic led based on trustee or staff data. However we also need to ensure this information is collected through our procurement processes and grant programmes where awards are made outside of the portal.
57. Groups applying for funding will be asked to ensure that they provide accurate information about, and visibility of, their services.

### **Next Steps**

58. First steps following the cabinet report will be to establish a process for the allocation of the new pot of funding. This process is outlined below:
- The governance for the process of allocating the £400K will be a joint group of officers and community representatives, who will work together to develop the criteria and application process for the funding. The group will make recommendations to the Cabinet

Member for Equalities, Neighbourhoods and Leisure for approval by IDM.

- Community representatives will be drawn from those who have already participated in the stage one and two of the review and will also include representatives of Southwark Voice, Community Southwark's network of networks, the Southwark Youth Parliament and other networks including residents
  - Following this process the timelines, application form and guidance for the additional funding will be advertised as a first step. Black, Asian and minority ethnic groups that responded to the Equinox Survey and took part in the focus groups will be notified of the funding opportunity and information for the funding pot as a whole will be distributed through Community Southwark and cross council communication networks.
  - An evaluation panel to make recommendations on successful applications will be drawn from a mixture of council staff and individuals who represent Black, Asian and minority ethnic led organisations and organisations led by other communities and identities.
  - Final decisions about funded groups will be made by the Cabinet Member for Equalities, Neighbourhoods and Leisure for approval by IDM, aiming for July 2022 for the first grant making.
59. The second steps will look at developing the prospectus for funding reporting to Cabinet in autumn 2022. This process will take place over two phases.
60. During phase one we will establish the funding priorities, engaging with a wide range of stakeholders and representative bodies such as the Youth Parliament, tenants and residents, faith organisations and the VCS, as well as council commissioners and Procurement.
61. The work will be informed by the Life after Covid report, Social Life survey and the emerging borough plan as well as addressing the wider recommendations in both grant review reports and the work yet to be completed on commissioning in Public Health.
62. As part of this process we will also work with stakeholders on the review of the outcomes framework to ensure that there is representation for key outcome areas such as reducing food poverty, access to justice, rights and entitlements, digital inclusion and access to services to ensure a focus on addressing inequality and meeting the greatest needs.
63. All grant funding will be in scope of this project. Consideration should be given early in the process to include contracts and funding that has been out of scope for the first two reviews but not the third, as the reports have

highlighted that the majority of our investment in the community sector is through contracts.

64. Delivery of the project will be led by officers but will require a temporary additional resource to deliver effectively, which will be met from existing resources.
65. Oversight of the project will be led by the joint officer and community representative's team, which will report bimonthly to the lead member for Equalities, Neighbourhoods and Leisure. This team will be drawn from commissioning officers group, Southwark Voice and members of the previous commissions, and needs to reflect a range of lived and commissioning experiences. The first report will set out the phase one engagement plan.
66. The second phase of the development of the prospectus will look at developing our delivery principles for achieving the priorities for our funding, and examine in detail how we will deliver.
67. The mechanism we will use to deliver this phase is a series of working groups that will facilitate examination in some depth with the right lived experience informing how we take the principles forward..

### **Policy framework implications**

68. The recommendations support the delivery of the Council Plan to create a fairer and just society and specifically the Southwark Stands Together programme and the commitment to:

*Review our grant making and commissioning processes to remove any barriers to equal access to funding and delivery opportunities; to consider:*

- *How targeted support can be offered to groups from Black, Asian and minority ethnic backgrounds, who have not previously accessed grant funding;*
- *Whether the way in which we structure our grant making enables or disables people to access these opportunities;*
- *The support in place for people to access funding;*
- *Our grant making and commissioning processes and requirements and the barriers these may generate.*

69. Having a strong, vibrant and engaged VCS is a key part of creating a fairer and just society through enabling volunteering, participation, inclusion and well-being at a borough wide and neighbourhood level and supports our VCS strategy and volunteering strategy.
70. In particular both reviews support the recommendations in the Community Support Alliance review, in particular recommendations 12, 13 and 14 which speak about VCS infrastructure and inequality, and recommendation 7 on volunteering. The prospectus will need to reflect

recommendations 4 15 and 16 which address ways of working that are more collaborative and responsive to grass root and local need.

## **Community, equalities (including socio-economic) and health impacts**

### **Community impact statement**

71. The recommendations in this report will have a positive community impact. The reviews were co-produced with a range of community representatives who are network chairs and represent community networks as well as their own organisations. Additional resources in the form of grant funding and improved use of data and intelligence will have a positive impact on communities. There will not be any negative community impacts.

### **Equalities (including socio-economic) impact statement**

72. Section 149 of the Equality Act, lays out the Public Sector Equality Duty (PSED) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities. The proposals support the delivery of the PSED and the council's [Approach to Equality](#) by specifically putting in place measures that are designed to reduce inequality. In particular, these proposals aim to:

- Tackle inequalities affecting Black Asian and minority ethnic residents and Black Asian and minority ethnic led organisations in terms of access to funding and resources
- Improve the effectiveness of the council's investment in the VCS in terms of tackling broader inequalities, including socio-economic inequality.
- A full Equalities Impact Assessment will be produced to accompany the prospectus and report in October 2022.

### **Health impact statement**

73. These proposals aim to improve the council's effectiveness in tackling inequalities which already existed but which have been exposed by the Covid 19 pandemic.
74. The socio-economic inequalities experienced by different groups in the borough, including Black Asian and minority ethnic communities, are directly linked to health inequalities and have meant that they have been disproportionately affected by both the pandemic itself and the impacts of lockdowns and other measures.
75. Improving access to council funding for Black Asian and minority ethnic communities and other disadvantaged groups will enable organisations to better support the health and wellbeing of their communities. It will also increase their ability to support their communities to access mainstream

health services, by overcoming language and other barriers.

### **Climate change implications**

76. Climate change is linked to social justice because the most marginalised communities are at greater risk from the impacts of our changing climate.
77. Black, Asian and minority ethnic organisations that are thriving and sustainable will be in a better position to engage with their communities about climate change and support a just transition to a carbon neutral borough by 2030, as well as support those communities build strategies for mitigating the impact of change.
78. The review of the Common Outcomes Framework will include a review of the 'Greener Communities' outcomes and how they could be clearer and more measurable in terms of reducing emissions and other environmental measures such as improving biodiversity and reducing plastic use.

### **Resource implications**

79. The Voluntary Sector Transition Fund was established in 2011 to assist third sector organisations to become more sustainable. A balance of £0.4m remains available, however, no calls have been made on it since 2015. Making this available provides an opportunity to resource the implementation of the recommendations.

### **Legal implications**

80. As set out below in comments from the director of law and governance.

### **Financial implications**

81. As set out below in comments from the strategic director of finance and governance.

### **Consultation**

82. The reviews have been co-produced with a steering group of community representatives who took part in all aspects of the process from the evaluation of tenders, to defining the scope of the review, steering and facilitating engagement with stakeholders and challenging and refining the recommendations. Community representatives have been drawn from networks including Latin American, Southwark REACH, Carers, Womens, Mental Health and Community Southwark.
83. There has been cross-council engagement with commissioners and a focus group with members of Southwark Funders.

## SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

### Head of Procurement

84. Not applicable.

### Director of Law and Governance

85. Cabinet are recommended to notes the findings of two independent reviews. Under the council's constitution, this is a decision that Cabinet is empowered to take. The council has the power to do anything that an individual may do (Localism Act 2011). Further, the council may incur expenditure where this is calculated to facilitate, or is conducive or incidental to the exercise of its functions.
86. The Cabinet are reminded that the council is subject to the public sector equality duty in section 149 Equality Act 2010. This requires the council, in the exercise of all its functions, to have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any 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.

The duty is a continuing one.

### Strategic Director of Finance and Governance

87. The Strategic Director of Finance and Governance notes the recommendations of the report concerning the two independent grants reviews and the £440k allocation to support community organisations recover from pandemic impacts.
88. Paragraph 79 notes that the funding will be made available utilizing the remaining balance of the Voluntary Sector Transition Fund and a smaller contribution from departmental budgets. Paragraph 64 notes the remaining recommendations can be delivered using existing departmental resources.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Equinox Consulting, Southwark Stands Together Review of Grant Making and Commissioning, Black Asian and minority ethnic groups
Appendix 2	Rocket Science, London Borough of Southwark, Community Investment Review

**AUDIT TRAIL**

<b>Cabinet Member</b>	Councillor Alice Macdonald, Equalities, Neighbourhoods and Leisure	
<b>Lead Officer</b>	Caroline Bruce, Strategic Director, Environment and Leisure	
<b>Report Author</b>	Andy Matheson, Senior Commissioning Officer, Communities Division,	
<b>Version</b>	Final	
<b>Dated</b>	20 January 2022	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
List other officers here	N/a	N/a
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	20 January 2022	

<b>Item No.</b> 14.	<b>Classification:</b> Open	<b>Date:</b> 1 February 2022	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Letting and Premises Strategy – Voluntary & Community Sector	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Helen Dennis, Climate Emergency and Sustainable Development	

**FOREWORD – COUNCILLOR HELEN DENNIS, CABINET MEMBER FOR THE CLIMATE EMERGENCY AND SUSTAINABLE DEVELOPMENT AND COUNCILLOR ALICE MACDONALD, CABINET MEMBER FOR EQUALITIES, NEIGHBOURHOODS AND LEISURE**

We have an incredibly vibrant and impactful Voluntary and Community Sector in Southwark who play a huge role in supporting residents in many different ways. One of the biggest challenges they face is securing the premises and spaces they need to operate effectively. Demand has increased significantly over the last 18 months linked to the impact covid has had on both the operations of the sector as well as the need within our borough. However, demand far outstrips supply which is why we are embarking on this process to ensure we have a clear, transparent and consistent process to inform how we use and allocate community spaces.

This report sets out the basis for an in-depth review of our property assets within Southwark considering existing council stock, pipeline opportunities through regeneration, as well as working with other partners to look broadly at assets across our borough.

The project will be overseen by the VCS premises board and a working group both involving community representatives to ensure that it delivers what is needed by those on the frontline. As we look tentatively to the recovery from covid we must and need to work and think differently about how we meet the needs in our borough including when it comes to how we work with our Voluntary and Community Sector. This project will play a key role in shaping the vision for how we do that in our borough.

**RECOMMENDATIONS**

1. To agree the commissioning of a project to define a comprehensive approach to using property assets to support the local Voluntary and Community Sector, with a clear, transparent, consistently applied process and criteria for informing the allocation and use of community spaces.

2. To note that a specification for commissioning advisors will be developed and finalised by the VCS Premises Board which includes community representatives.
3. To agree to develop interim arrangements, including the piloting of a new process to match supply of premises to prioritised demand, that fulfils the council's objectives, using a draft allocations methodology.
4. Agree the working definition of local VCS groups in scope as set out in Appendix 1.
5. Agree as part of the project to develop draft model lease terms for lettings to VCS groups, in new lettings, the regularising of unlicensed occupation, and at lease renewal.
6. Agree to prioritise, for the time being and where it is feasible to do so, lettings for uses that demonstrate a clear contribution to advancing the objectives of Southwark Stands Together, community recovery from the coronavirus pandemic, and continuing work to establish key community and cultural centres in line with Council Plan commitments and priorities.
7. To require officers to report on the project's progress in approximately six months' time.

