

Public Document Pack



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PUBLIC

To: Members of Cabinet

Wednesday, 6 January 2021

Dear Councillor,

Please attend a meeting of the **Cabinet** to be held at **2.00 pm** on **Thursday, 14 January 2021.** This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting, the agenda for which is set out below.

Yours faithfully

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. To consider Minority Group Leader questions (if any)

4. To confirm the minutes of the meeting of Cabinet held on 10 December 2020
5. To receive minutes of Cabinet Member meetings as follows:
 - 5 (a) Adult Care - 26 November, 8 & 21 December 2020
 - 5 (b) Young People - 8 December 2020
 - 5 (c) Corporate Services - 10 December 2020
 - 5 (d) Strategic Leadership, Culture & Tourism - 11 December 2020

To consider reports as follows:

- 6 (a) Implementation and Rebranding of Asset Optimisation through Corporate Landlord Policy
- 6 (b) Investment of Contain Outbreak Management Fund
- 6 (c) Section 75 Agreement for the delivery of the Derbyshire Integrated Sexual Health Service
- 6 (d) Use of Professional Consultancy and Construction Frameworks for Highways, Transport and Environmental Services Projects
- 6 (e) Derbyshire Youth Network
- 6 (f) Urgent Decision - Covid Winter Grant Scheme
7. Exclusion of the Public

To move "That under Regulation 4 (2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them."

PART II - EXEMPT ITEMS

8. To receive declarations of interest (if any)
9. To consider Minority Group Leader questions (if any)
10. To confirm the exempt minutes of the meeting of Cabinet held on 10 December 2020

To receive exempt minutes of Cabinet Member meetings as follows:

11 (a) Adult Care - 8 December 2020

11 (b) Corporate Services - 10 December 2020

To consider exempt reports as follows:

12 (a) Extension of Contract for the Transportation of School Meals

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MINUTES of a meeting of **CABINET** held virtually on 10 December 2020.

PRESENT

Councillor B Lewis (in the Chair)

Councillors A Dale, A Foster, C A Hart, T King, S A Spencer and J Wharmby.

Declarations of Interest

There were no declarations of interest made.

211/20 MINORITY GROUP LEADERS' QUESTIONS

It was noted that the Councillor Smith had submitted questions, but as he was unable to be present, an undertaking was made to provide a written response.

212/20 MINUTES RESOLVED that the non-exempt minutes of the meeting of Cabinet held on 19 November 2020 be confirmed as a correct record.

213/20 CABINET MEMBER MEETINGS - MINUTES RESOLVED to receive the non-exempt minutes of Cabinet Member meetings as follows:

- (a) Young People – 10 November 2020
- (b) Adult Care – 12 November 2020
- (c) Clean Growth & Regeneration – 19 November 2020
- (d) Highways, Transport & Infrastructure – 19 November 2020

214/20 CAPITAL BUDGET MONITORING/FORECAST 2020-21 AS AT QUARTER 2 (Strategic Leadership, Culture and Tourism) The Director of Finance and ICT informed Cabinet of the budget monitoring position as at 30 September 2020.

The report reflected those schemes that were currently under way and which had previous Cabinet approval. Each scheme had a nominated budget holder who was responsible for ensuring the scheme stayed within budget, and who verified the projected spend against their allocated schemes. The report detailed schemes that were open at 1 April 2020 and those that had been completed and closed in-year. Due to subsequent approvals and project adjustments, the 2020-21 Capital Programme now stood at £117.1m, an increase of £6.0m from the previously reported value of £111.1m. The

schemes contained within the report included previously approved Capital Programmes over numerous funding years, including 2020-21.

The current budget for open schemes as at 1 April 2020 (some of which had now closed), was approximately £661.804m, with the latest monitoring showing a forecast underspend over the life of the projects of £5.603m which was represented in Appendix 1. The current budget for schemes that remained open as at 30 September, was £641.338m.

The prolonged effect of the Covid-19 virus was continuing to have an impact on some schemes and, where necessary, the profile of expenditure had been adjusted to reflect this fact. Due to the transition of elements of the Authority's services to Concertus (Derbyshire) new working arrangements, processes and procedures need time to be embedded in order to be able to provide an efficient, effective and accurate projection of the position of all Capital projects.

RESOLVED to note the current position on the monitoring of capital schemes.

215/20 PERFORMANCE AND BUDGET MONITORING/FORECAST 2020/21 AS AT QUARTER 2 (Strategic Leadership, Culture and Tourism) The Director of Finance & ICT provided Cabinet with an update of Council Plan performance and the Revenue Budget position/forecast outturn for 2020-21 as at 30 September 2020 (Quarter 2).

This report presented both Council Plan performance and financial budget monitoring and forecast outturn data. The Performance Summary set out the progress the Council was making on delivering the Council Plan with a focus on the achievement of the Council Plan priorities. The Revenue Budget Position and Financial Summary provided an overview of the Council's overall budget position and forecast outturn as at 30 September 2020.

The report also summarised progress on Council Plan deliverables and the controllable budget position by Cabinet Member Portfolio as at 30 September 2020. Further reports would be considered at Audit Committee and Council in accordance with the Budget Monitoring Policy and Financial Regulations.

The Council Plan 2020-21 set out the future direction of the Council and the outcomes that the Council was seeking to achieve. The Plan identified a small number of focused priorities to direct effort and resource, supported by "deliverables" under each priority. These set out what the Council aimed to deliver over the forthcoming year and were supported by key measures which enable the Council to monitor the progress it was making.

The Council Plan was refreshed in July 2020 to reflect the impact, opportunities and challenges resulting from the pandemic. The Performance Report for Quarter 2, attached at Appendix 1, set out the position in full up to the end of September 2020 for each deliverable and associated key measures; an overview of performance was also presented.

As part of the Enterprising Council agenda, the externalisation of the Council's cleaning service had recently been completed. In order to manage this new arrangement effectively it was proposed to consolidate the existing cleaning budgets held by departments into one central budget. Therefore, Cabinet approval was sought to make a budget virement totalling £4.272m for this purpose.

To provide additional flexibility to help the Council to balance its budgets in the short to medium-term, Cabinet approval was sought to fund capital expenditure on the Property Planned Maintenance Programme 2020-21, estimated to be £1.236m, from borrowing, as an alternative to the planned contributions from revenue budgets.

RESOLVED to (1) note the update of Council Plan performance and the Revenue Budget position/forecast outturn for 2020-21 as at 30 September 2020 (Quarter 2);

(2) approve a budget virement totalling £4.272m to centralise the Council's existing cleaning budgets; and

(3) approve the funding of capital expenditure on the Property Planned Maintenance Programme 2020-21, estimated to be £1.236m, from borrowing, as an alternative to the planned contributions from revenue budgets.

216/20 TREASURY MANAGEMENT MID-YEAR REPORT 2020-21
(Corporate Services) The Director of Finance and ICT presented a report on Treasury Management activities during the first half of 2020-21 (to 30 September 2020) and to indicate the Council's compliance with the prudential indicators set by Council at its meeting of 5 February 2020, in accordance with the Treasury Management in the Public Services: Code of Practice and Cross-Sectorial Guidance Notes 2017 (the Code).

Treasury risk management at the Council was conducted within the framework of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which required the Council to approve a Treasury Management Strategy before the start of each financial year and, as a minimum, a semi-annual and annual treasury outturn report. The report fulfilled the Council's obligation under the CIPFA Code to produce a Treasury Management Mid-Year Report.

The Council's Treasury Management Strategy for 2020-21 was approved by Council on 5 February 2020, as part of the Capital Programme Approvals, Treasury Management and Capital Strategies Report. The Council had borrowed and invested substantial sums of money and was therefore potentially exposed to financial risks, including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk was central to the Council's Treasury Management Strategy.

RESOLVED to note the Treasury Management Mid-Year Report 2020-21 and notes the Council's compliance to date with the prudential indicators set by Council for 2020-21, in accordance with the terms of the Treasury Management in the Public Services: Code of Practice and Cross-Sectorial Guidance Notes 2017.

217/20 HARRINGTON JUNIOR SCHOOL (Corporate Services) The Executive Director – Commissioning, Communities and Policy sought approval to use a non-Derbyshire County Council Framework Agreement to undertake design and construction of the replacement Harrington Junior School, Long Eaton.

The Council was seeking to competitively procure a contractor to design and build the replacement School on the same site following its destruction by fire on 28 May 2020. The school was currently operating from temporary buildings on the playground. The building must be completed by June 2022, in time for the start of the new school year in September 2022. The procurement route had been selected for:

- speed;
- to pursue best value through competition;
- early contractor involvement in the design process; and
- client cost certainty with risk transfer to the contractor for ground conditions

The form of contract proposed was the JCT Design and Build Contract (2016 Edition). There was no existing DCC framework for procuring the above scheme at this value in competition. Approval was requested to use a non-DCC framework, with the option to undertake tender competition through a one or two stage process.

Having reviewed alternative frameworks, it was proposed that the PAGABO Medium Works West Midlands Framework Agreement (Lot 2 suppliers, value £250,000 - £10m) be utilised for the scheme. This was a compliant OJEU procured agreement known to the Council. The full list of suppliers on this framework were presented in the report.

PAGABO ensured compliancy checks had been carried out, however should the Council wish, further financial due diligence may be carried out prior to award of any contract. A business case to support the use of the PAGABO framework had been submitted to the Chief Financial Officer and Director of Legal Services in accordance with Protocol 2a of the Council's Financial Regulations.

The Framework, which covered works valued £250,000 - £10m for all public sector bodies across the UK, was tendered via a full open OJEU procedure in Autumn 2018. The Framework went live in January 2019. The Framework term was three years with the option to extend for a further one year. Call-off of the contract under the framework would be facilitated by way of single or two stage competition. Whilst Cabinet approval was required to utilise the Framework, the award of a contract under the framework is delegated to the Executive Director, Commissioning Communities and Policy, in accordance with Protocol 2b of the Council's Financial Regulations.

RESOLVED to approve the use of non-DCC framework (PAGABO) to undertake the design and construction of the replacement Harrington Junior School, Long Eaton.

218/20 CHILDREN'S DIAGNOSTIC AND PROVISION OF SPECIALIST PROFESSIONAL SERVICES - USE OF A NON-DCC FRAMEWORK

(Young People) The Executive Director – Children's Services informed Cabinet of the findings of the independent diagnostic report for Children's Services and sought approval to implement a change programme to address the opportunity areas, identified by the diagnostic, to deliver improved outcomes for children, young people and families and achieve savings across the service; for the use of the North East Procurement Organisation's (NEPO) Framework Solution NEPRO to procure specialist professional services to support the implementation of the diagnostic findings and the award of contract using a non-Derbyshire County Council framework to be delegated to the Executive Director Children's Services, in consultation with the Cabinet Member for Young People, under the Officer's Scheme of Delegation as per Protocol 2b of the Council's Financial Regulations.

Newton Europe conducted a diagnostic of Older Adult Services and the Whole Life Disability in Spring 2019, which led to the Better Lives programme starting in January 2020 which was still currently underway. As part of this, one of the twelve workstreams was focussing on the transition for Disabled Children going from Children's Services to Adults Services from ages 16-25- the Achieving Great Futures workstream. Where this workstream paused in March 2020, along with several of the other Better Lives workstreams to prioritise programme resource to supporting COVID-19 initiatives, Children's Services Senior Management Team agreed to not restart this piece of work in

July 2020, unlike the other paused workstreams, and to prioritise a wider diagnostic piece.

The aim of the diagnostic was to build on past efforts to improve outcomes for children, young people and families and develop a forward plan that allowed Children's Services to implement the necessary changes earlier and ensure those changes were embedded across the service to continuously improve outcomes for vulnerable and disabled children. The diagnostic looked to understand the root cause of challenges in order to develop an evidence-based approach for how Children's Services could make significant and lasting improvement for children, young people and families. The approach recognised that whilst numbers and data were essential for identifying and quantifying where opportunities may exist, it also drew on front-line expertise and experience to complement data and evidence. Details of the four diagnostic stages were presented in the report.