## **BACKGROUND INFORMATION**

8. Demand for accommodation from the Voluntary and Community Sector (VCS) has increased over the last eighteen months. The Covid-19 pandemic has drawn some community needs sharply in to focus and caused some longer standing participants in the sector to look again at how they might operate in the future. On many levels there is a renewed imperative to look at the sector's needs and the viability of models to support it.
9. In asset management terms the council does not have a portfolio of properties geared specifically to accommodating the Voluntary and Community Sector. Only the Sojourner Truth Centre, in Sumner Road, SE15 is orientated specifically towards VCS occupation.
10. Nevertheless, approximately 70 VCS groups in the borough occupy premises held in the council's commercial portfolio. The lease terms and rents on which these groups occupy is very varied, reflecting the diversity of the groups and the premises they occupy, the practice at the time the leases were granted (some date back decades), and the degree of support the group in question received according to the council's evolving priorities.
11. The use of the council's existing stock of buildings to meet the needs of the third sector is becoming progressively more problematic and costly; without necessarily aligning with the council's corporate objectives.

Property is a high cost commodity and groups seek to occupy whatever premises they can get, rather than those that genuinely suit, and are sufficiently well matched to their operating needs and capacity to run buildings safely, in an environmentally responsible way, that maximises benefit and opportunity for the whole community.

12. Part of the solution is considered to lie in the development pipeline, where a new supply of good quality accommodation is opening up in the short to medium term, with the potential to strategically improve the council's offer to the VCS in an actively managed way. This is not to overlook the potential in existing assets, including Tenant and Resident Halls, operational buildings (including the schools estate) from which the council delivers services and those of partner agencies, which may be capable of delivering more.

## KEY ISSUES FOR CONSIDERATION

### Opportunities in new and existing assets

13. Faced with the difficult and frequently costly challenge of deploying existing buildings to meet VCS accommodation needs, a more sustainable solution may be found in the supply of new assets beginning to emerge from Southwark's development pipeline. This refers to community space that has been required in the planning process, in the course of development in the borough.
14. Work is underway to understand how these new assets can best be utilised to support the VCS, matching accommodation against community need within an overall accommodation strategy, which also takes into account how existing premises can most effectively be used. The new buildings may provide opportunities for single operators with broad community access, a network of neighbourhood community facilities, or community hubs; or a balanced mix of all three.
15. To bring this forward three key pieces of work will be commissioned:
  - **A study of needs, spaces and use**, to identify current and anticipated demand, review the assets available to satisfy this demand, looking also at how assets are used currently;
  - **The development of a community spaces strategy** to make the best use of our buildings for the whole community. This will be informed by the first workstream, looking at how the portfolio might be shaped in response, including any investment requirements and alignment with climate strategy;
  - **An updated policy on the allocation of our community buildings**, prioritising uses that will help make Southwark fairer and reduce **disadvantage**, including a transparent rent policy and lease terms, and an allocations methodology. The methodology will be developed,

in conjunction with the other workstreams identified above, to assist the decision making process in allocating premises for VCS use.

16. In addition to looking in detail at properties within the council's remit, the study will also explore how better outcomes can be obtained from the use of buildings in partnership with VCS groups, property owners, developers and businesses; both with the council and between themselves.
17. Governance of the project will be overseen by the recently formed VCS Property Board, which will establish a representative partnership group with key commissioners and users of community spaces.

### **Priorities in the interim**

18. There are a number of important projects already underway, to provide a range of new community centre buildings in the course of building new homes, accommodating activities that cater for emergency community need throughout the coronavirus pandemic at least until longer term arrangements can be delivered, investment in new buildings and exploring different management arrangements for some existing ones.
19. The work outlined in paragraphs 14 & 15. will take time to deliver well. It will also be necessary within the lifetime of the project to absorb and respond to the aspirations of a new Council Plan, following the May 2022 local elections.

### **Policy framework implications**

20. In policy terms there are several points of reference to note in considering an appropriate way forward:
  - **Southwark Stands Together** cabinet report in September 2020 agreed to address the unequal investment in resources for communities we committed to: Work with resident involvement services to open up access to community spaces to a wider range of organisations.
  - **Commercial Property Asset Management Plan 2016:** requires market rents for VCS tenants, but includes the possibility of flexible lease terms
  - **Corporate Asset Management Plan 2021:** reviews the property portfolio in terms of its ability to deliver corporate objectives. Sets criteria for investment in assets.
  - **Asset Transfer Policy:** creating the possibility to transfer the management or ownership of an asset to a third party, where it is advantageous in asset terms to do so (note that this is different to registering Assets of Community Value and the Community Right to Bid).

- **Achieving Best Consideration, Best Value & avoiding State Aid situations**
- In **Community Support Alliance cabinet report** in October 2020 cabinet agreed to the following recommendations that have an impact on this work:

Recommendation 4 - Embedding services in neighbourhoods: Partners should embed access to existing service provision within neighbourhoods. This should include testing new ways of providing housing, employment, skills, money, social care and immigration support in local communities – including testing how support from established public & VCS providers can be made accessible in partnership with local community ‘anchor’ organisations rooted in each part of the borough.

Recommendation 3 – A new alliance: The council, VCS and health partners should work together to strengthen and further develop a Southwark community support alliance. This should be focused on providing social support that delivers long-term reductions in inequality, combining resources, building on the successes of the Community Hub, and founded on the vision, outcomes, principles and framework set out below.

Recommendation 12 – Supporting grassroots organisations: Community Southwark should review how capacity building support in the borough can best support the development of Southwark social/ community support alliance together with development/implementation of a formal partnership model of delivery with Voluntary and Community Sector organisations.

The VCS strategy for 2017 2022 sets out as one of its objectives to make better use of community assets to revitalise communities and create preventative places

## **Community, equalities (including socio-economic) and health impacts**

### **Community impact statement**

21. The recommendations in this report begin to establish a framework, within which decisions about accommodation for VCS can be brought forward in an equal and transparent way on both a strategic and individual level. The specific community impacts for each proposal will be appraised as they are brought forward.
22. Some immediate priorities have been identified, which will either deliver specific Council Plan objectives or address an urgent, emergency community need.

### **Equalities (including socio-economic) impact statement**

23. The project will review demand and supply and explore the viability, for example of establishing a modern, fit for purpose VCS estate with a mix of accommodation geared towards creating equality of opportunity and access for all sectors of the community, including new, emerging group and those that do not wish to be burdened with the responsibilities and inflexibility of property leasing.
24. A number of the council's existing VCS occupiers have been resident in their premises for long periods of time. Premises are scarce and opportunities for new and emerging groups that may be vitally important to the borough are limited. The terms of the leases the council grants can be geared towards periodic review of the continuing community contribution of a given occupier.
25. Alongside the allocations methodology to be developed, the council will explore the use of Community Benefit Assessment Tools, used to determine a cash equivalent which may then be deducted against rents charged on a case by case basis, building in transparency, consistency and review.

### **Public Sector Equalities Duty & Southwark Stands Together**

26. The review seeks to open up access to community spaces to a wider range of organisations and individuals, based on a clear understanding of community need including the needs of people with Protected Characteristics.
27. Comprehensive Equalities Impact Analysis will be undertaken throughout, to accompany the work and assess the key recommendations of the project as they emerge and are reported for decision.

### **Health impact statement**

28. The recommendations in this report are the first steps towards a comprehensive review of how the council can work with the Voluntary and Community Sector, through the use of property assets. The sector directly addresses a broad wellbeing and health agenda.
29. Amongst its interim recommendations the report emphasises the importance of supporting uses that are helping to alleviate inequalities and situations created or exacerbated by the coronavirus pandemic. They are experiencing increased demand, but also growing accommodation pressures, where "meanwhile" arrangements entered into during the height of the pandemic are now coming to an end as buildings begin to reopen for their original use e.g Tenant and Resident Halls.

**Climate change implications**

30. The existing portfolio is dated and generally has not been upgraded in any way to begin to address the challenges of Climate Emergency. The studies now being brought forward will give full consideration to the opportunity to achieve efficiencies in environmental performance in terms of individual buildings and the overall strategy to be adopted.
31. By utilising new buildings there is a better opportunity to deliver benefits across the VCS estate. Nevertheless, given the rapid pace of change (and innovation) in this area, some degree of adaptation and retrofitting may be needed and budgets will need to be identified to deliver this.

**Resource implications**

32. A significant part of the councils commercial letting stock is dated, performs poorly in environmental and compliance terms, and will need investment if it is to continue in its existing use.
33. Traditionally this stock has provided a means of accommodating VCS occupiers on relatively flexible terms because other demand has been limited; particularly in the case of groups which have the capacity to attract funding to invest in their premises in return.
34. The issues in continuing on this basis are mounting. Even setting aside the question of rent, the occupier is still faced meeting all the other costs of running their own premises. Buildings are more costly and more complex to run than ever before; to maintain the property and keep it safe for service users and other visitors.
35. New premises could help to alleviate a number of these concerns, although careful consideration will need to be given to revenue and investment implications in assessing these new properties and, for example, the extent to which the premises is fitted out and ready for use and potential operating costs, such as establishing a management infrastructure to run a hub or network (or finding the expertise elsewhere to do so).

**Legal implications**

36. There are no immediate legal implications at this stage. These will be fully reviewed in the course of reporting the findings from the studies referred to in paragraph 14.

**Financial implications**

37. There are no immediate financial implications at this stage. These will be fully reviewed in the course of reporting the findings from the studies referred to in paragraph 14.

38. It should be noted that a number of buildings that currently accommodate VCS occupiers are held in the Housing Revenue Account. The impact of proposals brought forward will also be considered in terms of incomes obtained, and which contribute to this important finding stream.
39. Finally, a number of existing tenants are in significant rent arrears. In the coming months we will bring forward recommendations for the treatment of rent debt and will consider the response to debt in VCS also.

### **Consultation**

40. Consultation will be an essential requirement in the development of the new strategy and a consultation plan will be developed in conjunction with the appointed advisors.
41. The council, its officers, members and advisors will seek to fully engage across Southwark's Voluntary & Community Sector, at all key stages of the project, to ensure that the community has a say in the process going forward.
42. The composition of the Voluntary and Community Sector Property Board is under review and will remain so, to ensure it is representative of local VCS interests and remains relevant to the project outlined in this report and beyond. A Working Group will also be formed to help move the project forward.
43. An initial discussion about the proposals was held as part of the Voluntary and Community Sector Liaison Meeting on 16<sup>th</sup> December and will be a recurrent agenda item going forward, as the project described in this report progresses.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Law and Governance**

44. The report notes that there are no immediate legal implications arising at this stage, and that the legal implications will be fully reviewed in the course of reporting the findings from studies to be carried out.
45. The report also notes that there will be various policy implications, which have a legal basis, such as the duty of the council to obtain best consideration when disposing of properties (s123 Local Government Act 1972), the public sector equality duty contained in the Equality Act 2010 and State Aid rules.
46. Further legal advice will be given as the proposals envisaged by this report develop.

## Strategic Director of Finance and Governance

47. This report is requesting cabinet to agree to a number of recommendations relating to the Lettings and Premises Strategy for the Voluntary and Community Sector, details of which are contained within the main body of the report.
48. The Strategic Director of Finance and Governance notes that there are no immediate financial implications at this stage and proposals emerging from the recommendations will be subject to further reports, identifying the revenue and capital investment implications for formal approval
49. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

## APPENDICES

No.	Title
Appendix 1	Working Definition of VCS Groups

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Helen Dennis, Climate Emergency and Sustainable Development	
<b>Lead Officer</b>	Eleanor Kelly, Chief Executive	
<b>Report Author</b>	Matthew Jackson, Head of Property	
<b>Version</b>	Final	
<b>Dated</b>	20 January 2022	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		20 January 2022

**APPENDIX 1****WORKING DEFINITION OF LOCAL VCS GROUPS**

- Registered charities
- Community groups
- Community associations
- Tenants and residents groups
- Green Spaces Friends Groups
- Co-operatives and social enterprises
- School/parent groups
- Faith organisations
- Sports, environmental, arts and heritage organisations
- VCS Arts and Culture
- Grant making trusts
- Housing associations
- Non-constituted groups of residents working together to make a difference in their local communities, e.g foodbanks.