It was recognised that the implementation of the assessment findings would have an impact on the capacity of the Children's Service departments. The Council was, therefore, considering the resource required to support this activity. The Council was already in the process of developing and implementing a range of policy and service changes aimed at improving the outcomes for the people that they supported now and in the future, further details of which were presented.

These on-going developments would be considered alongside the various workstreams identified to ensure that there was no duplication of effort. This would be a Children's Services led programme with a whole council approach. In order to ensure effective delivery of the outcomes identified, an appropriate programme governance structure would need to be put in place with a defined programme board providing oversight. As with the diagnostic assessment, additional support would be required from a specialist professional organisation that had experience of managing and implementing largescale cultural and systems and processes transformation programmes within the field of children's social care. A specialist professional organisation would provide both the knowledge and practical experience in delivering this type of work at the pace required to achieve the optimal benefit and savings, as well as providing additional capacity to ensure there was no detrimental effect on business as usual.

The Council needed to procure a Specialist Professional Organisation to provide additional resources and expertise to work with the Council to develop and support the delivery of an implementation plan that would achieve the outcomes and savings identified. The Council had considered a number of OJEU compliant procurement options which identified the most appropriate route to market. This request was supported by a business case

and options appraisal and benefits analysis which had been approved by the Chief Financial Officer and Director of Legal Services.

The award of contract using a non-Derbyshire County Council framework would be delegated to the Executive Director Children's Services under the Officer's Scheme of Delegation as per Protocol 2b of the Council's Financial Regulations. The award would be subject to a call-off from the framework following a competitive process. The proposal was that the North East Procurement Organisation's (NEPO) Framework Solution NEPRO be used for the identification of a Specialist Professional Service. The use of this non- Restricted 5 Derbyshire County Council Framework would save the Council substantial time and resources and ensure delivery of the benefits were achieved sooner.

RESOLVED to (1) receive and note the findings of the independent diagnostic report for Children's Services;

(2) agree to progress an implementation programme to realise the opportunities as set out in the report; and

(3) approve, under Protocol 2a of the Council's Financial Regulations the use of the North East Procurement Organisation's (NEPO) Framework Solution NEPRO to procure specialist professional services to support the implementation of the assessment findings.

219/20 CHILDCARE SUFFICIENCY ASSESSMENT REVIEW 2019 – 2020 (Young People) The Executive Director, Children's Services reported on the outcome of the Childcare Sufficiency Assessment 2020-2021 COVID-19 Review as required by S11 of the Childcare Act 2006.

The Childcare Act 2006 was introduced to give every child the best start in life and parents/carers a greater opportunity to balance work and family life. The Act placed a duty on the local authorities to improve outcomes for young children, reducing inequalities between them. The Childcare Act gave local authorities a key role in shaping the childcare market for their area. Section 6 of the Childcare Act places a duty on local authorities to secure sufficient childcare, so far as was reasonably practicable to meet the requirements of parents in their area who required childcare to enable them to take up or remain in work, or undertake training or education which could reasonably be expected to assist them to obtain work.

Although the focus was on the number of places, the local authority also took into account affordability of provision and the Ofsted inspection outcome, in order to ensure there were sufficient 'outstanding' or 'good' places available for as many children as possible. The COVID-19 pandemic had had an impact upon the childcare market. Whilst the full impact of the COVID-19 pandemic

would not be evident for a number of months, the Childcare Sufficiency Assessment 2020 – 2021, COVID-19 Review had undertaken an initial analysis of the potential areas of concern and identified areas for further investigation.

The main focus of the assessment was the early years funded entitlements for two, three and four year olds. The following information and data had been gathered relating to:

- Baseline socio-economic information including population profiles;
- Analysis of childcare places within Derbyshire through data collection and weekly DfE provider surveys;
- Demand for childcare services across Derbyshire evidenced through statistical data.

RESOLVED to agree the draft as Derbyshire County Council's response to the Government's requirements.

220/20 REVIEW OF THE ADOPTION AND CHILDREN (CORONAVIRUS) (AMENDMENT) REGULATIONS 2020 AND SUBSEQUENT THE ADOPTION AND CHILDREN (CORONAVIRUS) (AMENDMENT) (NO.2) REGULATIONS (Young People) The Executive Director – Children's Services informed Cabinet of the urgent decision made by the Executive Director on 9 June which was subsequent to changes in national guidance made that related to a decision of the Council, in accordance with the Council's Constitution, regarding the application of the legislative amendments. The report also provided an update with reference to The Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020.

On 23 April the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 were enacted on 24 April and to end 25 September 2020. Under the 'savings provisions', certain amendments would still apply after 25 September. The Department of Education had undertaken consultation from 16 July to 5 August which Derbyshire responded to. The regulations made temporary variations to provide additional flexibility for local authorities, fostering providers and related services in England to meet statutory duties while maintaining a clear focus on safeguards and promoting the welfare of children. Derbyshire did not adopt changes to all the sets of regulations allowed, only to those that were considered to be necessary.

The broad intention was not to change general practice around children without a strong rationale and the need to do so, some processes had been adopted which enabled case work to be responded to within statutory expectations and within a timely manner so reducing any potential for delays in a child's plans, in light of the impact of the pandemic circumstances. It was

important to note that in line with the national guidance, there was an expectation that there would be full statutory compliance.

Further to the consultation, on the 28 August, the Government introduced a new Statutory Instrument - The Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020 which would come into force on 24 September, thus meeting Government's commitment to provide Parliament with the customary opportunity for scrutiny. They would remain in force until 31 March 2021 and there was accompanying provisional guidance.

The new Statutory Instrument had been introduced to recognise that some services may continue to face specific and exceptional challenges into the autumn. And as more children were seen by schools, and social distancing eases further and hitherto hidden harms come to light, the Government recognised the requirement to be prepared for the potential additional demands that might still be placed on services. The temporary regulations were intended to be used:

- where the flexibilities were still needed to provide effective support for children involved with children's social care services during the pandemic, and
- only due to lockdown, self-isolation or social distancing due to coronavirus (COVID-19).

Summaries of officer decision review record for decisions subject to on-going review and of the officer decision review record for decisions that were no longer subject to review were included within the report.

RESOLVED to (1) note how The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 and amendments to practice and procedure had been applied to date;

(2) note how The Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020 which came into force on 24 September and would remain in force until 31 March 2021 would be applied, as approved by the Executive Director for Children's Services on 11th November 2020; and

(3) agree that any further revisions of practice and procedure (falling within that permitted by The Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020) including any subsequent extension be made utilising the delegated powers of the Executive Director in consultation with the Lead Member for Children's Services.

221/20 DIRECT CARE HOMES FOR OLDER PEOPLE: UPDATE ON ACTIONS (Adult Care) The Executive Director - Adult Social Care and Health reported on progress on the actions and subsequent proposed next steps following the Cabinet report of 4 June 2020, when Cabinet received a

report on the outcome of the consultation on the proposed closure of seven, and the refurbishment of three, Direct Care homes for older people. The report approved:

- Further to the consultation, none of the homes proposed for closure would close unless a local care home or alternative provision was available to replace them, and further consultation undertaken as appropriate.

- That a further report setting out a programme of repair and refurbishment for these seven homes, to include any works required immediately to ensure their soundness and safety, would be presented to Cabinet in due course.

- That the plans to undertake a programme of work to refurbish New Bassett House, Briar Close and Rowthorne would continue, with a further report presented to Cabinet seeking a business case and procurement approval in due course.

- That People Scrutiny Committee be invited to consider, including within its work programme, oversight of the next steps (with particular reference to the need for and type of local provision required) to ensure transparency of decision making and to make any recommendations to Cabinet or elsewhere that may arise as a result of such scrutiny.

- That a revised strategy and investment plan taking into account reviews of the Market Position Statement and of the strategic needs analysis would be presented to Cabinet by the end of 2020.

With regard to the programme of essential works on seven homes, County Property had compiled a schedule of essential works required on the homes for older people which had been submitted for consideration as part of the Capital Programme. This schedule included all works which related to the safety and soundness of the seven buildings listed above including (where required) roof works, heating works/replacement of boilers, replacement of kitchen ventilation, etc. These were works which were deemed to be required over the next one to two years, but this did not include rewiring or full refurbishment which would need to be part of a longer-term plan.

The funding for this proposed programme would be considered as part of the overall Capital Programme which would be reported to Cabinet in January 2021. Should the Council consider the use of the older homes beyond two years, it would be necessary to develop a further plan for their continued use as they would require a comprehensive invasive re-wire and major refurbishment of their fabric. To develop this plan, feasibility studies would be required that would describe potential options and provide budgeting estimates. Evaluation of the feasibilities would inform a subsequent capital

strategy bid that would be required in twelve months to complete the additional, essential major refurbishment work. It was noted that the outline budgeting cost for seven home refurbishments approximates to £30.000m.

The Business Case for the refurbishment of the three homes had been finalised and the funding and procurement process were approved by Cabinet on 10 September 2020. The procurement process was underway with a view to awarding a contract in January 2021, with work commencing in Spring 2021.

The People Improvement and Scrutiny Committee had established a working group which had considered the current mitigation arrangements associated with the homes which require rewiring, and also considered key principles in developing any new proposals for the homes (i.e. definition of terminology “local”, “suitable” and “reasonable”). On the basis of the review to date, the Committee reported it was assured that the mitigation measures in place were sufficiently robust and durable to address the increased risk associated with the properties that had been identified as needing rewiring in the near future, and that it would continue to pursue the other key lines of enquiry regarding the Committee’s role in overseeing the next steps in relation to direct care homes for older people. An interim report from the Scrutiny committee, “Next Steps in Relation to Direct Care Homes for Older People”, was presented to Cabinet on 19 November 2020. It was suggested that the People Scrutiny Committee complete the remainder of their work programme by the end of January 2021.

With regard to the Revised Market Position Statement needs analysis and strategy development, preparations for undertaking public and stakeholder engagement in order to revise the Market Position Statement were well advanced prior to the COVID-19 pandemic. The programme of engagement and development activity had been reviewed in light of this and a revised programme plan was in place with a focus on market shaping and market development.

Recognising the impact COVID-19 had had on the care market, an Interim Market Position Statement 2021-22 would be produced to support the Council’s approach to fee modelling in 2021-22. It was intended to have a first draft of the Interim Market Position Statement by the end of December 2020 using data from the new reporting arrangements introduced as a result of the pandemic, for example the national Capacity Tracker data; and following completion of the citizen engagement process, an updated version would be completed by February 2021. A virtual Older People’s Housing, Accommodation and Support investment event would take place on 14 December 2020 which would help to inform the medium/ longer-term development opportunities to support the implementation of the Strategy.

There was also a requirement to undertake a review of the overarching Health and Wellbeing Strategy and Joint Strategic Needs Analysis in order to inform any future strategic planning. Revised prospective key dates for future actions were as follows:

- December 2020 – January: citizen engagement and with care providers undertaken (including information from the virtual investment event 14 December 2020);
- February 2021: completion of an interim Market Position Statement to respond to the impact of COVID-19, which would be reported to Cabinet in March 2021;
- Summer 2021 (estimated post pandemic): commencement of a full review of the care market to develop a refreshed Market Position Statement, review of the Health and Wellbeing Strategy and Joint Strategic Needs Analysis ;
- Summer 2021: completion of feasibility work on the seven homes which require rewiring;
- Autumn 2021: consideration of a longer-term strategic plan taking account of the revised Market Position Statement, Health and Wellbeing Strategy and Joint Strategic Needs Analysis.

RESOLVED to (1) note the update on actions outlined in this report; and

(2) agree to the revised timeline for reporting on the revised Market Position Statement.

222/20 EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED that under Regulation 4 (2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them.

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC HAD BEEN EXCLUDED FROM THE MEETING

1. To consider Minority Group Leaders' Questions (if any).
2. To confirm the Exempt Minutes of the meeting of Cabinet held on 19 November 2020.

3. To receive exempt minutes of Cabinet Member meetings as follows:
 - (a) Adult Care – 12 November 2020
 - (b) Clean Growth & Regeneration – 19 November 2020
 - (c) Highways, Transport & Infrastructure – 19 November 2020
4.
 - (a) Corporate Maintenance Budget – Planned Maintenance Programme 2020-21 – Executive Director Commissioning, Communities & Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information));
 - (b) Award of Contract for Supply of Temporary Agency Workers (Neutral Vendor) – Executive Director Commissioning, Communities & Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information));
 - (c) Variation of Payment for the provision of Household Waste Recycling Centre Services due to Coronavirus (Covid-19) - Director Economy, Transport & Environment (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information));
 - (d) Local Growth Fund Programme – update and proposals for the Hollis Lane Link Road (A61 Growth Corridor) – Director Economy, Transport & Environment (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).

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PUBLIC

MINUTES of a meeting of the **CABINET MEMBER – ADULT CARE** held on 26 November 2020

PRESENT

Councillor J Wharmby (in the Chair)

Also in attendance were Councillors C Dale and S Swann.

No apologies had been received.

56/20 **MINUTES RESOLVED** that the minutes of the meeting held on 12 November be confirmed as a correct record.

57/20 **REVIEW OF URGENT OFFICER DECISIONS TAKEN TO SUPPORT THE COVID-19 RESPONSE** The Cabinet Member received an update in relation to Officer's Decisions utilising emergency decision making powers and assurance in relation to the reviews which had been made.

The decisions related to short-term temporary arrangements which were subject to regular review. It had been intended that as Cabinet was now able to function by meetings being held 'remotely' the need for officers to make urgent decisions would diminish, however, they would be kept under regular review by elected members and officers. On 4 June 2020, it had been agreed that Cabinet would formally delegate review decisions to the relevant Cabinet Member, with a summary of review decisions made be reported to Cabinet every two months.

The report detailed summary updates on the reviews taken place since the last Cabinet Member meeting on 12 November 2020. All review decisions had been discussed with the Executive Director and Cabinet Member following review by Senior Management Team. A copy of the most up to date version of the Officer Decision Records was attached at Appendix 1.

The Principal Social Worker had been engaged and consulted with over the initial decisions and had reviewed the latest updates. They were satisfied that the original decisions had been made with due regard for the Department of Health and Social Care Ethical Framework, the Care Act easement guidance and were aware of the review processes in place.

RESOLVED that the Cabinet Member note (1) the review of decisions made under urgent delegated powers arising from the COVID-19 Pandemic; and (2) that future review decisions would be made on a fortnightly basis by the Cabinet Member for Adult Care.

58/20 DERBYSHIRE ADULT SOCIAL CARE AND HEALTH: OUR COVID-19 WINTER PLAN 2020 TO 2021

The Adult Social Care Winter Plan 2020-21 had been published by the Department for Health and Social Care on 18 September 2020. It was accompanied by a letter from Helen Whately MP, Minister of State for Care, sent to Local Authority Chief Executives, Directors of Adult Social Care, Directors of Public Health, Care Home Providers and CCG Accountable Officers.

The Winter Plan had been informed by and built upon work undertaken during the summer by the Social Care Sector Covid-19 Taskforce. The Taskforce had been established to support the delivery of two support packages to the care sector: The Social Care Action Plan and the Care Home Support Plan.

The Winter Plan set out several key requirements and support to be delivered and provided at both a national and local level. A summary of these requirements had been provided within the report. The main requirement from the Council's perspective was to have confirmed, in writing by 31 October 2020, that a winter plan was in place.

The Winter Plan outlined national support; some of which had been announced prior to the plan's publication.

The Winter Plan covered four main themes which detailed the work being undertaken at a national level, and the expectations of local areas (local authorities, NHS organisations, and other providers of care services). In total there were 76 actions which needed to be addressed in a local authority's own winter plan.

i. Preventing and controlling the spread of infection in care settings. This included guidance and actions on areas such as infection and prevention control; managing staff movement; use of PPE; Covid-19 testing; seasonal flu vaccinations.

ii. Collaboration across health and social care services. This included guidance and actions on ensuring safe discharges from NHS settings and the avoidance of hospital admissions; introduction of the Enhanced health in care homes; use of technology and digital support to support/provide services.

iii. Supporting people who had received social care, the workforce, and carers. This included guidance and actions across two sub-headings. The first concerned support to those who received and/or provided unpaid care: visiting arrangements; direct payments; support for unpaid carers; appropriate end-of-life care; and use of care Act easements.

iv. The second set of actions related to the workforce and cover: staff training; workforce capacity; shielding of people who were clinically extremely vulnerable;

v. Supporting the system. This included guidance and actions on funding for local authorities (use of infection control funding); market and provider sustainability (included supporting an Association of Directors of Adult Social Services and Local Government Association Service Continuity and Care Market review); continued working with CQC.

A copy of the Adult Social Care Winter Plan had been attached at Appendix 1.

RESOLVED that the Cabinet Member note (1) the content of the report and the plans in place across Adult Social Care and Health in Derbyshire to ensure services were delivered during a Covid-19 winter; and (2) that formal confirmation had been provided to the Department of Health and Social care prior to 31 October 2020 that a local plan had been established.

59/20 **EXCLUSION OF THE PUBLIC RESOLVED** that the public be excluded from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING

1. To confirm the exempt minutes of the meeting held on 12 November 2020.

60/20 **MINUTES RESOLVED** that the exempt minutes of the meeting held on 12 November 2020 be confirmed as a correct record (contains exempt information).

PUBLIC

MINUTES of a meeting of the **CABINET MEMBER – ADULT CARE** held on 08 December 2020

PRESENT

Councillor J Wharmby (in the Chair)

Also in attendance were Councillors C Dale and S Swann.

No apologies had been received.

61/20 **MINUTES RESOLVED** that the minutes of the meeting held on 26 November be confirmed as a correct record.

62/20 **REVIEW OF URGENT OFFICER DECISIONS TAKEN TO SUPPORT THE COVID-19 RESPONSE** The Cabinet Member received an update in relation to Officer's Decisions utilising emergency decision making powers and assurance in relation to the reviews which had been made.

The decisions related to short-term temporary arrangements which were subject to regular review. It had been intended that as Cabinet was now able to function by meetings being held 'remotely' the need for officers to make urgent decisions would diminish, however, they would be kept under regular review by elected members and officers. On 4 June 2020, it had been agreed that Cabinet would formally delegate review decisions to the relevant Cabinet Member, with a summary of review decisions made be reported to Cabinet every two months.

The report detailed summary updates on the reviews taken place since the last Cabinet Member meeting on 26 November 2020. All review decisions had been discussed with the Executive Director and Cabinet Member following review by Senior Management Team. A copy of the most up to date version of the Officer Decision Records was attached at Appendix 1.

The Principal Social Worker had been engaged and consulted with over the initial decisions and had reviewed the latest updates. They were satisfied that the original decisions had been made with due regard for the Department of Health and Social Care Ethical Framework, the Care Act easement guidance and were aware of the review processes in place.

RESOLVED that the Cabinet Member note (1) the review of decisions made under urgent delegated powers arising from the COVID-19 Pandemic; and (2) that future review decisions would be made on a fortnightly basis by the Cabinet Member for Adult Care.

63/20 ADULT SOCIAL CARE INFECTION CONTROL FUND ROUND

2 A second round of the Infection Control Fund (ICF) had now been made available to cover the period 1 October 2020 to 31 March 2021. Payments to the Council would be made in two equal instalments, one in October 2020 and another in December 2020.

Pursuant to section 31(4) of the Local Government Act 2003 the Secretary of State attached conditions to the payment of the grant. These conditions specified that all funding must be used for COVID-19 infection prevention and control measures and local authorities were required to pass 80% of each instalment to care homes within the local authority's geographical area on a 'per beds' basis and to CQC-regulated community care providers within the local authority's geographical area on a 'per user' basis, including to social care providers with whom the local authority did not have existing contracts. All providers were required to have completed the care tracker, to report on spending incurred and their future anticipated spend. All funding provided had to be spent in line with the infection prevention control measures and had to have been spent by specific timescales.

However, the local authority had discretion to use the remaining 20% of each payment on other COVID-19 infection control measures, including providing support to other care settings, and wider workforce measures in relation to COVID-19 infection control.

The Council expected to receive Payment 2 of the Grant Payment in December 2020. 80% of the grant payment would be distributed to Providers. It was recommended that the remaining 20% of Payment 2 funds would, in combination of any underspend from Payment 1 be shared between care homes and home care providers to further assist with meeting the costs associated with Personal Protective Equipment, Staffing Costs and to help with facilitating improved visiting arrangements in their care home. Payments would be made on a per bed basis for care homes and per Council client for home care providers. Any un-allocated underspend would have to be repaid to DHSC.

If as suggested the Council used part of the 20% Payment 1 funding allocation to make up the unit cost for community providers, then this would leave £1.649m. It had been proposed that the Council used this funding in the short term to assist with:

- Direct Payment/Shared Lives allocated funds on a case by case basis to help cover additional costs associated with infection control especially those linked to maintaining wages of Personal Assistants (PAs) who needed to isolate and use of alternative staff.
- To support providers to request emergency assistance to assist with exceptional costs associated with isolating staff and use of agency staff to cover those isolating. This offer would be only available to care

homes services subject of Outbreak Control Team meetings to ensure service viability or to Home Care services where majority staff group were needing to self-isolate.

- To cover the costs of any Council staff needed to transfer to Provider services for short periods of time due to impact of COVID-19 on provider workforce.

It had been recommended that the remaining 20% of Payment 2 funds would, in combination of any underspend from Payment 1 be shared between care homes and home care providers to further assist with meeting the costs associated with provision of infection prevention and control procedures. Payments would be made on a per bed basis for care homes and per Council client for home care providers.

RESOLVED that the Cabinet Member supported (1) the allocation of government grant funding towards improved infection prevention and control procedures (IPC) as described in the report. It had been proposed to redistribute the unallocated funds of £0.344m for care homes from the first Payment with a contribution of £0.106m from the 20% discretionary element from the first Payment of the October ICF Grant to make up the funding for community based services so that all received the grant of £336.03 per client per Payment as specified by DHSC; (2) that the remainder of 20% discretionary element from the first Payment, totalling £1.649m, was used to (a) support people in receipt of Direct Payments and people in shared lives with any IPC costs; (b) assist providers subject to outcome control meetings where they adversely impacted by COVID-19; (c) to cover the costs of any Council staff needed to transfer to Provider services for short periods of time due to the impact of COVID-19 on provider workforce; and (3) that the 20% of Payment 2 grant, would in combination of any underspend from Payment 1 be shared between care homes and home care providers to further assist with meeting the costs associated with provision of infection prevention and control procedures. Payments would be made on a per bed basis for care homes and per Council client for home care providers.

64/20 **EXCLUSION OF THE PUBLIC** **RESOLVED** that the public be excluded from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING

1. To consider the report of the Executive Director of Adult Social Care and Health on an Urgent Decision Taken by the Head of Paid Service (Contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))

PUBLIC

MINUTES of a meeting of the **CABINET MEMBER – ADULT CARE** held on 21 December 2020

PRESENT

Councillor J Wharmby (in the Chair)

Also in attendance were Councillors C Dale and S Swann.

No apologies had been received.

66/20 **MINUTES RESOLVED** that the minutes of the meeting held on 08 December be confirmed as a correct record.

67/20 **REVIEW OF URGENT OFFICER DECISIONS TAKEN TO SUPPORT THE COVID-19 RESPONSE** The Cabinet Member received an update in relation to Officer's Decisions utilising emergency decision making powers and assurance in relation to the reviews which had been made.

The decisions related to short-term temporary arrangements which were subject to regular review. It had been intended that as Cabinet was now able to function by meetings being held 'remotely' the need for officers to make urgent decisions would diminish, however, they would be kept under regular review by elected members and officers. On 4 June 2020, it had been agreed that Cabinet would formally delegate review decisions to the relevant Cabinet Member, with a summary of review decisions made be reported to Cabinet every two months.