<b>Item No.</b> 15.	<b>Classification:</b> Open	<b>Date:</b> 19 January 2022	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Movement Plan, monitoring report and future review	
<b>Ward(s) or groups affected:</b>		Borough wide	
<b>Cabinet Member:</b>		Councillor Catherine Rose, Transport, Parks and Sport	

### **FOREWORD – COUNCILLOR CATHERINE ROSE, CABINET MEMBER FOR TRANSPORT, PARKS AND SPORT**

This report and the appendices serve as an important indicator of both the challenges and ambitions ahead of us, for a fair and just transport system that supports the travel and movement of people in their daily lives.

We need a public transport network that is fit for purpose and the planet by 2030 and beyond. To support this most local journeys will need to be done through active travel for all age ranges, with more people walking and cycling. For those who rely on cars for work, care and mobility we wish to reduce overall level of traffic so that they can continue to do with low or zero emission vehicles by 2030. Older and more vulnerable residents deserve a calmer, safer borough, with streets and roads that are accessible and support their lives not hinder them. Children and young people, deserve the right to travel safely to school and to the other key elements of their childhoods. To travel with independence and safety, able to explore the world around them on foot, by bike or scooter.

For businesses that depend on vehicles for the movement of staff, stock, deliveries and services we will work to support their transition to emission free forms of transport for their fleet and logistics, be they independent traders or large corporate companies.

Fundamentally we need to address the inequalities in terms of social and travel mobility that have been exposed during the pandemic of 2020-2022. This report sets our plan to respond to those challenges, by working to develop an updated and renewed Movement Plan for Southwark.

The pandemic has taught us much about the potential to realise this transformation, but it has also highlighted the things we must respond to, amend and improve when working to the reprioritise the roads, streets and transport corridors running through our multiple diverse neighbourhoods and communities. This report is important because it provides a snap shot of the past two years in the context of recent transport planning.

We have learnt the importance and significance of good monitoring in regards to congestion and air quality. Also-design with the community and access to meaningful data that responds to agreed and clear priorities as a result of our Streetspace Schemes. These interventions have been based upon the principles of active travel through modal shift, Low Traffic Neighbourhood programmes and Healthy Streets. As all 9 of these schemes are reaching the decision making process following monitoring, evaluation and consultation we will publish more details of the impact and benefits these schemes have generated and the lessons learnt, that will shape our approach going forward later this Spring. This will help inform future consultation on the Movement Plan update, which will be late Summer or early Autumn this year.

Voices that have been previously under-represented must be supported to help shape and form the future of travel and transport in this borough. The majority of residents don't own a car and many families struggle with the costs of owning and maintaining one. Many children and adults suffer from health inequalities and respiratory conditions that are exacerbated by poor air quality, too much of which is caused by vehicle emissions. We cannot sustain our dependency on cars and the congestion they create. We must provide an alternative network of safe calm routes that support active travel for everyone, the length and breadth of the borough. We must reduce the impact and numbers of cars and journeys made by cars and other vehicles in our borough if we are develop a sustainable future that meets the challenges and needs of the Climate Emergency.

This report sets out a process that will include a full and inclusive consultation process with key communities and stakeholders. It must not work in isolation but sit together with an alignment of objectives with our Public Health Strategies, the renewal of the Air Quality Strategy for Southwark that will run parallel in 2022 to this process. Also our commitment safety, especially for women and people with protected characteristics and disabilities. Also our embedded work to tackle racism and injustice through Southwark Stands Together and improve the life chances of everyone to access opportunities. A fair transport system, with public transport at its heart, and active travel as the default way to move in our borough is critical to underpinning all of this.

Once again I must also reiterate it is now vital that the Department for Transport, The Cabinet Office and The Treasury ensure that TfL and all Londoners get the much-needed financial investment to allow boroughs such as ours create the transport network, including the Bakerloo Line Extension, it deserves and needs now to secure zero emissions and sustainable future growth.

## **RECOMMENDATION**

1. To receive an update on the delivery of the Movement Plan (2019) and note the emerging context leading to a review of the Movement Plan in 2022.

## **BACKGROUND INFORMATION**

2. In March 2018, the Mayor of London published his Transport Strategy (MTS) which has a greater focus on health, wellbeing and the importance of place. It identified that encouraging walking and cycling is important to achieving a reduction in car usage and the resultant negative health externalities.
3. Section 145 of the Greater London Authority Act 1999 (GLAA 1999) requires each council in London to prepare a Local Implementation Plan (LIP) to detail how the authority will assist in delivering the Mayor's Transport Strategy. Transport for London (TfL) subsequently produced guidance in May 2018 for boroughs in preparing their third LIP (LIP3). In response, the council prepared a new transport plan (titled the Movement Plan) which was adopted in April 2019. The Movement Plan is supported by a more technical document titled Southwark's Local Implementation Plan 3 which bridges the Movement Plan and the requirements of the borough's LIP3.
4. The Movement Plan has a human centred approach and places the people that live, work and visit the borough the core of our policies and actions. The Movement Plan is based around three focus areas; people, place and experience and within these a number of missions have been set which we are seeking to achieve.
5. From early 2020, the Government's actions to control the spread of the coronavirus pandemic has changed the way we all live our lives which has had a major impact on patterns of travel.
6. In May 2020, TfL published its London Streetspace Plan in response to the needs of the pandemic. In June 2020, the council provided its response in the form of Southwark's Streetspace Plan (SSP) which was adopted by Cabinet. The SSP recognises how, when, and where travel has changed, and that people will continue to change their behaviour which poses a series of transport challenges. Thus, the SSP consists of three components, how movement has changed, our immediate response, and our longer term response.

## **KEY ISSUES FOR CONSIDERATION**

7. The key issue for consideration in changing the Movement Plan is the emergence of the pandemic and its impact on how we live our lives and the needs of the community. Most quick work programmes have been progressed at a much faster rate (e.g. Schools Streets and streetspace measures) but some longer term work streams have been delayed or paused, largely because TfL and the Government have only funded quick, emergency measures. This faster work rate has been helped by the Government advising council's to use "Experimental Traffic Orders" to test schemes before consulting on them.

8. A key challenge has been funding, which has been and remains a challenge for the borough with much of the funding for transport investment secured via TfL, now with considerable Government delay and oversight. Throughout the pandemic, TfL have also seen a significant reduction in its funding from public transport revenues and have thus sought greater financial support from central government. This has meant that Government funding to TfL and hence councils has been reduced, intermittently granted and separated into different pots making it more difficult to plan and deliver our work.
9. Given the challenges faced, the borough has responded rapidly and efficiently to the needs of the local community. A range of ambitious schemes have been implemented to facilitate social distancing for the duration of the pandemic and the levels of restrictions required, support the local economy during this period and going forward, and support key workers access their workplaces, whilst maintaining the principles and policies set out within the Movement Plan.
10. The Movement Plan also provides for an annual report to monitor the delivery of the plan and the borough's work towards achieving its missions, targets and outcomes. When adopting the Movement Plan, it was expected that this annual report would be provided in April of each year. However due to the emergency situation created by the pandemic the needs and impact report was not completed in 2020. Therefore the monitoring report contained in **Appendix 1** provides a two year monitoring report since the Movement Plan's adoption in April 2019.
11. The monitoring report identifies the progress that has been made, recognises the challenges and changing context as well as possible reasons to explain the data that has been observed. The report highlights that progress has been made on improving air quality, delivering cycle infrastructure, accompanied by growth in active travel. Challenges remain ensuring the good condition of the road network whilst more needs to be done to reduce car ownership.
12. Whilst acknowledging the substantial progress that has been made delivering the Movement Plan, lessons from its delivery to date, considering the wider community needs as well as the pandemic have identified key areas to be reviewed within the Movement Plan. These drivers of change are set out below:
  - **COVID-19** has highlighted inequalities in our society and the need for equity to be the leading factor in determining our policies, projects and programmes. This will build on further work undertaken on the equity framework as well as user research on the needs of the disabled and older residents in informing these changes.
  - **Southwark Stands Together** commitment and pledges were agreed in 2020. With the drive to tackle racism, discrimination and injustice and becoming anti-racist in all we do.

- **Feeling safe on our streets.** In May 2020, the council launched a listening exercise to hear the experiences of women in Southwark, to understand how safe they feel living, working and travelling through the borough.
- **Climate emergency declaration.** In March 2019, the council declared a climate emergency. The declaration recommended, amongst other things, that the council accelerate its target of making Southwark carbon neutral by 2050 to 2030. Since this time, the council has prepared a climate change strategy and is currently supporting a citizen's jury to consider this complex challenge.
- **Air Quality Strategy 2022 update.** The Movement Plan and the Air Quality Strategy should be both complementary and supportive of each other. How people think and talk about air quality has changed within the refresh we will work to develop a Movement Plan to talk about traffic and emissions in a way that reflects this change.
- **Southwark Conversation.** In June 2020, the council started a conversation on the impact of the COVID-19 pandemic on everyday life, and how people feel about their local neighbourhoods. These conversations improve understanding, create relationships and insights to inform and strengthen the Movement Plan.
- **Lessons learnt from streetspace schemes.** The pandemic created an emergency that required us to urgently reallocate street space. We did this to provide social distancing to safely allow shops and businesses to remain open to the public, and to create safe and appealing walking and cycling facilities. This helped to enable healthier active travel and to reduce air pollution, both helping to mitigate covid-19. This also helped to discourage an increase in driving due to the reduced capacity on the rail, tube and bus networks. It was also important to suppress motor traffic to better accommodate essential journeys by the emergency services and for essential deliveries. Thus the borough rapidly implemented a wide range of schemes, including social distancing measures on several of our shopping streets, school street closures, low traffic neighbourhoods and cycle parking, to name a few. The accelerated programme and learnings from our streetspace schemes could aid future delivery of Movement Plan actions and the LIP3.
- **Lessons learnt from how we brought forward and delivered traffic schemes.** It was necessary for the council to accelerate its work programme to deliver emergency measures. The Government allowed this by instructing councils to use "Experimental Traffic Orders" to avoid lengthy and expensive modelling by instead conducting real life tests that could be refined before consulting upon them. Southwark delivered a range of active travel schemes, some that were being developed pre-pandemic and others that were enabled by the pandemic and the work of TfL in response to it.

- **Declining funding.** The pandemic has shown the reliance of boroughs and TfL on Government funding. This has seen the Bakerloo Line Extension and the East London Line rail improvements paused. Future funding and financial structures remain unclear as the financial impact and recovery from of the pandemic are realised.

13. Given the issues highlighted in paragraph 11, it is proposed that the review of the Movement Plan (and supporting documentation) be brought forward. Work has commenced and it is expected that a revised document will be consulted on in the summer of 2022. This revised Movement Plan will be brought to cabinet to agree its consultation. The consultation and engagement will be informed by pre-engagement as discussed in paragraph 17.

### **Policy framework implications**

14. Southwark's Borough Plan 2020 - 2022 provides the Council's response to COVID-19 and presents commitments in the following areas:
  - i. Keeping Southwark safe during COVID-19
  - ii. Tackling health inequalities
  - iii. Southwark Together
  - iv. A great start in life
  - v. Tackling the Climate emergency
  - vi. Thriving neighbourhoods
  - vii. A green and inclusive economy
  - viii. Homes for all
15. The Movement Plan (and associated LIP3) are a statutory requirement and will be looking ahead to 2041 to the council plan, placing people and their wellbeing at the heart of our policy.

### **Community, equalities (including socio-economic) and health impacts**

#### **Community impact statement**

16. We continue to listen to concerns, challenges, and opportunities raised by our community, whilst responding to issues that have been raised since the adoption of the Movement Plan. Furthermore, the review of the plan will be subject to public engagement.
17. Alongside this, we fulfilled our duty under the GLA Act 1999 by consulting with statutory consultees including Transport for London, London boroughs, Police, Emergency services and any other service that is likely to be affected by the plan.
18. The reviewed Movement Plan will be developed with pre-engagement with a broad range of people and community groups representing a broad range of interests such as disabilities, women and girls, young people and those from a broad range of backgrounds. These conversations will

inform a consultation and engagement plan for a reviewed movement plan.

### **Equalities (including socio-economic) impact statement**

19. An equality analysis and a strategic environmental assessment on the community impact were undertaken as part of the development of Southwark's Movement Plan. The analysis of the Movement Plan objectives was found to be consistent with these equality objectives. As part of the review of the Movement Plan, all supporting materials will be reconsidered.
20. Through the monitoring report, attached as Appendix 1 the council undertakes ongoing monitoring to ensure there are no unforeseen consequences for communities or that any identified impacts are proportionate to the overall objective of the programme and are minimised where possible. The monitoring report collates all available data on the impacts of the plan. It identifies general travel trends within Southwark and includes an assessment of any variations in the impacts across different groups.

### **Climate change implications**

21. The Movement Plan is a major policy element of the council's Climate Change Strategy under Priority 2 (Active and Sustainable Travel). Key aims of the council's Climate Change Strategy include to 'reduce car journeys to a minimum by 2030' and to 'be a borough where the walking and cycling becomes the default way to get around'. Part of meeting the borough's ambition of net zero emissions by 2030 includes a reduction in vehicle km's travelled and a shift to active and public transport; road transport currently accounts for 15% of the borough's emissions. The Movement plan actively works to support that ambition by working to make driving a private vehicle the least convenient option and encouraging walking and cycling where possible. By bringing this review forward, officers are looking to expand on the commitments to reducing carbon emissions within the Movement Plan.
22. A just and inclusive transition is at the heart of the council's emerging climate policy. By asking for a further review of the Movement Plan, officers are recognising the work of Southwark Stands Together which addresses inequalities that are exacerbated by climate change.

### **Financial implications**

23. There are no financial implications arising from this report as the plans will be implemented within existing departmental approved revenue and capital budgets.
24. With regards to future funding for transport improvements, the Council has some money allocated via its capital programme but is mainly reliant on bids made to TfL for most of its work in this area. Work will continue however, to try and identify other sources of funding from both within and outside the

council.

25. Any additional resources, if required, will be subject to further reports for cabinet approval.

### Consultation

26. Public consultation will be undertaken as part of the review of the Movement Plan.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Movement Plan 2019	Southwark Council, 160 Tooley Street, London SE1 2QH	Sally Crew 020 7525 5564
<b>Link:</b> <a href="https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809">https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809</a>		

### APPENDICES

No.	Title
Appendix 1	Movement Plan update report

### AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Catherine Rose, Transport, Parks and Sport	
<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Sally Crew, Transport Policy Manager	
<b>Version</b>	Final	
<b>Dated</b>	21 January 2022	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Governance	No	No
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	21 January 2022	

<b>Item No.</b> 16.	<b>Classification:</b> Open	<b>Date:</b> 1 February 2022	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Update to Fairer Future Procurement Framework	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Rebecca Lury, Finance, Performance and Democracy	

### **FOREWORD - COUNCILLOR REBECCA LURY, CABINET MEMBER FOR FINANCE, PERFORMANCE AND DEMOCRACY**

Thanks to the work of the council's scrutiny commission who looked into procurement in detail, we have made a number of changes to our Fairer Future Procurement Framework. These are reflected in this cabinet report.

We will continue to work to take forward the recommendations from the committee during 2022.

### **RECOMMENDATIONS**

1. That cabinet approve the refreshed Fairer Future Procurement Framework (FFPF), at Appendix 1.
2. That cabinet note the update on actions taken and that a report will be brought back to Cabinet by the end of 2022 to update on the next steps within this report in relation to social value.
3. That cabinet agree the continued delegation of approval for minor and consequential amendments to the FFPF to the Director of Law and Governance, in consultation with the Cabinet Member for Finance & Resources.
4. That cabinet note the on-going work across the Council, led by the Local Economy Team to support the delivery of the recommendations of the education and business scrutiny commission's report on procurement: accessibility and social value from July 2020 as detailed in paragraph 15.

### **BACKGROUND INFORMATION**

5. A review by overview & scrutiny committee of commissioning and procurement in Southwark in 2015 led to the development of the first Fairer Future Procurement Strategy (FFPS). This aimed to introduce clear processes, including Gateway 0 reports for services over £10m in value, briefings for cabinet members for all procurements over £100k in value and enhanced provisions relating to blacklisting.

6. Following this, the council approved the Council Plan 2018-22 and revised Fairer Future Commitments in November 2018. These changes were reflected in an updated document, the Fairer Future Procurement Framework (FFPF), which incorporated changes to legislation, guidance and policies, made reference to social value, the Construction Charter and the End Violence at Work Charter, and strengthened provisions in relation to workforce issues.
7. The revised Framework was approved by cabinet on 18 June 2019 and cabinet was also asked to note next steps for enhancing the council's commitment to social value in procurement, with a report to be brought back on their implementation and impact.
8. At their meeting in December 2020, cabinet received a report which considered the recommendations made by the education and business scrutiny commission in July 2020 following their investigation into the accessibility of procurement opportunities in Southwark to local businesses and community organisations and their review of the council's early activity to implement social value provisions of its Fairer Future Procurement Framework. This report builds on that and also proposes further changes to ensure this is a living document best supporting the council's needs and aspirations from partner organisations it enters into contracts with.
9. A future report progress in relation to the scrutiny report and on updates to the FFPF and were presented to Cabinet on 8 December 2020 and 18 January 2021 respectively.

### **Summary of the business case/justification for the procurement**

10. As the education and business scrutiny commission noted in their report to cabinet in July 2020, there is currently a gap between where the council is and where it wishes to be in terms of its strategic ambitions in respect of accessibility to small businesses and existing social value practice within the procurement landscape, as well as having the data to measure and report upon these areas. The report back to cabinet in December 2020 recognised that many of the areas identified through the commission's review need to be considered in the context of broader priorities and work streams already being undertaken across the council, including the Fairer Future Procurement Framework and also Southwark Stands Together, the Borough Plan, and the Economic Renewal Plan. Recommendations which are of particular relevance to the work on the refresh of the FFPF have been considered in the paragraphs below.
11. The scrutiny commission recommended that the council should collect equalities data and local spending data. The refreshed FFPF includes a commitment to supporting this aspiration and the ongoing Southwark Stands Together programme, the Economic Renewal Plan aspirations and the refreshed Borough Plan are all relevant to this piece of work. However, the collection of data has significant resource implications (in terms of staffing and potentially changes to IT systems) and its implementation was dependent on additional funding, a bid for which was made as part of the council's 2021-22 budget setting process.

12. It should be noted that successful implementation of these proposals is dependent on the voluntary provision of information by businesses and work to be undertaken will include consultation and engagement with them.
13. The commissioning of external data analysis and training to understand the current situation in relation to Southwark Council is underway following the commissioning of the Centre for Local Economic Strategies (CLES) by the Local Economy Team in support of achieving the scrutiny panel's recommendations. It is intended that this work will support Southwark Council in its aims to increase local spend volumes as part of community wealth building, as well as being shared via the work with Southwark Anchor Institutions in which procurement is a key element.
14. The report back to cabinet on the scrutiny commission's review also noted that, in relation to its recommendation that the council should share best procurement practice across departments, this was already in place through newsletters and drop in advisory sessions, but this will always be considered wherever possible.
15. It should also be noted that, although some of the actions below have been addressed relatively easily and speedily, others have resourcing implications and are being led by the Local Economy Team who have commissioned the Centre for Local Economic Strategies (CLES) for spend data upon which to baseline the Council's current position in relation to spend with local and small and medium sized businesses. This will form the basis of next steps to deliver on this work.
16. The approval of key updates to Equalities, Health Impact and Climate Change Strategy by Cabinet in July 2021 have all been reflected within the updated FFPF to ensure that this is up to date.

## KEY ISSUES FOR CONSIDERATION

17. A summary of the updates to the FFPF are included below:

Update	Comment
Included reference to Southwark Council's Climate Change Strategy that was approved by Cabinet in July 2021.	Additional work to support procurement on integrating climate change and environmental targets such as climate change are planned by the Climate Change Team and incorporating any targets and actions into the FFPF will be carried out to keep this up to date.
Included reference to Southwark Council's Framework for Equality that was approved by Cabinet in July 2021.	Revised guidance to support the new Framework for Equality for procurement and commissioning is planned for equality impact and needs analysis (EINA) following work by September 2022.

Update	Comment
Training for officers around procurement, social value and contract management.	As well as the training for officers that was developed, including social value and the achievement of best value, as part of a digital training package available to all staff via MyLearningSource. A new toolkit on Contract Management best practice that includes the monitoring of FFPF elements and requirements for updating the Contracts Register has been delivered to support officers with contracts to manage. On-going reviews on training and capacity building will be undertaken as required in the National Procurement Policy Statement that is detailed later in this report.
Updates to terminology to reflect house style and agreement have been reflected in the FFPF.	This has been carried out in the light of the Southwark Stands Together programme within the council.

### Other areas

18. Other areas that have come about and may have future impacts on elements for the council's procurement and inclusion within the FFPF are set out below.

### Modern Slavery

19. Support and membership of the Task and Finish Group in relation to delivery of the outcomes of the Community Safety Scrutiny Commission's May 2019 report into Modern Slavery is on-going with the Procurement Advice Team as part of this forum. Future updates to the FFPF may flow from any resultant strategy or policy on this, which is expected in mid-2022.

### Legislative Changes

20. New Public Contract Regulations following Britain's departure from the European Union had been expected. This has now been confirmed as being likely in 2023, with 6 months' notice of implementation. Once known, a report will come to cabinet updating relevant elements of the constitution and the FFPF.
21. A National Procurement Strategy Statement was published by the government in June 2021. The NPPS includes a number of requirements for all Local Authorities and includes the requirement to:
- Publication of a pipeline of future procurement projects to be undertaken in the next 2-3 years for the council from April 2022.
  - Consider national as well as local priorities in terms of procurement that is undertaken.
  - Review and benchmarking of procurement skills and capacity to deliver to

the needs of the organisation.

22. Legislation to enact the obligations from the NPPS is expected but the exact working is not yet known. As this the changes to the Public Contract Regulation, this will be monitored to ensure that the council meets its statutory obligations.

### **Medium Term Resource Strategy (MTRS)**

23. The importance of the FFPF in relation to the way in which resources are delivered to the council when it partners with external contractors has meant that reference to the FFPF has been specifically included.