The report detailed summary updates on the reviews taken place since the last Cabinet Member meeting on 08 December 2020. All review decisions had been discussed with the Executive Director and Cabinet Member following review by Senior Management Team. A copy of the most up to date version of the Officer Decision Records was attached at Appendix 1.

The Principal Social Worker had been engaged and consulted with over the initial decisions and had reviewed the latest updates. They were satisfied that the original decisions had been made with due regard for the Department of Health and Social Care Ethical Framework, the Care Act easement guidance and were aware of the review processes in place.

RESOLVED that the Cabinet Member note (1) the review of decisions made under urgent delegated powers arising from the COVID-19 Pandemic; and (2) that future review decisions would be made on a fortnightly basis by the Cabinet Member for Adult Care.

68/20 **EXCLUSION OF THE PUBLIC RESOLVED** that the public be excluded from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING

1. To confirm the exempt minutes of the meeting held on 08 December 2020.

69/20 **MINUTES RESOLVED** that the exempt minutes of the meeting held on 08 December 2020 be confirmed as a correct record (contains exempt information).

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PUBLIC

MINUTES of a meeting of the **CABINET MEMBER – YOUNG PEOPLE** held on 8 December 2020.

PRESENT

Cabinet Member - Councillor A Dale

Also in attendance – Councillors J Patten and J Coyle

49/20 **MINUTES** **RESOLVED** that the minutes of the meetings of the Cabinet Member for Young People held on 10 November 2020 be confirmed as a correct record.

50/20 **CONFIRMATION OF NOMINATIONS OF SCHOOL GOVERNORS**

The Cabinet Member was asked to confirm the nominations of persons to serve as local authority school governors. Appointments made by governing boards would be subject to the completion of a Declaration of Eligibility form, a proof of identity check and an enhanced DBS check.

RESOLVED that the Cabinet Member confirms the nominations for persons to serve as local authority governors as follows:-

B Slade	-	Fritchley Primary School
N Hopwood	-	Ripley Junior School
Z Farrow	-	Town End Junior School
J Adlington	-	Unstone Schools Federation
G Carter	-	Marsh Lane Primary School

51/20 **SUSPENSION OF DERBYSHIRE SCHOOLS SWIMMING PROGRAMME**

Derbyshire County Council (DCC) currently coordinated school swimming for 270 primary schools in 21 locally operated swimming pools across the county. Whilst schools have a statutory duty to deliver swimming as part of the curriculum at key stage one or two, the co-ordinated county wide programme was a non-statutory service which was fully traded.

Swimming pools were closed by the government on 23 March 2020 and Swim England released guidance on 15 June 2020 which outlined measures for reopening facilities. It was clear from a review of these documents that if the current controls remained in place regarding social distancing, and sanitation of toilets and changing facilities, then it would not be possible to deliver the school swimming programme.

Swim England guidance and advice from County Transport suggested that pupil numbers would be reduced to at least half in order to accommodate children

safely on buses, in changing rooms, and in the pool itself. Programming multiple schools 'back to back', as was usual procedure in normal operation' would be virtually impossible due to changing and COVID related hygiene limitations.

It was recommended that the new start date for the swimming service would be kept under review and that the current suspension of the school swimming programme was continued in the autumn term, which would allow for the programme to consider and plan with stakeholders the range of mitigation measures needed to provide a robust sustainable programme and to recommence as soon as it was prudent to do so.

Even with mitigation there would be ongoing operational and financial risks to the programme and consultation with schools has indicated that a number of them were considering a suspension of their swimming programme to concentrate on the core curriculum.

RESOLVED to receive the report and agrees that Derbyshire County Council maintains the current suspension of the school swimming programme whilst the service meets with all stakeholders to agree the necessary COVID related measures and mitigation processes that need to be in place and following this process identifies and reports to Children's Services Senior Management Team on the earliest potential sustainable date to re-start the schools swimming provision.

PUBLIC

MINUTES of a meeting of the **CABINET MEMBER FOR CORPORATE SERVICES** held on 10 December 2020.

PRESENT

Cabinet Member – Councillor A Foster

Also in attendance – Councillor P Murray

33/20 **MINUTES RESOLVED** that the minutes of the meeting held on 5 November 2020 be confirmed as a correct record.

34/20 **PERFORMANCE AND BUDGET MONITORING/FORECAST OUTTURN 2020-21 AS AT QUARTER 2** The Director of Finance & ICT provided the Cabinet Member with an update of the Council Plan performance position and the revenue budget position of the Corporate Services portfolio for 2020-2021 up to the end of September 2020 (Quarter 2).

The report presented both financial and Council Plan performance data. The performance summary set out progress on the Council Plan deliverables and measures led by the Corporate Services portfolio. The remainder of the report gave a summary and detail on the revenue budget position for the portfolio. As an overview, the report showed that progress was "good" for all of the Council Plan deliverables led by the portfolio. After the use of additional Covid-19 funding, the budget forecast position for 2020-2021 was an overspend of £3.711m. It was forecast that £2.513m of savings would have been achieved by the year end. This compared to target savings of £5.800m and the value of savings initiatives, which had been identified for implementation in the current year, of £4.931m. An overview for Quarter 2 of progress on the Council Plan deliverables and measures relating directly to Corporate Services was provided.

Progress was "good" for all of the Council Plan deliverables led by the portfolio. The key areas of success were:

- Remote working had been supported by an upgrade to Microsoft Office, a network of 600 Digital Champions and Microsoft Teams training for over 1,500 system users;
- The first business cases for asset rationalisation had been approved by the Limited Liability Partnership. Sales of land and buildings had raised over £2.6m so far this year;
- Two joint ventures Vertas (Derbyshire) Limited and Concertas (Derbyshire) Limited had gone live in September 2020, taking responsibility for the delivery of non-core property services;

- The Council remained on track to achieve its target of 10 days lost per appointment to sickness across the the Council. There was only a marginal increase to 10.3 days in quarter 2 from 10.0 at quarter 1, however the CCP average for quarter 2 was 11.7 days.

Key areas for consideration were:

- Covid-19 had caused initial delays to the Procurement Strategy and Value for Money Board however progress was now being made.

Further information on the portfolio's Council Plan performance were included at Appendix A to the report.

The net controllable budget for the Corporate Services portfolio was £43.445m. An additional £1.812m Covid-19 funding would be added to the budget to give a total of £45.257m. The Revenue Budget Monitoring Statement prepared for quarter 2 indicated that there was a forecast year-end overspend of £5.523m. This overspend would be supported by the use of £1.812m of additional Covid-19 funding which had been allocated to the Council to support the costs incurred as a result of the pandemic. After the use of this funding the forecast position was an overspend of £3.711m. The significant areas which made up this forecast were provided and the key variances were highlighted.

Budget reduction targets totalling £5.124m had been allocated for the year. Further reductions allocated in prior years, totalling £0.676m, had not been achieved and were brought forward to the current year. This had resulted in total reduction targets to be achieved of £5.800m at the start of the year.

The value of the savings initiatives which had been identified for implementation in the current year was £4.931m. The shortfall between the total targets and the identified savings initiatives was £0.869m.

The shortfall between the total reductions expected to be achieved and the identified savings initiatives at the start of the year was £2.513m. This included Property's target of £1.893m which would be achieved by introducing PSP Derbyshire LLP (Public Sector PLC Derbyshire Limited Liability Partnership). The LLP had now been established and projects would require reporting and validation before they could commence. It was forecast that £2.513m of savings would have been achieved by the year-end. Details of performance against the target were provided.

There was a risk that Covid-19 could negatively impact on the portfolio's forecast outturn position reported in the Forecast Summary, however, it was difficult to quantify at present.

Earmarked reserves totalling £57.648 were currently held to support future expenditure. Details of these reserves were presented in the report.

RESOLVED that the Cabinet Member notes the report and considered whether there were any further actions that should be undertaken to improve the budget position moving forwards or to address performance, where it had not met the desired level.

35/20 **EXCLUSION OF THE PUBLIC** **RESOLVED** that under Regulation 4 (2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them.

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING

1. To confirm the exempt minutes of the meeting held on 5 November 2020 (contains exempt information)
2. To consider the exempt report of the Executive Director Commissioning, Communities and Policy on ICT Service Phase 2 Review and Restructure (contains information relating to labour relations matters)

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PUBLIC

MINUTES of a meeting of the **CABINET MEMBER FOR STRATEGIC LEADERSHIP, CULTURE AND TOURISM** held on 11 December 2020.

PRESENT

Cabinet Member – Councillor B Lewis

Also in attendance – Councillor P Smith

Apologies for absence were received on behalf of Councillor R Flatley

Declarations of interest

Councillor B Lewis declared personal interests in agenda item no.3 (a) (minute no.41/20) as a member of Marketing Peak District and Derbyshire and agenda item no.3 (b) (minute no.42/20) as the Chairman of Derwent Valley Mills World Heritage Site.

40/20 **MINUTES RESOLVED** that the minutes of the meeting held on 28 October 2020 be confirmed as a correct record.

41/20 **MARKETING PEAK DISTRICT AND DERBYSHIRE – FINANCIAL CONTRIBUTION 2020-23** Since May 2017, the County Council had recognised the visitor economy as a critical part of Derbyshire’s economic offer to UK and international visitors, and potential investors. As a result, the Council had developed a three-year funding agreement of £100,000 per annum linked to delivery of a service level agreement that set out planned activity and delivery targets. The first of these agreements was put in place for the period 2017 to 2020 and a new service level agreement was due to be confirmed for the period 2020 to 2023, alongside confirmed funding of £100,000 per annum for the same period. Given the Covid-19 challenges that had been outlined in the report, it had not been possible to finalise the nature of the new service level agreement until recently, with most of the forward actions and delivery targets now being linked to the Covid-19 Economic Recovery Strategy and Action Plan.

It was therefore proposed to confirm the funding support to Marketing Peak District and Derbyshire (MPDD) of £100,000 per annum for the financial years 2020-21, 2021-22 and 2022-23, with a further report in the early New Year 2021 setting out the proposed delivery actions and targets in a new service level agreement (for the period up to March 2022). The revised Service Level Agreement with MPDD would deliver the required support and outputs to the sector in recovering from the impact of Coronavirus (Covid-19).

RESOLVED to (1) approve the Council's contribution of £100,000 per year paid in two instalments in April and October, over the period 2020-21 to 2022-23, to support Marketing Peak District and Derbyshire which can be funded from the Economy and Regeneration revenue budget; and

(2) note the pending Service Level Agreement covering the period up to March 2023 will be subject to a report to a Cabinet Member Meeting in the early New Year 2021.

42/20 DERWENT VALLEY MILLS WORLD HERITAGE SITE (DVMWHS) GREAT PLACE SCHEME EXTENSION OF TIME The Great Place Scheme was a programme of 20 projects running in the DVMWHS and was jointly funded by the National Lottery Heritage Fund (NLHF) and Arts Council England (ACE). The total value of the Great Place Scheme was £1,486,768. A sum of £150,000 of match funding for the Great Place Scheme was from the DVMWHS Partnership reserve that was held by the County Council.

The Great Place Scheme was initially scheduled for completion by the end of December 2020. The Great Place Scheme was envisaged as a three-year programme of projects, with by far the greatest level of delivery taking place in the final year. Unfortunately, Coronavirus (Covid-19) had significantly impacted on this delivery. As a result, the NLHF, which administered the grant funding on behalf of itself and ACE, had granted an extension to the scheme until 30 June 2021. It was also suggested that the project assistant post connected with the administration of the scheme, be extended to the end of March 2021.

RESOLVED to (1) approve the extension of the Derwent Valley Mills World Heritage Site (DVMWHS) Great Place Scheme until 30 June 2021; and

(2) note the extension of the project assistant post to the end of March 2021.