### **Contract Management**

24. A Contract Management Toolkit has been developed and implemented to support the Lead Contract Officers within departments to manage and monitor their larger contracts. The Contract Management Toolkit sets out a structure and includes templates and guidance documents that support Southwark's approach to effective contract management. It is designed for contracts with a value over £100,000; however as the toolkit is best practice and can be applied to any contract.
25. The purpose of the Contract Management Toolkit is to provide a consistent approach to contract management across the council. The toolkit provides tools, techniques and templates to support contract management at both a strategic and an operational level. It is designed to be flexible and proportionate depending on the nature of the contract.
26. Effective contract management is important as it:
- Ensures the contract is delivered for the purpose it was intended, at agreed levels, workmanship and costs
  - Effectively measures contract compliance and performance in a continuous way
  - Ensures all parties to the contract have an effective working relationship
  - Reduces the risk of disputes and litigation, which can be costly and cause reputational damage
  - Provides clear mechanisms for managing change
  - Ensures accurate and relevant reporting and monitoring including on the FFPF
  - Fulfils the parties' contractual obligations.
27. The templates within the toolkit provide guidance for officers to deliver and report on the achievement of the council's commitments within the FFPF as this remains the responsibility of individual departments and contract owners for management, monitoring and reporting.

## Social Value

28. Social Value is defined by the Public Services (Social Value) Act 2012 (PSSVA) as “the additional benefit to the community from a commissioning or procurement process over and above the direct purchasing of goods, services and outcomes”. The Act requires considerations at the pre-procurement stage of how the procurement might “improve the economic, social and environmental well-being of the relevant area” via the procurement process.
29. The council’s approach goes further than the requirements of the Act, which covers only services contracts over £189k in value. The FFPF confirmed that social value should be considered for inclusion in all contracts (goods, works and services) over £100k.
30. In recognition of the significant impact that the council’s spend can have on its residents and local area, the FFPF states that all tenders, over £100k in value should include social value criteria equivalent to at least 15% of the tender evaluation scores. Full details of the evaluation criteria and the assessment of social value should be set out in the gateway 1 report as this has to be assessed on a case-by-case basis.
31. The ideal area for social value is to be a win/win: of benefit to the council / borough but practicable for a supplier to offer. This may be offering apprenticeships, work placements or career talks at schools. Equally it can also cover elements around efforts towards meeting the council’s environmental targets e.g. carbon reduction targets (aiming for a carbon neutral borough by recycling / use of sustainable materials / reduction in use of single use plastics).
32. As set out in the January 2021 report, the council uses the Social Value Portal for appropriate larger value and longer terms contracts that seek approval from Cabinet for their procurement strategy and award.
33. These have been used but have been lesser in relation to the delivery of some of the new council homes procurement processes. These have been generally very high value but have relatively quick procurement timelines, especially with time-limited grant conditions attached and are complex in their ability to approach the market.
34. Social Value has been included from the start of the FFPF with guidance on allowing percentages of up to 15% being allocated to Social Value. As per the report to Cabinet in January 2021, those contracts over a value for which they come to Cabinet will also, where appropriate, utilise greater support via the use of the Social Value Portal (SVP). This tool allows suppliers to bid against Themes, Outcomes and Measures (TOMs) including those that are central to Southwark’s commitments, such as London Living Wage (LLW). Successful suppliers use the SVP to report on social value delivery and record this as part of contract management and monitoring.
35. This has worked well to date and social value inclusions within procurements

has been successful in delivering outcomes for Southwark and its residents.

36. Social value does present challenges in relation to the core focus of what is desirable from external partner organisations in support of delivering apprenticeships and achieving carbon neutrality but the complexities that are presented, such as definitions of local within London are an ongoing area of challenge to successfully support the delivery of Southwark's Fairer Future Commitments and Borough Plan.

### Framework Agreements

37. Framework Agreements are often used by the council to access goods, works and services that have been procured in accordance with the Public Contract Regulations (2015). When calling off from a Framework Agreement, it can be challenging to incorporate the full obligations of the FFPF but this should be explored by officers and set out in relevant gateway reports where intending to use a framework, how these elements will be included.

### Update on additional elements

38. A number of elements in relation to the FFPF are still outstanding as have been noted in previous reports.

Bring the Southwark construction charter back to cabinet for approval in September 2019. Once agreed, it will be incorporated into future construction contracts entered into by the council.	The Southwark construction charter is based on the Unite charter and is on hold pending ongoing consideration by the trade union of revisions: it will be brought back to cabinet once Unite has finalised the wording.
Undertake further investigation into the work of 'Electronic Watch' which monitors the public procurement of electronic goods and supply chains, with a view to see what more the council needs to do to ensure the rights of all workers in our electronic supply chain are respected and their working conditions are safe and decent	This action was put on hold during the pandemic with prioritisation of resources as this work requires the involvement of the shared IT service. Resources to undertake this work have yet to be identified.

### The refreshed Fairer Future Procurement Framework

39. The refreshed Fairer Future Procurement Framework is attached at Appendix 1. Further changes made in light of other policy commitments are set out in the paragraphs below.
40. The Economic Renewal Plan includes a work stream (2.19) being led by the Local Economy Team to support Southwark Black, Asian and Minority Ethnic led and women-led businesses to secure contracts with public sector anchor institutions. One of the key tasks is to develop a plan of support, aligned to the FFPF, to assist these enterprises to bid for and secure public sector

contracts. These commitments are also set out in the council's Borough Plan and are reflected in the refreshed FFPF.

41. The Economic Renewal Plan also sets out a work stream (2.20) to encourage all Southwark businesses with more than 50 employees to publish their Black Asian and Minority Ethnic and gender pay gaps ( this is also included in the council's Borough Plan) and notes that as part of the FFPF, the council will request that all contractors with 50+ employees commit to publish their Black, Asian and Minority Ethnic and gender pay gap on contracts greater than £100k and will also develop an engagement plan with Southwark businesses to encourage them to do this. The requirements for the gender and Black, Asian and Minority Ethnic pay gap information that go above and beyond statutory provisions are already within the FFPF.
42. As noted, the Contract Management Toolkit that has been developed that includes the templates to support the management and monitoring of contracts, including the obligations of the FFPF as an aid for departments and Lead Contract Officers when managing their contracts.

### **Next Steps**

43. Further updates on local spend reporting as the basis for delivering upon the scrutiny recommendations will follow the work being undertaken by CLES as set out in paragraph 15 above.
44. In relation to the FFPF, there are a number of areas that it is recommended that work is undertaken in addition to those elements already covered in this report that will be reported back to Cabinet by the end of 2022.
45. The progress undertaken by the council in relation to the delivery of Social Value from its procurement processes is recognised but should be reviewed through 2022/23 to develop a Social Value Strategy for Southwark Council that takes into consideration:
  - the council's priorities and updated borough plan
  - the work and opportunities presented across the council on this area including on Climate Change and Action Plans
  - the work associated Community Wealth Building and Economic Renewal aims via networks of Southwark-based Anchor Institutions, in relation to key shared areas of interest in procurement, social value, climate change and modern slavery
  - the statutory framework that new Public Contract Regulations will present in relation to Social Value.
46. A review of governance arrangements should be made with recommendations around the processes for departments to report at a council-wide level, the performance of their contracts in relation to core contract deliverables, social value commitments and adherence to the FFPF requirements by their contracts.

47. Review of the impact of new procurement legislation will be undertaken as soon as this is available.

### **Identified risks for the procurement**

48. There are no specific risks inherent in the recommendations contained within the FFPF. Each procurement required appropriate decision making processes to be carried out within the governance process and include any risks that are specific to the procurement being carried out.

### **Key / Non Key decisions**

49. This report deals with a key decision.

### **Policy Framework Implications**

50. The FFPF is designed to support in the delivery of the Fairer Future Commitments and the council's Borough Plan delivered via external partner organisations.

### **Community, equalities (including socio-economic) and health impacts**

#### **Community impact statement**

51. There are no direct implications of the FFPF on community impact as these will be required in line with the council's requirements in line with the community impact for all contracts and to be reported in gateway reports for all over £100k in value.

#### **Equalities (including socio-economic) impact statement**

52. The public sector equality duty (PSED) requires the council to give due consideration to the needs of different protected characteristics in relation to the three parts of the duty:
- a) Eliminating discrimination, harassment and victimisation.
  - b) Advancing equality of opportunity, including finding out about and meeting diverse needs of our local communities, addressing disadvantage and barriers to equal access; enabling all voices to be heard in our engagement and consultation undertaken; increasing the participation of underrepresented groups.
  - c) Fostering good community relations; promoting good relations; to be a borough where all feel welcome, included, valued, safe and respected.
53. The PSED is now also further reinforced in the two additional Fairer Future values that the council will:
- a) Always work to make Southwark more equal and just
  - b) Stand against all forms of discrimination and racism.
54. The revised FFPF has been amended to include commitments in the Borough Plan, Economic Renewal Plan and Southwark Stands Together:

- An equality impact and needs analysis (EINA) must inform all commissioning and procurement. All Gateway 0 strategic assessments and Gateway 1 reports must show that all relevant equality issues and obligations are taken into account and planned throughout both the procurement process and in the delivery of those functions on behalf of the council.
- The Southwark Framework for Equality replaced the Approach to Equality after being approved by cabinet in July 2021. One key element will be commissioning, procurement and equalities. Revised guidance will also be produced in September 2022 to support officers undertaking procurement or commissioning processes in relation to equalities.

55. The public sector equality duty (PSED) is a continuing duty, equality considerations must be considered at each stage of the commissioning and procurement cycle.
56. There are no direct implications of the changes to the FFPF on equality requirements as all procurement and contracts over a value of £100k will be required to complete gateway forms in line with the council's Framework for Equalities that includes socio-economic impact.

### **Health impact statement**

57. There is no direct implication of the FFPF on the health of residents of the borough, as the specific details and implications of procurement processes for all requirements that are required and will be recorded in gateway reports for all contracts over £100k in value with their health impact statement.

### **Climate change implications**

58. The FFPF now includes the obligations to review and include the requirements of Southwark Council's Climate Change Strategy when assessing all relevant contract. Future work on developing additional processes and information that will support procurements around baselines plans and reporting are planned and will be supported to include these elements within the FFPF as part of procurement evaluation processes and during the performance of the contract as part of the contract management and reporting mechanisms.

### **Staffing/procurement implications**

59. No additional resource implications follow from the recommendations in the updated Fairer Future Procurement Framework. A review of a future resourcing implications that arise from the outcomes of the CLES work in relation the delivery of the scrutiny panel recommendations and in support of great local spend and Community Wealth Building will be considered by the Local Economy and Procurement Advice Teams respectively.

### **Financial implications**

60. There are no direct implications of the Fairer Future Procurement Framework

and all information will be contained within individual gateway reports relating to contracts.

61. There are potential resource implications and any budgetary implications arising from these will need to be considered as part of the wider consideration of next steps. Where it is not possible to contain the costs of any action plans arising from this report within existing budgets, they may need to be considered in relation to seeking additional funding as part of the council's budget setting process.

### **Legal implications**

62. Please see concurrent from the Director of Law and Governance.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Governance**

63. This report seeks the Cabinet's approval to the refreshed Fairer Future Procurement Framework (FFPF), shown in Appendix 1 and to note the update on actions taken to enhance the council's commitment to social value in procurement. Cabinet is also requested to agree the continued delegation of approval for minor and consequential amendments to the FFPF to the Director of Law and Governance, in consultation with the Cabinet Member for Finance & Resources. Furthermore, Cabinet is requested to note the on-going work across the council, led by the Local Economy Team to support the delivery of the recommendations of the education and business scrutiny commission's report on procurement: accessibility and social value from July 2020 as detailed in paragraph 15 of this report.
64. Paragraph 17 of this report gives a summary of the updates to the FFPF with further details being in the body of this report and in Appendix 1.
65. The key considerations and commitments set out in the FFPF and council procurements must comply with and be delivered in accordance with all applicable UK legislation and guidance. Relevant legislation are noted in the FFPF, but includes the Public Contract Regulations 2015, as amended by Brexit provisions including the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 SI 2020 No.1319, the Public Services (Social Value) Act 2012 and the Equality Act 2010. There is also a need to ensure compliance with the council's Contract Standing Orders which forms part of the council's Constitution. In addition, the National Procurement Strategy Statement published by the government in June 2021 sets out the requirements for all local authorities and includes the requirements outlined in paragraph 21 of this report and paragraph 78 of the FFPF. Officers in Law and Governance will continue to provide support and guidance in the implementation of the refreshed FFPF, and any necessary amendments to contract and tender documents.
66. The Cabinet's attention is drawn to the Public Sector Equality duty (PSED

General Duty) under the Equality Act 2010, and when making decisions to have regard to the need to (a) eliminate discrimination, harassment, victimisation or other prohibited conduct, (b) to advance equality of opportunity and (c) foster good relations between persons who share a relevant protected characteristic and those who do not share it. The relevant characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion, religion or belief, sex and sexual orientation, The duty also applies to marriage and civil partnership but only in relation to (a). The Cabinet is specifically referred to the community impact statement at paragraphs 51 to 57 of this report, and also paragraph 22 of the FFPF setting out the consideration that has been given to equalities issues, which should be considered when approving the recommendations in this report.

## BACKGROUND DOCUMENTS

Background Documents	Held At	Contact
Report to cabinet 18 January 2021	Constitutional Team Southwark Council 160 Tooley Street London SE1 2QH	<a href="mailto:Paula.thornton@southwark.gov.uk">Paula.thornton@southwark.gov.uk</a>
<b>Link (please copy and paste into browser):</b> <a href="https://moderngov.southwark.gov.uk/documents/s93008/Report%20Update%20on%20Fairer%20Future%20Procurement%20Framework.pdf">https://moderngov.southwark.gov.uk/documents/s93008/Report%20Update%20on%20Fairer%20Future%20Procurement%20Framework.pdf</a>		
Report to cabinet 8 December 2020:	Constitutional Team Southwark Council 160 Tooley Street London SE1 2QH	<a href="mailto:Paula.thornton@southwark.gov.uk">Paula.thornton@southwark.gov.uk</a>
<b>Link (please copy and paste into browser):</b> <a href="https://moderngov.southwark.gov.uk/documents/s92387/Report%20Response%20to%20the%20Education%20Business%20Scrutiny%20Commission%20report%20on%20procurement%20accessibility.pdf">https://moderngov.southwark.gov.uk/documents/s92387/Report%20Response%20to%20the%20Education%20Business%20Scrutiny%20Commission%20report%20on%20procurement%20accessibility.pdf</a>		
Report to cabinet Report to cabinet 18 June 2019:	Constitutional Team Southwark Council 160 Tooley Street London SE1 2QH	<a href="mailto:Paula.thornton@southwark.gov.uk">Paula.thornton@southwark.gov.uk</a>
<b>Link (please copy and paste into browser):</b> <a href="http://moderngov.southwark.gov.uk/documents/s83220/Report%20Fairer%20Future%20Procurement%20Strategy.pdf">http://moderngov.southwark.gov.uk/documents/s83220/Report%20Fairer%20Future%20Procurement%20Strategy.pdf</a>		

## APPENDICES

No	Title
Appendix 1	Fairer Future Procurement Framework January 2022

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Rebecca Lury, Finance, Performance and Democracy	
<b>Lead Officer</b>	Doreen Forrester-Brown, Director of Law and Governance	
<b>Report Author</b>	Elaine McLester, Head of Procurement	
<b>Version</b>	Final	
<b>Dated</b>	24 January 2022	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	Yes	Yes
Director of Law and Governance	Yes	Yes
Director of Strategy and Economy	Yes	Yes
<b>Contract Review Boards</b>		
Corporate Contract Review Board	Yes	Yes
<b>Cabinet Member</b>	<b>Yes</b>	<b>Yes</b>
<b>Date final report sent to Constitutional Team</b>	24 January 2022	

# **Appendix 1**

# **Southwark Council's**

# **Fairer Future**

# **Procurement Framework**



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## Purpose and Scope

Southwark Council's Fairer Future Procurement Framework (FFPF) sets out how the council will use its procurement to support the delivery of the Borough Plan and Fairer Future Commitments and the processes and practices that are needed to do this. The council expects all of its procurement activity to be undertaken to the highest ethical, sustainable and responsible standards and within a robust and transparent governance framework.

This framework sets out:

- The values that inform the procurement of goods, works and services for high value contracts. For procurement below £100k officers will have regard to the resources available to smaller providers which may bid for lower value contracts.
- The responsibilities of staff when procuring high quality contracts for the residents of Southwark
- The minimum standards of conduct that external providers, key stakeholders, partners, businesses and organisations who seek to do business with the council should meet
- The wider ambitions and expectations that we wish our procurement to deliver and how this will influence our decision-making during procurements

## The Financial Context

1. LBS has an annual turnover of £1.2bn  
<https://www.southwark.gov.uk/council-and-democracy/key-documents/budget-book>
2. Southwark Council spends approximately £650m each year with external contractors for a variety of goods, works and services that allow it to meet its commitments to residents. This spending power means that the council can – and should - use its financial influence for ethical and sustainable impact and for outcomes that increase social value. This FFPF sets out the council's aim that good procurement can deliver not just high quality contracts and value for money but that it can also support the wider ambitions detailed in the Borough Plan.  
<http://www.southwark.gov.uk/council-and-democracy/fairer-future/council-plan>
3. These contracts, together with direct service delivery undertaken by council staff and the council's role in local planning and development, means that the entire sphere of influence of the council is significant for the borough, its residents, businesses and the local economy.

## Background

4. The council has committed to minimum standards that must be met in the direct delivery of contracts and these are equally applicable to those organisations that we work with through external contracts, both directly or as part of the wider supply chain.



5. When procuring contract requirements the council should always clearly:
  - Identify service needs and options for the ways in which these may be best delivered
  - Procure the goods, services and works where contracting is the preferred option via organisations who will have and will act upon the principles that the council requires from those it works with
  - Manage and monitor contracts and the delivery of performance and commitments, once the contracts have been awarded
  
6. A first version of a Fairer Future Procurement Strategy, approved in 2016, was presented as an internal document that predominantly reflected the desire for greater feedback and engagement with the procurement process. This updated framework takes account of the new legislative background for procurement and the updated Borough Plan and Fairer Future Commitments. It also aims to move away from an internal focus for engagement, firmly embed the council's principles into processes and ensure that suppliers and potential suppliers understand the values and aims that the council wants from its delivery partners.
  
7. The Fairer Future Procurement Framework must be read in conjunction with the council's Contract Standing Orders and any procurement guidelines. The Contract Standing Orders can be found at: <http://moderngov.southwark.gov.uk/ieListMeetings.aspx?Committeeld=425>

### **Fairer Future Commitments**

8. The council's Fairer Future Commitments and values support what we will look at within our procurements and the suppliers that we will work with to deliver our contracts. These commitments shape how the spend under all contracts should achieve maximum benefit to our local area, economy and our residents. The council's promise to deliver value for money across all our high quality contracts and to be open, honest and accountable underpins all procurement projects and runs throughout the Fairer Future Procurement Framework to deliver the Borough Plan.
  
9. Our Borough Plan sets out the council's Fairer Future Commitments to all residents and communities in respect of:
  - COVID-19 response
  - Southwark Together
  - A green and inclusive economy
  - Climate Emergency
  - Tackling health inequalities
  - Homes for all
  - A great start in life
  - Thriving neighbourhoods



10. The Values of the council are that we will:
- Treat residents as if they were a valued member of our own family
  - Be open, honest and accountable
  - Spend money as if it were from our own pocket
  - Work for everyone to realise their own potential
  - Make Southwark a place to be proud of
  - Always work to make Southwark more equal and just
  - Stand against all forms of discrimination and racism

### **Spending Money As If It Were From Our Own Pocket**

11. When reviewing service delivery and procuring the council will address the following points:
- To consider the need to balance price and quality, and to be explicit about the relative importance of both
  - To challenge procurement arrangements and seek opportunities to reduce price, improve quality and maximise efficiency
  - To complete a whole life analysis of options and assessment of risks
  - To continue joint procurement of contracts with other councils where such arrangements deliver value for money and improved outcomes
  - To reduce the costs of procurement processes and the time it takes by taking a planned and co-ordinated approach that is efficient, effective and streamlined, avoiding duplication and waste
  - To ensure existing contracts, frameworks and internal and external procurement options or collaboration opportunities are utilised where appropriate to reduce procurement costs
  - To undertake a strategic assessment of delivery options before any procurement for all services that have a value of £10m or more
  - To deliver value for money across all our service delivery and contracts
  - To confirm how contracts' performance and commitments will be monitored and managed during their performance.
12. The council operates an 'in-house' preferred provider procurement process based on the high quality of contracts this provides for residents, the terms, conditions and wellbeing this affords our staff and the stability, direct control and flexibility this affords us in the management of our services. The council has a good record of bringing previously outsourced services in-house.
13. However, we currently have a mixed economy of goods and services provision and see no reason why this will not continue well into the future. Ready access to a diverse, competitive range of suppliers providing quality services, goods and works (including small firms, social enterprises, minority businesses, and voluntary and community sector groups) who offer expertise and knowledge is a good thing, particularly where local sourcing and local employment is encouraged and increased.



14. It is important that projects give enough attention and time to plan, in order to take up opportunities that are available. Critically assessing our business needs, from a “make or buy” decision, challenging the specified levels of service or identifying possible process efficiencies are important precursors in the procurement planning process, together with the planning of tender evaluation and contract management that help to ensure any possible contract delivers best value.
15. As part of the “make or buy” option, full consideration of in-house service delivery is the first part of the planning process and explicit consideration of whether the works, goods or services could be provided in-house must be included when developing the procurement strategy. This consideration must be clearly set out in Gateway 0 strategic assessments for service contracts worth over £10m and be addressed at Gateway 1 for all contracts over £100,000.
16. Where contracting with external suppliers is selected for providing services, goods or works, the procurement strategy (Gateway 1 report) must demonstrate how this will be successful in meeting defined service objectives and the commitments of the Borough Plan, and how it will achieve long term value for money.

### **Open, Honest and Accountable**

17. In accordance with our Fairer Future Commitments, the council will seek to exercise good governance in the procurement process. This will include:
  - Ensuring all procurement practices are legal, ethical and transparent, conforming to procurement legislation and regulation and robust enough to meet the challenge of external scrutiny
  - Applying appropriate governance arrangements to meet the principles of openness and accountability, and to manage risk
  - Having clear, unambiguous and sufficiently flexible operational arrangements that respond to service needs, reduce red tape and protect statutory and regulatory responsibilities of the council
  - Promoting the commitment of suppliers to the prevention and detection of fraud and corruption in their processes
  - Ensuring organisations that the council works with have or will deliver the values that it has committed to and setting out a clear process to monitor this
  - Environmental Commitments such as the reduction in carbon emissions and where appropriate, complying with requirements such as the Ultra Low Emission Zone (ULEZ)
18. The council has an established gateway process as part of the governance process set out in Contract Standing Orders. These gateways support the strategic assessment, procurement strategy, contract award and contract variations for contracts. They are approved as set out in the council’s Constitution and offer clear governance and best practice for procurement processes.