43/20 AWARD OF GRANTS TO EXTERNAL RECIPIENTS – VITAL VALLEY The Great Place Scheme included the 'New Access Solutions Improving Accessibility' project to improve the accessibility of the World Heritage Site for people with disabling conditions, their families, friends and companions either living in or visiting in the area. This would improve the experience of the Derwent Valley Mills World Heritage Site (DVMWHS) for everyone, encouraging people with disabilities to visit as they had a more welcoming experience that catered for their needs. New Access Solutions had a total grant pot of £55,000 made up of £49,500 NLHF monies and £4,500 contribution from DVMWHS reserves. A sum of £9,120 had already been spent from the NLHF grant of £55,000.

The proposed awards, set out in the report, would enable sites and operatives within the DVMWHS to provide improved access and experiences for people to engage with the DVMWHS. Specific details of the applications for grants were attached as an appendix to the report.

RESOLVED to approve the award of grants from the National Lottery Heritage Fund for the Great Place Scheme in relation to:

- Maximum of £9,744 to Accessible Derbyshire;
- Maximum of £7,500 to The Arkwright Society;
- Maximum of £7,500 to Cromford Community Centre Association;
- Maximum of £1,000 to Derbyshire County Council Countryside Service;
- Maximum of £1,000 to The Friends of Darley Open Spaces; and
- Maximum of £500 to Derby City Council

44/20 **EXCLUSION OF THE PUBLIC** **RESOLVED** that under Regulation 4 (2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them.

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING

1. To confirm the exempt minutes of the meeting held on 28 October 2020 (contains exempt information)

45/20 **MINUTES** **RESOLVED** that the exempt minutes of the meeting held on 28 October 2020 be confirmed as a correct record.

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DERBYSHIRE COUNTY COUNCIL

CABINET

14 January 2021

**Report of the Executive Director Commissioning, Communities and
Policy**

**IMPLEMENTATION AND REBRANDING OF ASSET OPTIMISATION
THROUGH CORPORATE LANDLORD POLICY**

(Corporate Services)

1. Purpose of the Report

This report seeks to approve the transition towards a full corporate landlord operating model referred to as Asset Optimisation and approval to appoint a specialist officer to plan and implement the new model.

2. Information and Analysis

The Council's asset base comprises circa 4,500 land and property assets spread across the County. The current portfolio is diverse and carries financial risk, however, it offers an opportunity to create value and reduce costs by maximising the full life-cycle of the assets.

Corporate Property 2020 introduced a new operating model refocusing property activity on the asset life cycle. Subsequently activity has focussed on officer recommendations highlighted in the Review of Corporate Property paper dated 28 February 2019:

- Creation of Vertas Derbyshire Limited to deliver cleaning, caretaking and grounds maintenance services
- Creation of Concertus Derbyshire Limited to deliver design services
- Partnership with Public Sector PLC to help the Council to develop surplus assets for use by the Council or sell to the market with added value.

This report focusses on, and is seeking approval to appoint a specialist officer to plan and implement, the following outstanding action from the Corporate Property Review Paper:

Vii The full roll out of the Corporate Landlord Policy.

By implementing the full Corporate Landlord policy Corporate Property will be able to align to the Council's three strategic pillars as follows:

- Vision Derbyshire
 - Be innovative and bold to deliver service differently
- Enterprising Council
 - Change the rules to unleash resource potential
- Thriving Communities
 - Take decisive action to deliver social and economic value from the asset base

What is the Corporate Landlord Policy?

For the Council, the approach to Corporate Landlord is one of asset optimisation.

Asset Optimisation brings the responsibility and accountability for land and property asset management, including all budgets and decisions, centralised within Corporate Property.

The vision for Corporate Property, whilst draft, is to lead the delivery of efficient, effective and sustainable solutions whilst maximising social and economic returns for our residents. Corporate Property will be benchmarked against broad property market conditions, not limited only to Local Authorities or similar bodies. Corporate Property will remain aligned to the full asset life cycle and maximise value and cost savings at every stage by the implementation of the Asset Optimisation Strategy.

Asset Optimisation enshrines the Council's strategies to ensure alignment to both service requirements and Council objectives. To enable Asset Optimisation to succeed the following inputs are required:

- Data
 - Property to a strategic level accurate, auditable data creating value and managing risk
 - All property and financial data to be stored in a centralised location which can communicate across platforms.
- Performance
 - Interrogate and report data to enable Corporate Property to manage, measure and assess asset performance towards sustainable, social and financial objectives.
 - Data must be able to be interrogated to ensure transparent performance of assets, and the Corporate Property Division as a whole, linked to both leading and lagging indices.

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- People
 - Attract, develop and retain a knowledgeable, ambitious and happy workforce, providing an environment and culture to excel and succeed.
 - There is vast experience within the Corporate Property workforce which will be aligned to maximise economic and social value. A culture of empowerment and entrepreneurialism will be encouraged at all levels of the Directorate.
- Governance
 - Effective governance facilitating collaborative decision making to deliver a consistent, transparent and accountable property service.
 - Accountability and responsibility for the management of all land and building assets to sit with Corporate Property.

A visual representation of Asset Optimisation and how it will work to achieve its aim is set out at Appendix A.

The Current Position and Impact on Service Delivery

As previously stated, Corporate Property has restructured and created delivery partnerships aligning to the asset life cycle. The ownership of assets, the associated data and accountability remains spread across service departments and Corporate Property. As a result, the following constraints and inefficiencies have been identified:

- Service Delivery
 - Service departments managing property matters which detracts from service delivery.
- Governance
 - No consistent approach to the management, branding or development of Council assets
- Transparency
 - No ability to report on performance of assets as data held in multiple unlinked databases across the Council.
- Accountability
 - No ability to performance manage activity on Council assets.
- Quality of Portfolio
 - Working with narrow focus limited by the current asset base i.e. bricks and mortar
- Delays and Duplications
 - No clear accountability across the Council on property matters.

The implementation of the Asset Optimisation strategy will correct these matters as the accountability, decision making and budgets will sit within

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Corporate Property. Service departments will be involved in strategic decisions within the Asset Optimisation model. Liaison with service departments is taking place at multiple levels with the key forum being the Corporate Asset Management Group. The governance of Asset Optimisation will be documented and is key to the successful delivery of the model.

Current Actions to deliver the Future Estate

There are workstreams and actions required now to deliver the Corporate Property's Asset Optimisation goals for the Council's full asset portfolio as detailed below:

Now	Future of the full property portfolio
Benchmarking and Governance processes established	Exemplary consistent service
Develop and implement energy policy	Zero Carbon Estate
Analyse property data and align assets to service delivery via service asset plans	No inefficient assets
Strengthen links with public sector partners and develop a strategic approach to the public estate as a whole	Excess capacity within the wider public estate removed
All assets to be categorised and individual asset plans created	Consistent strategic decision making at pace
Strategic asset reviews forecasting assets for disposals	Forecasting 25 year portfolio wide revenue savings and capital receipts
Develop and implement whole life cost model	All buildings to have a 25 year plan and budget projections for their holding costs
Identify and unlock development opportunities across the public estate	Innovative property development to benefit the community

What will success look like?

The successful implementation of Asset Optimisation will benefit the Council as a whole. The successful implementation is dependent on the four key inputs being in place; Data, Performance, People and Governance. Below are the main benefits:

Corporate Objectives - The Council Plan 2020

- Resilient and Thriving Communities
 - Partnership working and place based service delivery including One Public Estate programme.
- Happy, Safe and Healthy People
 - Statutory compliant and safe use of land and property supporting the Council's environmental objectives.
- A Strong, Diverse and Adaptable Economy
 - Optimum use of the Council's land and property assets, and those of our partners, aligning assets to service delivery, with clear transparent targets for reducing revenue. liabilities and generating capital and revenue income.
 - Visibility of large controllable spend.
- Great Places to Live, Work and Visit
 - Economic growth, development and regeneration visible in all projects
 - Retained ambitious workforce.
- High Quality Public Service
 - Effective Processes to ensure value for money is at the heart of asset management.

Service Department

- Informed Service Delivery Decisions
 - Ability to focus on core business of efficient and effective service delivery.
 - Consistent property response and service.
- Accountability
 - Clear robust Service Level Agreements and performance requirements of Property colleagues where the boundary between service delivery operational assets and assets of the built environment are clear.
 - Ability to understand true cost of service delivery.
- Efficiency
 - No duplication of resources
 - Consistent and value for money procurement
- Strategic Planning
 - Service continuity.

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- Short, medium and long term asset plans with clear objectives and programming.
- Fit for purpose assets
- Governance
 - Defined, professional property service with a clear framework and performance management through a customer / service provider relationship.
- Cost Management
 - Focus on service delivery rather than property maintenance / management.
 - Certainty of occupancy costs.

Corporate Property

- Intelligent Property Decisions
 - Strategic planning across the entire corporate estate maximising cost savings and revenue generation from the asset base.
 - Efficient one stop shop for all property services including a robust maintenance programme and carbon reduction measures.
- Strategic Asset Management
 - Meet short, medium and long term needs of service areas and align to wider strategies.
 - Locality based planning and holistic approach to public assets via One Public Estate. Greater benefits to local communities through strategic intervention.
- Statutory Compliance
 - 100% statutory compliant estate.
 - Risk managed portfolio.
- Accurate Data
 - Accountability for all property matters.
 - Ability to report performance of land and property assets and benchmark to the marketplace.
 - Deliver Key Performance Indicators including both leading and lagging indices.
- People
 - Knowledgeable, collaborative and happy workforce with an ambitious leadership culture to develop and retain staff.
- Agility
 - A resilient, transparent and responsive workplace enabling a mobilised workforce.

Smart, safe, well placed space.

3. Financial Considerations

The Finance and IT Departments will be integral to the delivery of Asset Optimisation. All budgets and the ability to report on asset performance will need to be planned and the transfer managed to a central location. The extent of this process is unknown at the date of drafting this report.

An underspend bid has been submitted to support a specialist role to plan the transformation and understand the impact on key support functions. This work will include an investment case if required.

The specialist will identify the impact of Asset Optimisation on all services across the Council and will prepare a project delivery plan with full costings.

4. Legal Considerations

It is not anticipated that there will be a requirement to transfer any legal ownerships of assets. The Director of Legal Services will be involved in the Asset Optimisation process as a key stakeholder and will provide legal and governance advice to the Director of Property.

5. Equality and Diversity Considerations

The benefits of Asset Optimisation have been highlighted in section 2 of this report. The Corporate Property Division will align to Enterprising Council and the Council Plan. The aim is to create opportunities within Corporate Property for all current workforce and external appointees.

A consistent approach to property decisions will enable strategic delivery of accessibility and inclusion objectives.

6. Human Resources Considerations

All service departments to be considered key stakeholders. The impact on staff is unknown at this point. The role of the specialist will be to assess and weight the impact to all departments across the Council.

7. Environmental Considerations

Asset Optimisation will enable the Council to deliver strategic objectives such as carbon reduction, stewardship and enhancing communities.

8. Health Considerations

Deliver a safe, clean and welcoming asset base for employees and visitors.

9. Transport Considerations

Service delivery assets to be located in the most sustainable and accessible areas.

10. Prevention of Crime and Disorder Considerations

Asset rationalisation will reduce the number of underutilised high-risk assets. This will reduce crime, secure cost savings and also reduce targeted crime specifically against Council assets.

11. Social Value Considerations

As detailed at section 2, Asset Optimisation will align to all of the Council's Council Plan objectives.

12. Other Considerations

Not applicable

13. Background Papers

Review of Corporate Property Division paper 28 February 2019 located in the office of the Director of Property.

14. Key Decision YES

15. Call-in

Is it required that call-in be waived for any decision on this report? **NO**

16. Officer Recommendation

That Cabinet approves:

- 16.1 Implementation of the Asset Optimisation (full Corporate Landlord) Model
- 16.2 Corporate Property to be the sole provider of property and strategic built environment related services.
- 16.3 A review of the current Service Level Agreement between Corporate Property and other divisional departmental areas to re-establish core offerings as an interim process.
- 16.4 The creation of a specialist role to produce a detailed and costed timetable for the implementation of Asset Optimisation.
- 16.5 A review of the impact of Asset Optimisation on resources in Corporate Property, support functions and service areas.