19. The use of the e-procurement system also supports transparency on the way in which the council will undertake its procurement processes, as well as recording and reporting on contract delivery and performance.

### **Southwark Economic Wellbeing Strategy**

20. The council's Economic Wellbeing Strategy sets out our ambitions to support residents, local businesses and our local economy in tough economic times. Our Fairer Future Procurement Framework should closely align with our vision of being a borough that is open for business and to support and promote economic wellbeing. Our strategy is –

- Employment & Skills: A full employment borough with a job opportunity for every Southwark residents who wants to work
- Business: A growth borough where business thrives and prospers
- Town centres and high streets: Thriving town centres and high streets
- Financial wellbeing: Helping people to grow their incomes and ensuring a fair day's pay for a fair day's work

The full strategy can be found here:

<http://www.southwark.gov.uk/business/economic-wellbeing-strategy>

The detailed delivery plan for the strategy is set out in the Economic Renewal Plan, which can be found here:

<https://www.southwark.gov.uk/business/economic-renewal-plan>

21. The council is committed to community wealth building and measures which support the local economy and businesses, including looking to introduce local spend targets. Work will also be supported to ensure that equalities and other data is captured, for example on those businesses bidding for and successful in winning council contracts, to support decision making.

### **Equalities, Health and Community Impact**

22. The council must have due regard to equality issues and community impact under its Public Sector Equality Duty. Southwark's Framework for Equality policy sets out how equality and human rights considerations will be embedded into our policies on procurement and commissioning. All Gateway 0 strategic assessments and Gateway 1 reports setting out the procurement strategy, must show that all relevant equality issues and obligations are taken into account and planned throughout both the procurement process and in the delivery of those functions on behalf of the council. Equality, health and socio-economic considerations are all covered within the Southwark Framework for Equality.

### **Workforce Issues**

23. The council expects our suppliers to have good employment practices. This is important because workers who are valued and fairly treated are more likely to deliver the high quality and value for money service that our residents need and expect. It is also part of the council's broader commitment to promoting good work



and fair pay for all workers, recognising the fundamental impact employment quality has on people's wellbeing and life chances.

24. Where the council renews contracts or outsources contracts to the private or voluntary sector the following workforce issues must be considered and applied on a case by case basis as allowed by EU procurement, local government and other relevant legislation and as provided by relevant council policy.
25. The elements to be covered in this are not intended to be complete but will include the following:
- Payment of the London Living Wage as set by the Living Wage Foundation (see further information below)
  - Pension provision
  - The transfer and treatment of staff under TUPE
  - Ensuring all employees have a written statement of their pay and conditions
  - Terms and conditions including sick pay, holiday pay and provision of equipment
  - Trade Union Recognition (see further information below)
  - Modern Slavery (see further information below)
  - Equality, Diversity and Inclusion (see further information below)
  - Gender Pay Gap (see further information below)
  - Black Asian and Minority Ethnic Pay Gap (see further information below)
  - The requirement for an offer of guaranteed hours that reflect an employee's normal working patterns and with no harmful short or zero hour contracts that are detrimental to the employees affected
  - Adequate training and development for employees that equips them with the skills and expertise needed to deliver the service; including clear information on their right to request time off for training or study
26. For areas covered by legislative requirements, such as modern slavery and the gender pay gap, the council will expect suppliers and their supply chains to fully comply with their lawful obligations and provide any information as to their current status but will potentially ask for action plans around undertaking any changes to address issues where legislation does not directly apply.

### **Health & Safety and Wellbeing**

27. Health and Safety minimum requirements, where set out in legislation are required to be followed by all contractors and those in their supply chain. Going above and beyond this is encouraged where it is best practice, especially in relation to ensuring quality welfare facilities that are fit for purpose.
28. Where pieces of legislation for particular industries or types of contract, such as the Construction Design and Management Regulation of 2015 are in place, these must also be followed by directly employed organisations and their supply chains.
29. The council has codes of practice relating to specific circumstances, including but not limited to, the use of scaffolding, working with asbestos, working from heights



and working in occupied premises that will be included in contracts involving these for the contractor and their supply chain.

30. All organisations are encouraged to support a healthy workforce by signing up to The London Healthy Workplace Award, details of which can be found at: <https://www.london.gov.uk/what-we-do/health/london-healthy-workplace-award>
31. Information from the council for the application process and support can be found at:  
<https://www.southwark.gov.uk/health-and-wellbeing/public-health/for-the-public/healthy-workplaces>
32. The Women's Safety Charter was developed by the council in response to the recognition of the serious nature of and need to address harassment in bars and nightclubs. Contractors who operate in these industries would be expected to sign up to the Charter. Full information and details of the code can be found at:  
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

### **Violence at Work Charter**

33. The council is committed to ensuring that staff providing contracts on our behalf should receive protection from violence in the workplace and support if they are subjected to violence in the course of their work. The council approved the 'End Violence at Work Charter' and the award of new contracts will then be dependent on a commitment by contractors to do the same. The Unison 'End Violence at Work Charter' can be found at  
<https://www.unison.org.uk/content/uploads/2018/04/24948.pdf>
34. In addition our expectation is that all contractors should have a clear policy on a zero-tolerance approach to all forms of discrimination, harassment and bullying at work.

### **London Living Wage**

35. Southwark Council became an accredited London Living Wage employer in November 2012. There is a presumption that all contracts for the provision of services or works will include the payment of at least the current Living Wage (LW), as set annually by the Living Wage Foundation, to all relevant staff working directly on the contract in question. This means that pay should be at or above the London Living Wage for contracts performed on council premises or in the Greater London area and at or above the real UK Living Wage for contracts performed outside London.
36. In the planning of all contracts, the appropriateness and best value / cost implications of including the LW must be considered on a case-by-case basis, recorded in writing, and set out in any required Gateway 1 Report. Where LW is



not appropriate it must not be included in the contract and detailed reasons for this should be set out in the Gateway 1 report.

37. Where LW is included, gateway reports and contract documents must set out how the requirement for LW will be evaluated and how the payment of LW and cost implications will be monitored.

38. Full details about the London Living Wage are available at:  
<https://www.livingwage.org.uk/>

### **Prompt Payment**

39. The council pays all its undisputed invoices in a prompt manner and expects in its standard terms and conditions of contract, that organisations and their supply chain also pay their contracts promptly. Details of the prompt payment requirements will be set out in tender documents.

### **Consideration of Trade Union Recognition**

40. We expect our suppliers to recognise and respect the rights of their employees to associate freely and to organise and bargain collectively in accordance with the local laws relevant to their employment.

41. We believe that employers who formally recognise trade unions are more likely to take a responsible approach to workforce consultation and planning. We therefore believe that public service contractors should recognise trade unions where there is an active membership and trade union representatives within the workforce. Organisations will be requested to commit to trade union recognition or a timetable to work towards recognition where this does not already exist.

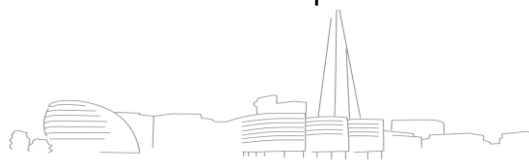
42. We will work to ensure that early consultation with trade unions is undertaken before the possible outsourcing of any service currently delivered in-house.

### **Blacklisting**

43. Blacklisting is where employers and recruiters discriminate against individuals based upon trade union membership or activity. This is prohibited by law. All relevant tenders shall include relevant questions relating to any prior blacklisting activity or self-cleansing activity related to this and shall exclude any organisation that cannot satisfy the council's commitment to only doing business with suppliers who meet minimum statutory and ethical standards, in line with best procurement practice. Contracts for public works will include provisions to provide for the termination of the contract if the provider is proved to engage in blacklisting activities during the course of that contract.

### **Equality, Diversity and Inclusion**

44. The council has an obligation to act in accordance with the Public Sector Equality Duty (PSED). It will ensure that best practice is followed in taking equality



requirements into account when preparing and undertaking procurement activities in line with its policies and procedures.

45. The council is aware of the important role that it plays in ensuring that Equality, Diversity and Inclusion are delivered through all parts of its policies and contracts, including procurement. Processes to ensure that the outcome of reports such as Southwark Stands Together will be incorporated into guidance for procurement.
46. The council will explore how, through use of equalities and other data to be captured, it can best enable Black, Asian and Minority Ethnic and smaller local organisations to participate in procurement opportunities.

### **Gender pay gap**

47. Organisations with 250+ employees are required to publish their gender pay gap. The council is committed to seeing the gender pay gap decrease and will therefore request all contractors with 50+ employees commit to publishing their gender pay gap. Contractors with 250+ employees will be required to publish their gap and the council will request this is accompanied by an annual plan that sets out their plans to reduce any gap.

### **Black Asian and Minority Ethnic pay gap**

48. The council is committed to seeing the Black, Asian and Minority Ethnic pay gap decrease and will therefore request all contractors with 50+ employees commit to publishing their Black Asian and Minority Ethnic pay gap. Contractors with 250+ employees will be asked to publish their gap and the council will request this is accompanied by an annual plan that sets out their strategies to reduce any gap.

### **Good Work Standard**

49. The council is committed as part of its Fairer Future Commitments (Theme 4 - A full employment borough) to comply with the Mayor's Good Work Standard that confirms we will only work with organisations that have good employment practices. The London-wide standard from the Greater London Authority (GLA) has been launched and the first level captures areas of legislative compliance as well as requirements beyond statutory employment practices. The council will expect all contracting organisations to meet the requirements of at least the first (Foundation) level of the standard. Organisations are encouraged to consider accreditation to higher levels of the Good Work Standard.

50. The link to the Mayor's Good Word Standard with its online appraisal is available here:

<https://www.london.gov.uk/what-we-do/business-and-economy/supporting-business/good-work-standard-gws-0>



### **Southwark Ethical Care Charter (SECC)**

51. The Southwark Ethical Care Charter relates to the standards that the council expects from its care providers in relation to payment for travel and training etc. This reflects the particular challenges in relation to delivering social care to our residents and ensuring that quality standards and fair practice are in place where these are delivered by partner organisations. A copy of the Southwark Ethical Care Charter can be found at:

<http://moderngov.southwark.gov.uk/documents/s52528/Appendix%201%20Southwark%20Ethical%20Care%20Charter.pdf>

### **Modern Slavery**

52. We have a zero-tolerance approach to modern slavery and we are committed to acting ethically and with integrity in all our business dealings and relationships and to implementing and enforcing effective systems and controls to ensure modern slavery is not taking place anywhere in our own business or in any of our supply chains. Our full statement on Modern Slavery can be read here.

53. Councils have an important role to play in ensuring their contracts and supplies don't contribute to modern day slavery and exploitation. We expect the same high standards from all of our contractors, suppliers and other business partners, and as part of our contracting processes, we include specific prohibitions against the use of forced, compulsory or trafficked labour, or anyone held in slavery or servitude, whether adults or children, and we expect that our suppliers will hold their own suppliers to the same high standards.

54. The council has a whistleblowing policy which enables and obliges our staff to immediately report a breach of our Modern Slavery policy. All organisations and those in their supply chains also have access to this and should use it if they have any concerns or issues that they wish to report.