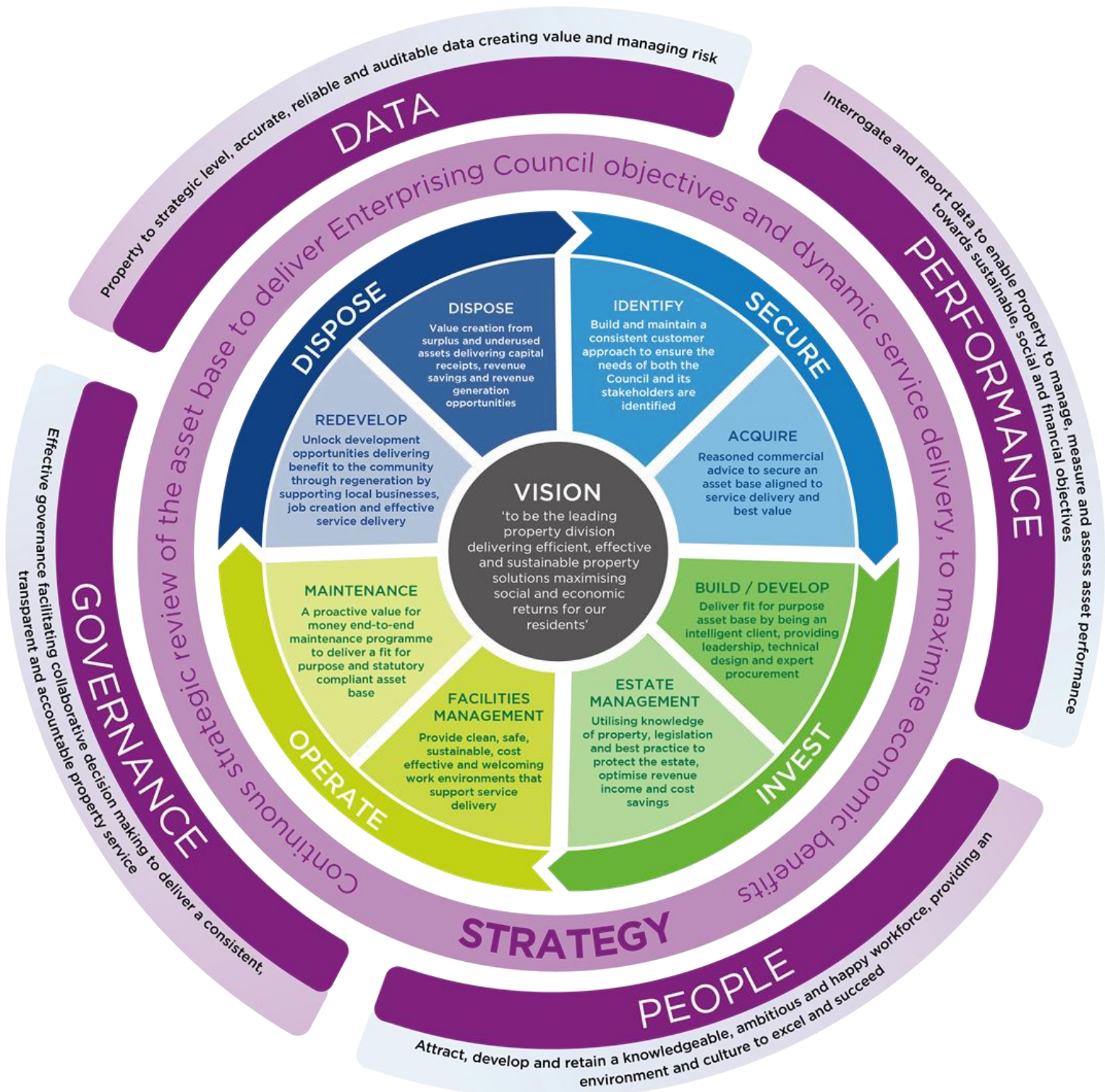
Agenda Item 6(a)

- 16.6 The research into a centralised data management process / system and approval to transfer the property and performance data to it.
- 16.7 Property data to be consolidated into a single location.

EMMA ALEXANDER

Executive Director Commissioning, Communities and Policy

Appendix A – Asset Optimisation through Corporate Landlord



PUBLIC

Author: Ellen Langton/ Iain Little

Agenda Item No.6(b)

DERBYSHIRE COUNTY COUNCIL

CABINET

14 January 2021

Report of the Director of Public Health

**INVESTMENT OF CONTAIN OUTBREAK MANAGEMENT FUND
(Health and Communities)**

1. Purpose of the report:

Cabinet is asked to:

- i. Review the proposed use of Derbyshire's allocation of the Contain Outbreak Management Fund to deliver a range of interventions to support the ongoing response to COVID-19.
- ii. Agree that this funding can be utilised as soon as possible.

2. Information and analysis:

Derbyshire County Council has received additional funding from Central Government to support the ongoing response to the COVID-19 pandemic as part of the Contain Outbreak Management Fund. This is in addition to funding received by the Authority in early 2020.

Public Health Authorities in England have a lead role in protecting and improving the health of the population in relation to the pandemic. Within the Public Health Authority, the Director of Public Health has a responsibility for the Authority's contribution to health protection matters, preparing for and responding to incidents that present a threat to public health.

In May 2020 the Government launched the NHS Test and Trace service, this would ensure that individuals who develop symptoms could access testing, and that high-risk contacts are identified and advised to self-isolate for 14 days. Public Health Authorities (Local Authorities responsible for Public Health functions) are central to the local Test and Trace programme and have an evolving function within the programme of work as a Local Tracing Partnership.

As part of the Contain Framework which sets out how the impact of COVID-19 will be managed and mitigated, all local authorities in England with a responsibility for Public Health have received a funding allocation equivalent to £8 per head to support proactive containment and intervention measures. Derbyshire's allocation is £6.500m. The funding will allow development of new, and extension of existing non-pharmaceutical interventions to manage and mitigate the impact of the pandemic in communities across Derbyshire in the coming months. Any

interventions need to be targeted at specific vulnerable communities or populations and this would include children and families, older people and individuals at higher risk due to their health status.

In the absence of an effective vaccine, non-pharmaceutical interventions are considered by the Government's Scientific Advisory Group for Emergencies (SAGE) and bodies such as the Association of the Directors of Public Health to be the most effective way of limiting the impact of the disease. It is also important to note that a range of measures, strategies, behaviours or tactics need to be adopted as part of a combination prevention approach, rather than simply selecting one or two measures and operating them in isolation. Evidence suggests that it is the cumulative impact of implementing a range of measures simultaneously that generates the greatest impact in terms of managing and controlling the spread of the disease both locally and nationally.

Some non-pharmaceutical interventions, such as a national lockdown or international travel restrictions require central co-ordination or sign-off, but there are other measures which can effectively be delivered on a local basis. Targeting local activity at certain communities or local populations will be needed throughout the next few months to maximise this investment and this may involve specific activity that focuses on schools, workplaces and care settings as well as broader community interventions. The table below summarises interventions that can be delivered in Derbyshire and outlines indicative funding allocations to each project/workstream.

Cabinet is asked to note that colleagues from across Public Health, in conjunction with relevant partners, will develop more specific details relating to each area of work, including where appropriate commissioning and procurement of specific activities:

Intervention	Indicative funding allocation
<p>Communications</p> <p>Investing in additional digital and hard copy communications materials and campaigns, including advertising infrastructure in town centres, will allow the communications team to promote key messages to inform the public what actions they need to take in relation to their wellbeing.</p> <p>Derbyshire currently has limited infrastructure to allow DCC to communicate messages at scale and other authorities have effectively utilised billboards or moveable digital advertising to communicate with large sections of the population. Investing in this infrastructure now will provide a significant opportunity to improve the reach of communications activity and develop a</p>	<p>£1.000m</p>

<p>resource which in the future may be able to generate an income for the authority.</p> <p>More generally, communications messages need to be targeted at the whole population of Derbyshire or may be more localised targeted activity in relation to a specific outbreak or incident. Evidence suggests that relevant and clear communications, using key channels and influencers including local elected members, community leaders and others is required on an ongoing basis.</p>	
<p>Test and Trace as part of a Local Health Protection response</p> <p>Derbyshire is now a Local Tracing Partnership as part of NHS Test and Trace, and therefore we need to increase the required capacity within the local contact tracing scheme. In addition, investment will be required to provide the infrastructure to support new testing approaches and processes.</p> <p>To support this investment Public Health has developed a Derbyshire COVID-19 Testing Strategy which outlines a local approach to testing complementing national schemes. Further expansion could also include use of other new testing technologies as they come on stream in 2021.</p> <p>This strategy will need to be implemented via additional staffing capacity to deliver test and trace locally, which would include identifying a workforce to administer the test, additional local contact tracing capacity, staff to support logistics, training and quality assurance.</p>	£2.500m
<p>Behavioural Insights</p> <p>Additional investment in clinical psychologist capacity across the COVID response will allow us to deploy psychology and behavioural sciences to develop strategies for prevention, for supporting staff, and for supporting local communities. This intervention has proven to be already effective in Derbyshire as well as other local authority areas.</p>	£0.200m
<p>Community-based approaches</p> <p>Ensuring that there is a robust mechanism to allow community-facing partners to support with the development and dissemination of consistent messaging, will increase the reach beyond existing communication routes. This will include developing a conversation-based approach, such as a COVID-champion or ambassador model.</p>	£1.35m

<p>Additional funding will maintain and further increase capacity to deliver a range of community support and recovery projects. Engagement with local partners will be essential to develop appropriate responses, as is as recognition that actions are more effective when local people and their local representatives are soon as a key part of the solution.</p> <p>This investment will also support further development and upscaling of wellbeing support available to local communities.</p>	
<p>Enforcement</p> <p>Enforcement must be part of a balanced and proportionate strategy where it forms one part of the combination prevention strategy as outlined above. Additional funding would secure further input and support from trading standards and environmental health officers to undertake specific COVID-19 related activity. This may involve enforcing restrictions on hospitality venues, workplaces, sporting venues and large social gatherings during the national lockdown, and any local restrictions which may be in place in the future.</p>	£0.250m
<p>Support for those who are self-isolating.</p> <p>This is a critical element of the overall approach and additional capacity in welfare rights teams would ensure individuals required to self-isolate have prompt access to expert advice on financial support available during self-isolation, including accessing the £500 self-isolation payment available through the Test and Trace Support Payment scheme, and administered through district and borough councils. The funding will also enable, where appropriate, wider social support to ensure individuals effectively self-isolate, to be arranged through the Community Response Unit or specific behavioural insight interventions.</p>	£0.500m
<p>Financial support to Private, voluntary and independent sector (PVI) care homes</p> <p>Feedback from across the sector has highlighted potential risks through care home staff car sharing. Additional funding targeted at specific care homes will enable staff to travel safely to and from work. In addition, funding will be used to enable staff within the care homes to deliver a range of activities that promote resident wellbeing whilst visiting restrictions and social distancing are in place.</p>	£0.150m
<p>Enhanced Infection Prevention Control measures in vulnerable populations</p>	£0.500m

Adherence to infection prevention control measures is lower in certain population groups, due in part to financial barriers to purchase basic supplies. Provision of resources, delivered in conjunction with increased infection prevention control advice to disrupt transmission will be implemented across a range of settings including, but not limited to: <ul style="list-style-type: none"> - Support to homeless populations. - Provision of face coverings, hand sanitiser, and cleaning products to foodbanks across Derbyshire to distribute to individuals who are not able to afford these critical items. 	
Total funding allocation	£6. 450m

An additional £0.418m has been allocated to Derbyshire by the Government to enable the resumption of activities that support individuals identified as clinically extremely vulnerable to shield during the lockdown period which commenced on 5 November 2020, although consideration of how this funding is allocated is outside the scope of this report.

3. Social Value considerations:

Many of these interventions will enable the Council to work alongside communities across Derbyshire to enable local community-based activity to support the response to the COVID-19 pandemic. Many of the projects will allow us to work collaboratively with the voluntary sector in Derbyshire to develop locally based solutions to key issues. The investment will be targeted at specific communities across Derbyshire who have been most impacted by COVID-19 to address health inequalities and deliver wellbeing outcomes.

4. Financial considerations

The funding for the interventions highlighted will be funded from additional monies allocated to Derbyshire County Council by Central Government as part of the Contain Outbreak Management Fund. The funding received by the Council will total £6.500m.

5. Legal considerations

Delegated authority will be given to the Director of Public Health and Cabinet Member for Health and Communities to develop an implementation plan to co-ordinate the delivery of the different workstreams described in this report. Where appropriate additional approvals from Cabinet/ Cabinet Member will be sought in line with the Council's Constitution and Financial Regulations.

6. Other considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality of opportunity, human resources, environmental, health, property and transport considerations.

7. Background papers:
[The Contain Framework](#)

8. Key Decision:

Yes

9. Call-in:

Is it required that call-in be waived for any decision on this report?
No

10. Officer's Recommendation:

Cabinet are asked to:

- i. Review and agree the proposed funding allocations to deliver a range of combination prevention interventions to support the ongoing response to COVID-19.
- ii. Approve that delegated authority be given to the Director of Public Health and Cabinet Member for Health and Communities to develop an implementation plan to co-ordinate the delivery of the different workstreams described in this report. Where appropriate additional approvals from Cabinet/ Cabinet Member will be sought in line with the Council's Constitution and Financial Regulations.

Dean Wallace

Director of Public Health

PUBLIC
AUTHOR: Mary Hague

Agenda Item No.6(c)

DERBYSHIRE COUNTY COUNCIL

CABINET

14 January 2021

Report of the Director of Public Health

**Section 75 Agreement for the delivery of the Derbyshire Integrated Sexual Health Service
(Health and Communities)**

1. Purpose of the report

To seek Cabinet approval to endorse entering into a Section 75 agreement for the provision of the Derbyshire Integrated Sexual Health Service (DISHS).

2. Information and analysis

The Council is mandated to ensure provision of open access sexual health services including:

- Contraception
- Testing and treatment of sexually transmitted infections (STIs)
- Sexual health aspects of psychosexual counselling, and,
- Sexual health specialist services including young people's services, outreach, HIV prevention and sexual health promotion.

The current Derbyshire Integrated Sexual Health Service (DISHS) contract was awarded by Cabinet on 17 May 2018. The contract was awarded to Derbyshire Community Health Services NHS Foundation Trust (DCHS NHSFT). This was for an initial five years with two 24-month options to extend, subject to satisfactory performance. This contract commenced on 1 April 2019 and is set to expire on 31 March 2028 if both options to extend are taken.

2.1 Current sexual health commissioning landscape

The DISHS delivers within a complex landscape of multiple commissioners and providers of sexual and reproductive health services, outlined by national change brought forward in the Health and Social Care Act 2012. These are summarised in the table on page 2.

Derbyshire County Council	Derby and Derbyshire Clinical Commissioning Group	NHS England
<ul style="list-style-type: none"> • Community contraception and including, Long Acting Reversible contraception (LARC) in general practice and emergency contraception in pharmacy. • Community STI diagnosis and treatment • Targeted Sexual Health Promotion and HIV prevention • Free Condom scheme (C-Card) • Psychosexual services (sexual health element) 	<ul style="list-style-type: none"> • Abortion services • Vasectomy and sterilisation services • Gynaecology services • Psychosexual services (non-sexual health element) 	<ul style="list-style-type: none"> • HIV treatment and care including pre and post prophylaxis • Contraception provided under the GP Contract • Cervical screening • Opportunistic promotion and testing of STIs • Sexual health in prisons • Sexual Assault Referral Centres (SARC)

Given the diverse commissioning landscape for sexual health across local authorities, Clinical Commissioning Groups (CCGs) and NHS England, it has always been important for stakeholders to come together to develop local solutions putting people at the center of commissioning decisions.ⁱ

This diverse landscape presents a challenge for commissioners and providers but also to local people themselves who would benefit from sexual and reproductive services. For example, where one element of the system changes, to re-procure a new service, impact is felt on other parts of the system. A local example of this is the HIV Treatment service, commissioned by NHS England and delivered by level three specialist providers. In Derbyshire this means the same staff deliver HIV treatment as well as the DISHS and when one of these services is re-procured, there is the risk of instability to the other service if the incumbent provider loses the procurement.

Differing commissioning cycles, procedures and policies add to the complexity, increasing the risk of inefficiency and duplication, risk of service instability and negative impact across the whole system for patient care.

The other challenge in such a diverse landscape, and this is reflected nationally, is outcomes for individuals. A diverse provider landscape is at risk of services

becoming disjointed and pathways not being seamless, equitable and accessible to individuals. Health inequalities are then further exacerbated.

The current landscape means it is often challenging to work in collaboration.

A Section 75 agreement is a legal agreement between a local authority and an NHS body under section 75 of the National Health Service Act 2006 (updated under the Health and Social Care Act 2012). A Section 75 agreement commissioning model offers a way to mitigate risks to service instability through the security of block payment arrangements, which also provides opportunity to innovate and work collaboratively to meet need. A section 75 agreement also enables different commissioning and provider organisations to come together and negotiate joint commissioning arrangements alongside the use of a pooled budget if appropriate. There are numerous examples of successful section 75 agreements operating across the sexual health sector.ⁱⁱ

2.2 Current service provider model and provision

DCHS NHSFT in its local provision of DISHS has worked well with the Council to constantly adapt to change and operate a multiple delivery model for patients despite system challenges including:

- Need to develop digital delivery of services for screening for sexually transmitted infections (STIs) and provision of some forms of contraception, such as oral contraceptives and emergency contraception and condom provision.
- A requirement to provide face-to-face delivery across multiple settings, including at integrated DISHS clinics and offering a fully integrated service (level 3) through a hub and spoke model at several periphery clinics and in some local GP surgeries.
- Delivering targeted outreach through voluntary sector partners and a Sexual Health Promotion and HIV Prevention team working in multiple models including, 1:1 intensive support and group support and ensuring these are at multiple venues and settings to ensure best accessibility for those most at risk.
- Providing an interface across the wider sexual and reproductive system endeavouring to ensure smooth pathways for patients from one externally commissioned service to another

In September 2019, DCHS NHSFT has been commended as 'Outstanding' by the Care Quality Commission (CQC) in its inspection and subsequent report and is in a significantly strong position to support the opportunities presented through a Section 75 agreement.ⁱⁱⁱ The CQC report noted:

"Service users were able to access care and treatment at a time suitable for them. For example, they could order a test kit and book appointments online, clinics had walk in slots, there were evening clinics and clinics on a Saturday morning."

The current payment arrangement for DISHS is based on a tariff model utilising a bespoke Derbyshire tariff. The tariff model can be restrictive, and this is the position now in Derbyshire. Release of payment under tariff has a risk to provider security to enable them to innovate to deliver new and more efficient ways of delivery. Tariff based models also run the risk of underspend and the service managing all foundation costs (staff, equipment, premises) within a reduced contract budget. This is reflected in Derbyshire, with historical underspend each year.

Such challenges have been particularly apparent during the COVID-19 pandemic, resulting in a need to temporarily amend service delivery to comply with Government and NHS England advice. To enable the service to respond to the challenges of COVID-19 service provision is being funded by a temporary block contract payment arrangement.

2.3 Need

Derbyshire enjoys relatively good sexual health compared to England and other similar benchmarking local authorities. However, due to the large population of Derbyshire and its' diverse communities, there is significant variation of need especially within population groups most at risk of poor sexual health outcomes and are summarised in the table below.

Indicator	England	Derbyshire	Trend since previous year
New STI diagnoses per 100,000 population. (2019)	816	553	Increasing/worsening
Rate of new STI diagnoses per 100,000 for people aged 15 to 24 years <i>excl. chlamydia</i> (2019)	900	574	Increasing/worsening
Testing rate per 100,000 population excluding chlamydia for people aged 25 years or younger. (2018)	20.45	18.3	Unchanged
Chlamydia detection per 100,000 population aged 15 to 24 years.	2,043	1,881	Improving
Percentage of patients receiving a HIV late diagnosis. (2016-18)	42.5%	43.1%	N/A
Total uptake LARC excluding injections per 1,000 population aged 15 to 44 years. (2019)	49.5	65.2	Improving
Under 18's conceptions per 1,000 population aged 15 to 17 years in 2017	16.7	15.8	Unchanging

In summary, the people most at risk of poor sexual health outcomes include young people aged 25 and under, men who have sex with men (MSM) and people living with HIV (PLHIV).

This data further supports a change to a section 75 agreement due to the need to innovate at pace. The current tariff-based contract prohibits immediate change and development. The data above suggests the continued emphasis on the importance of prevention via increased partnership arrangements to address sexual health need.

Block finance under a section 75 agreement would allow for flexibility to support delivery where it is most needed, and it enables a system-wide approach to be developed. For example, following negotiation and agreement across parties the inclusion of the separately commissioned HIV treatment service in a section 75 agreement with appropriate NHS resource would add value to patient care.

2.4 Specific advantages of a section 75 agreement for sexual healthcare across the Derbyshire population

This proposal allows for improved adaptation to meet the changing needs of the Derbyshire population. It allows the provider to innovate at pace and also raises opportunity for specific collaboration in the form of joint commissioning through a system-wide budget to realise a more stable local sexual health system and growth with a relevant service commissioned by the CCG and/or NHS England.

Greater innovation and opportunity towards collaboration will result in:

- Increased partnership working opportunities as a system, without the challenges of multiple commissioner/provider splits.
- A gain in efficiencies of scale.
- More capacity (time and money) to re-invest in elements of care that need this most.
- Further development and alignment with Council and other NHS services to support new pathway development across services associated with sexual health to best meet need, especially for those most at risk. An example of this would be increased working between sexual health provision and substance misuse services in children's services.
- Greater transparency in activity and outcomes against investment, creating further flexibility and responsiveness to need

Ultimately a Section 75 agreement will enable the Council and its partners to work together more cohesively to manage future turbulence within the sexual health system and enact savings at a faster pace as necessary. A Section 75 agreement will build on the very successful service that is currently delivered and would mitigate any future risk on performance due to re-procurement.

The issues of working in a new and different way to meet local challenges presented across the sexual health system have been already raised and discussed. The provider DCHS NHSFT is fully supportive to work with the Council towards a Section 75 agreement.

3. Social value considerations

A Section 75 agreement offers an opportunity for efficiencies as one party provides functions on behalf of another, or functions are shared, through a pooled budget arrangement. Pooled budgets result in more seamless and efficient services for the population, but also realise savings from shared administration and reduced back office costs. Savings can then be utilised to deliver service improvement to better meet the needs of the local population.

DCHS NHSFT, as the current provider of sexual health provision, is one of the largest employers in Derbyshire, employing over 4,500 local people. As an organisation, it is committed to supporting local businesses with 43.3% of expenditure with Derbyshire businesses, and 63% of businesses to which they contract with are local small or medium-sized enterprises (SMEs).

The current contract offers added value to the Derbyshire economy through coaching and mentoring support to local community and voluntary organisations. For example, DISHS supports voluntary and community sector organisations associated with the sexual health agenda such as Women's Work and LGBT+. Additional support helps organisations to take further steps in the development of their employees' capacity and capability and potentially expand their businesses. As an existing and substantial local employer and service provider, we would be able to provide easily local access to coaching/mentoring support.

DCHS NHSFT is committed to provide DCHS-run training courses as necessary to support practice across the voluntary and community sector through both the sexual health service and corporate function.