55. The council is committed to ensuring that there is no modern slavery or human trafficking in our supply chains or in any part of our operations and we require our suppliers to do the same. We believe that suppliers have a key role to play in combating these crimes and that all of the suppliers we work with must take all possible steps to ensure that human trafficking and modern slavery are not taking place in any of their supply chains or their own operations. We will not maintain relationships with suppliers where it is confirmed that they have been involved in human trafficking or modern slavery, and confirm this is a material consideration in selecting and evaluating our new and existing supplier relationships. We have signed up to the Co-operative Party's Charter Against Modern Slavery:

<https://party.coop/local/councillors/modern-slavery-charter/#intro>

### **Social Value**

56. The council seeks to get the 'most' value of its spend with external organisations through considering and seeking to improve the economic, social and environmental



well-being benefiting the local area and its residents that is linked to the contractual spend. This has been termed 'social value'.

57. The council has an obligation under the Public Services (Social Value) Act 2012 to consider what social value could be obtained during a procurement process for all service contracts that are subject to the Public Contract Regulations 2015. The Act offers an important opportunity to achieve more from the council's spending on services. Southwark Council will go beyond the narrow focus of the legislation and consider what social value can be delivered during the development of all procurement strategies (Gateway 1 reports).
58. When considering the additional benefits and social value to be delivered, this must support the social, economic or environmental wellbeing of Southwark and its residents and specifically support the delivery of the council's Fairer Future Commitments.
59. Key areas of social value commitments include:
- Apprenticeships and paid internships
  - Job creation and local economy
  - Local employment opportunities
  - Work placement opportunities
  - Payment of London Living Wage where appropriate
  - Environmental and sustainability considerations
  - Health and wellbeing considerations
60. In addition to the core quality and cost elements to deliver the tender itself, a clearly methodology for evaluating any social value elements during the procurement process.
61. For all contracts over £100k in value, social value should be considered for inclusion and where applicable, used as part of the evaluation methodology for the tender award. Evaluation criteria should be assessed on a case-by-case basis and the weightings should therefore reflect the relative importance of the social value element to the subject matter of the contract and should be proportional to this. It is however advised that this element be allocated at least 15% of the available evaluation marks.
62. For all contracts over £1m in value, the expectation will be that where practical at least one apprenticeship will be provided per £1m of contract value. These are aims and when they are not possible this should be noted in the Gateway 1 report but other social value options should still be considered.
63. All apprenticeships should be of high quality and in line with the aims set out in the council's Economic Wellbeing and Skills Strategies:  
<http://www.southwark.gov.uk/business/economic-wellbeing-strategy>  
<http://www.southwark.gov.uk/business/skills-strategy>
64. The achievement of social value commitments from proposed successful tenderers should be set out in the contract award recommendation (Gateway 2 report).



These commitments should form part of the contract and key performance indicators and be monitored and reported on as part of best practice contract management, as well as in performance reports to departmental and corporate contract review boards as required.

### **Southwark Construction Charter**

65. The council's capital programme is worth £1bn over the next ten years. It includes commitments to build schools, leisure centres and a huge number of new homes including the commitment to deliver 11,000 new council homes by 2043.
66. The council supports the Unite Construction Charter which it directs contractors working on Southwark Council construction contracts to review to support ethical employment practices on Southwark construction sites.

### **A Greener Borough**

67. The council has declared a climate change emergency and is committed to working to reduce the negative impacts and externalities that the delivery of its services and contracts has on residents and Southwark's environment. These range from those set out in law, such as London's Ultra Low Emission Zone (ULEZ) and aiming for low or zero emission vehicles, to the council's commitments on carbon reduction and the use of single use plastics. The council will work with suppliers to ensure that its commitment to making the commitments in relation to the Climate Change Strategy are realised, including for carbon neutrality to be reflected wherever possible in contracts entered into. The council's Climate Change Strategy can be found at:  
<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>
68. Procurement must be compatible with our commitment to supporting making a greener borough, including reducing air pollution and factors that support the intention to be a carbon neutral council by 2030. Work to remove single use plastics from our operational estate is part of the single use plastics strategy. Consideration should be given to using sustainable materials and methods wherever appropriate and note of new legislation and more environmentally friendly products and services should be made.
69. Gateway 1 reports should set out clearly what can be considered, potential costs and how any negative impacts can be reduced and how these will be evaluated during the procurement process.
70. With the specific aim to ensure safety for road users, suppliers are asked, where it is appropriate with the use of vehicles, to:
- Comply with the London Cycling Campaign's Safer Lorries, Safer Cycling Pledge, details of which are available at:  
<https://lcc.org.uk/pages/safer-lorries-pledge>



- Meet the requirements of Fleet Operator's Recognition Scheme. More details of this scheme are available at: <https://www.fors-online.org.uk/cms/>

### **Fairtrade**

71. The council wishes to encourage contractors, suppliers and service providers engaged to work for the council to show a commitment to Fairtrade. The council is committed to Southwark achieving and maintaining "Fairtrade Borough" status by meeting the five goals necessary to become a designated Fairtrade Borough. Further information on Fairtrade can be found at: <http://www.fairtrade.org.uk>

### **Freedom of Information**

72. It is important to note that information supplied to the council during the tender and evaluation process may be available to the public under the terms of the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 (EIR) and other legislation providing a statutory right of access to information. The council's presumption is that information should be released unless it falls within the scope of an appropriate exemption. Whilst the council will take into account the position of the parties in question, it is ultimately the responsibility of the council to decide what information should or should not be released. This includes any information subsequently included in the contract.

### **Data Protection**

73. All contracted organisations shall register with the Information Commissioner's Office where they fulfil the criteria laid out under the terms of the Data Protection Act 2018. This does not imply that any data processing organisation is the data controller of the information defined within the contractual agreement. All organisations are required to name an individual responsible for compliance in relation to the Data Protection Act within that organisation. All organisations are to abide by the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Further information is available from the Information Commissioner's Office:

<https://ico.org.uk/for-organisations/data-protection-act-2018/>  
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulationgdpr/>

74. Where personal information is to be shared with the contracted organisations this shall only be done so securely and incorporating (where appropriate) an information sharing agreement.



## Staff Procurement and Contract Management Skills and Training

75. In order to deliver the FFPF, the council will continue to develop the skills of staff, including:

- promoting staff competencies in procurement, commissioning and contract management
- ensuring that all procurement activity is undertaken by informed managers supported by professional procurement staff, providing specialist support and advice
- utilising e-procurement facilities to deliver process and procurement savings
- providing high quality guidance, support, documentation and awareness sessions for service managers and their staff engaged in procurement processes
- supporting the achievement and then managing and monitoring the delivery of social value, where appropriate from the procurement of external contracts
- improving contract management by continuously improving and learning from experience of 'relationship management' and identifying tools, best practice and training as appropriate.

## Framework Agreements

76. Where the council uses Framework Agreements that have been put in place by external parties to the Southwark Council, it should ensure that the requirements of the FFPF can be integrated within the call off contract, which is managed, together with the performance of the contract during the management of the contract.

## Contracts Register

77. The council's Contracts Register is published online for all live contracts over £5,000 in value in line with the Local Government Transparency Code 2015:

<https://procontract.due-north.com/ContractsRegister/Index?p=2241eb95-058a-e511-80f7-000c29c9ba21&v=1>

## National Procurement Policy Statement

78. The government published the National Procurement Policy Statement (NPPS) in June 2021. This set out the need to include core strategic goals in consideration of procurement projects, as well as resourcing needs. It also introduced a requirement to publish a pipeline of future potential procurements projects, at least 18 months in advance but ideally 3-5 years ahead. These requirements will be incorporated within procurement requirements such as Contract Standing Orders, as well as in discussions with Anchor Institutions on the formative role that the council will take in influencing and supporting with our partner public sector institutions in support of smaller and local businesses:



## Legislative Framework

79. The applicable legislation for this framework includes but is not limited to:

- EU Directive on Public Procurement: Directive 2014/24/EU
- Public Contract Regulations (2015 as amended)
- Public Services (Social Values) Act 2012
- Modern Slavery 2015
- Equalities Act 2010
- Employment Relations Act 1999 (Blacklists) Regulations 2010

## Weblinks

The links within this document are set out below.

- The Council's Budget Book:  
<https://www.southwark.gov.uk/council-and-democracy/key-documents/budget-book>
- Borough Plan:  
<http://www.southwark.gov.uk/council-and-democracy/fairer-future/council-plan>
- Contract Standing Orders:  
<http://moderngov.southwark.gov.uk/ieListMeetings.aspx?Committeeld=425>
- Economic Wellbeing Strategy:  
<http://www.southwark.gov.uk/business/economic-wellbeing-strategy>
- Economic Renewal Plan:  
<https://www.southwark.gov.uk/business/economic-renewal-plan>
- The London Healthy Workplace Award:  
<https://www.london.gov.uk/what-we-do/health/london-healthy-workplace-award>  
<https://www.southwark.gov.uk/health-and-wellbeing/public-health/for-the-public/healthy-workplaces>
- Women's Safety Code:  
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>
- Unison's End Violence at Work Charter:  
<https://www.unison.org.uk/content/uploads/2018/04/24948.pdf>
- London Living Wage:  
<https://www.livingwage.org.uk/>
- Mayor's Good Work Standard:



<https://www.london.gov.uk/what-we-do/business-and-economy/supporting-business/good-work-standard-gws-0>

- Southwark Ethical Care Charter:  
<http://moderngov.southwark.gov.uk/documents/s52528/Appendix%201%20Southwark%20Ethical%20Care%20Charter.pdf>
- Southwark's Whistleblowing Policy  
<https://www.southwark.gov.uk/council-and-democracy/whistleblowing>
- Co-operative Party's Charter Against Modern Slavery:  
<https://party.coop/local/councillors/modern-slavery-charter/#intro>
- Economic Skills Strategy:  
<http://www.southwark.gov.uk/business/skills-strategy>
- London Cycling Campaign's Safer Lorries, Safer Cycling Pledge:  
<https://lcc.org.uk/pages/safer-lorries-pledge>
- Southwark Climate Change Strategy:  
<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>
- Fleet Operator's Recognition Scheme:  
<https://www.fors-online.org.uk/cms/>
- Fairtrade:  
<http://www.fairtrade.org.uk>
- Information Commissioner's Office:  
<https://ico.org.uk/for-organisations/data-protection-act-2018/>  
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulationgdpr/>
- Contracts Register:  
<https://procontract.due-north.com/ContractsRegister/Index?p=2241eb95-058a-e511-80f7-000c29c9ba21&v=1>
- National Procurement Policy Statement  
<https://www.gov.uk/government/publications/procurement-policy-note-0521-national-procurement-policy-statement>



**Version Control**

<b>Version</b>	<b>Summary</b>	<b>Date</b>	<b>Approval</b>
1.	New Document	July 2019	Cabinet
2.	Minor & Consequential: Updates to Mayor's GWS, End Violence at Work Charter; London Healthy Workplace Award; Construction Charter working pending approval.	October 2019	DFB / Cllr. Mills
3	ED&I and Economic Renewal Plan Whistleblowing Policy update	January 2021	Cabinet
4	Update to Black Asian and Minority Ethnic Pay Gap terminology Climate Change Strategy Updated Southwark Framework for Equality National Procurement Policy Statement Framework Agreements Economic renewal and Community Wealth Building with aims for EDI for small local and Black, Asian and Minority Ethnic businesses (para.46)	January 2022	Cabinet



**CABINET AGENDA DISTRIBUTION LIST (OPEN)****MUNICIPAL YEAR 2021-22**

**NOTE:** Original held by Constitutional Team; all amendments/queries to  
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