4. Financial considerations

The annual budget for the Derbyshire Integrated Sexual Health Service is £5.000m per annum, plus an additional £1.600m for out of area costs, where a Derbyshire resident seeks treatment through a service outside of the county. Most of this budget is allocated across the five tariff-based elements of the contract equating to £4.148m. There has always been an annual underspend within this service presenting a risk of instability to the service and restrictions towards innovation and development across the wider system to address need.

To reflect the historical spend it is recommended that the section 75 arrangement has a reduced budget, not exceeding £4.750m per annum.

The Council would retain the out of area services budget to pay for Derbyshire residents that attend sexual health services in other parts of the country.

The overall aim will be to realign savings from both the current service contract value and future budget arrangements, and this will be re-invested to support and broaden the wider Public Health health improvement offer.

It should be noted that the development of a Section 75 Agreement does not constitute a delegation of statutory responsibilities for this service. The Council must continue to ensure that the relevant regulatory requirements relating to the funding stream are met and it needs to consider the regulatory impact of decisions made. This is in line with the conditions attached to the use of the ring-fenced Public Health Grant.

5. Legal Considerations

A Section 75 agreement is a legal agreement between a local authority and an NHS body under section 75 of the National Health Service Act 2006 (updated under the Health and Social Care Act 2012). It enables local authorities and NHS bodies (including clinical commissioning groups and foundation trusts) to enter into arrangements in relation to the exercise of each other's health-related functions where such arrangements will provide a more streamlined service if they are likely to lead to an improvement in the way those functions are exercised. The arrangements may mean that one body carries out the functions of both in providing the service; that the two bodies share functions (usually with a pooled budget); or that one body commissions services on behalf of both. Where one party is commissioning services on behalf of both parties, that organisation's procurement rules apply to the procurement.

The two parties (the Council and the NHSFT) must undertake a joint public consultation with stakeholders including service users, CCGs, local authorities and other partners across the sexual health system. Responses should be assessed by a Governance Group, chaired by the Director of Public Health.

The agreement will include clearly defined shared performance measures, outcomes, aims and objectives, setting out the services to be delivered. It will also detail governance arrangements including accountability, financial reporting, management of risks, exit strategy and treatment of any overspends/under spends.

6. HR Considerations

The current services in scope for the partnership arrangement employ a range of clinical and non-clinical staff from DCHS NHSFT. Employee consultation and briefings will take place as appropriate to ensure understanding and maintenance of the service during this process of change.

7. Other Considerations

The section 75 agreement proposal for sexual health services supports the principles of whole-system and partnership working across the system within Joined Up Care Derbyshire and will further support the approach of the development of local accountable care systems. It further supports the Council's commitment to Joined Up Care Derbyshire principles, by developing a collaborative approach to designing local population-based public health services.

The Council already has a section 75 agreement in place for the provision of services for people aged 0 to 19 with DCHS NHSFT, with existing mechanisms of policy, partnership and service delivery with the same provider established. The Section 75 agreement for sexual health provision will be separate from the current 0 to 19's service, however utilising the existing organisational methods will be least disruptive in terms of organisational change to progress the better integration of services and care across public health and Sexual Health services.

8. Background papers

Cabinet Report 17 May 2018 Provision of Derbyshire Integrated Sexual Health Service

9. Key Decision

Yes

10. Call-in

Is it required that call-in be waived for any decision on this report?

No

11. Officer's Recommendation

Cabinet are asked to:

- i. Approve that a public consultation exercise is undertaken in conjunction with Derbyshire Community Health Services NHS Foundation Trust on moving to a Section 75 agreement for sexual health provision in Derbyshire.
- ii. That, subject to the outcome of the public consultation, Cabinet endorses entering into a Section 75 agreement for the provision of the Derbyshire Integrated Sexual Health Service (DISHS).
- iii. Delegate approval for any further decisions required in relation to moving this new approach forward at pace to the Director of Public Health and Cabinet Member for Health and Communities.

Dean Wallace
Director of Public Health

ⁱ The Making it Work. PHE, 2014

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/408357/Making_it_work_revised_March_2015.pdf

ⁱⁱ Sexual Health Commissioning in Local Government: Building strong relationships, meeting local needs. LGA 2015

https://www.nat.org.uk/sites/default/files/publications/sexual_health_commissioning_in_local_government.pdf

ⁱⁱⁱ Derbyshire Community Health Services NHS FT: Sexual Health Service. CQC. 2019.

<https://www.cqc.org.uk/provider/RY8/inspection-summary#communitysexual>

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Agenda Item No.6(d)

DERBYSHIRE COUNTY COUNCIL

CABINET

14 January 2021

Report of the Director – Economy, Transport and Environment

**USE OF PROFESSIONAL CONSULTANCY AND CONSTRUCTION
FRAMEWORKS FOR HIGHWAY, TRANSPORT AND ENVIRONMENTAL
SERVICES AND PROJECTS (HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE)**

(1) **Purpose of Report** To seek Cabinet approval to utilise non DCC frameworks, following Protocol 2(a) of the Council's Financial Regulations to commission professional consultancy and construction providers to support the delivery of a wide variety and volume of highway, transport and other works in the current and future capital programme.

(2) **Information and Analysis** Since the late 1990's, Derbyshire County Council has adopted a mixed economy of in-house and partner consultants and contractors in the delivery of highway capital projects. This model has provided operational flexibility, at the same time as providing a wide range of services to address peaks and to provide specialist services and capabilities, some of which are not available in-house.

The Council's in-house team currently has the maximum capacity to deliver about £13m of capital works in addition to about £5m of revenue services. External contractors currently support the in-house service in delivering approximately a further £13m of capital works using a number of Derbyshire specific contracts.

The in-house design service currently has the capacity to deliver approximately £2m of designs per year. Since 2011, top-up consultancy services have predominantly been provided through a framework contract procured by the Midlands Highways Alliance, (MHA), of which the county council is a founder member.

Over the past few years, the Council has seen a significant increase in government funding for the highways capital programme. At the same time, the Council has experienced shortages in staff which has led to a backlog in delivery of the increased capital programme. The Council has initiated a new recruitment drive to address these shortages and engaged with a wide variety

of alternative providers to identify the options available in supporting the in-house service. The Council has trialled and made limited use of the Eastern Shires Purchasing Organisation (ESPO) framework contract for consultancy services and the SCAPE framework for construction services.

The impact of COVID-19 on the Council has further impacted the existing capacity of the service to deliver its highways' capital programme. This has resulted in a further delay to the current 2020-21 programme of work. As a result, a large number of projects and schemes will be carried forward into 2021-22.

It is likely that Derbyshire will receive circa £30M from Government for 2021-22 for highways maintenance, as a result of the recent budget. This, in addition to the carry forward from 2020-21, will give an overall programme of some £60M+, possibly more, dependent upon this year's outturn.

This greatly exceeds the capacity of the in-house service to either deliver or provide oversight for external providers to deliver. Realistically it will take 2-3 years to bring the annual capital programme into balance. The Council's aim next year is to programme a spend of circa £40M+. In order to do this, urgent action is underway to identify current undelivered and future schemes that can be packaged up and put out to the market to deliver, these will include schemes for resurfacing, surface dressing, drainage and major patching. Procurement of these will be needed by the Spring if a major delivery programme is to be attained next year.

In the short term, there is a need to source sufficient professional consultancy and design services and construction services to accelerate the delivery of the highways' capital programme. This is unlikely to be possible through the current routes used by the authority due to the scale of these packages. The Highways service also lacks sufficient internal commercial expertise to manage these new arrangements and short term resource will be required to manage the programme next year, ahead of longer term establishment of an effective commercial team.

In the medium term, the service is looking at a professional services partnership arrangement that better integrates external resources in supporting the in-house service. This is a major undertaking and will require a commissioning and procurement exercise that is likely to take approximately 18-24 months to procure and commission.

In developing this approach, it is of note that the Local Authority highways sector is still an attractive market for the private sector but, within the next five years, twenty-four local highways authorities will be coming to the end of their current highways delivery arrangements with their providers, be they construction, design or both. Soft market testing, and experience with the

MHA suggests, that merely having available work is not sufficient to attract business. Most providers intend to continue to offer their services to local authorities, but providers are increasingly selective about bidding. Therefore, in order to make the possible professional services procurement exercise successful, it is essential that the County Council makes itself as an attractive potential partner as possible (ways of working, types of work, location/ accommodation, facilities, systems, etc) to the private sector market.

The optional use of a broader range of national and local frameworks will enable the Council to increase the delivery of its capital programme, whilst future mechanisms are developed and put in place. Different professional consultancies and contractors are members of different national and regional frameworks and, depending upon the specific services the Council needs for each project, the choice of which framework and provider to use will be determined to enable best value to the Authority in either the short or long term.

Frameworks are responsive to changing needs and short timescales, offering both design and/or delivery services for specific schemes or programmes of works, plus the opportunity to take on seconded staff for limited periods of time. To procure these services on an individual basis through separate specifications and tendering procedures would be specialist resource dependant, time consuming and costly. Use of the MHA PSP and MHF frameworks together with the ESPO and SCAPE contracts have enabled the Council to deliver projects that the Council wouldn't have been able to do alone. Multiple frameworks will enable the Council to commission more projects to the right provider to support the Council's in-house service under the right terms and conditions for the Council.

The Council will seek the option to commission services through different Frameworks which could include;

- Midlands Highway Alliance Professional Services Partnership (MHA PSP)
- Midlands Highway Alliance Medium Schemes Framework (MHA MSF)
- Eastern Shires Purchasing Organisation (ESPO)
- Yorkshire Purchasing Organisation (YPO)
- North East Procurement Organisation (NEPO)
- Highways England Specialist Professional and Technical Services Framework (SPaTS)
- Homes England Technical Framework
- Crown Commercial Services (CCS) Frameworks
- Scape
- Bloom
- Pagabo
- Stoke-on-Trent Professional Services in the Built Environment Framework

- Midlands Connect Specialist Technical Framework

It is proposed that dedicated Highway's contracts officer/s are recruited initially on a temporary basis, to manage this requirement, as well as any subsequent ongoing monitoring or contract management of contracts. The contracts officer/s will integrate with the Highways service to help determine the optimum use of the various frameworks. For every project requirement, consideration for using further mini competitions or direct award call-offs shall be required. The contracts officer/s will work closely with Council's Procurement team to validate the preferred framework option and its appropriate use, ensuring compliance with financial and procurement regulations. It will be vital to continuously assess and benchmark these arrangements to assure value for money.

With an extant and future capital budget of approximately £60+M, the use of national and local frameworks will support the Council's mixed economy model to deliver more than the current capacity that the in-house design and construction services can currently deliver.

(3) **Financial Considerations** The costs of using and managing the performance of the frameworks and professional consultants will be wholly funded by the Capital programme and the projects themselves. In accordance with protocol 2a of the Council's Financial Regulations, a business case for the use of the non DCC frameworks as detailed in the report has been approved by the Director of Finance and ICT and the Director of Legal Services.

(4) **Legal Considerations** The Director of Legal Services will advise in relation to the approval of framework documents and the approval of call off terms in relation to the use of non DCC frameworks to support the delivery of the ETE Highways capital programme. The Director of Legal Services is satisfied that on the basis of the information contained in the report it is appropriate to use non DCC frameworks as proposed.

(5) **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(6) **Key Decision** Yes.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Business Case: Use of Professional Consultancy and Construction Frameworks for Highway, Transport and Environmental Services and Projects, attached as Appendix 1.

(9) **OFFICER'S RECOMMENDATIONS** That Cabinet:

- 9.1 Approves the optional use of national and local frameworks to commission professional consultancy and construction providers as and when required, to support the Council's mixed economy model in delivering a wide variety and volume of Highway, Transport and Environmental works in the current and future capital programme.
- 9.2 Approves the appointment of dedicated Highway's contracts officers to manage this requirement and the ongoing monitoring and contract management of subsequent contracts.
- 9.3 Cabinet notes that the award of contracts under Protocol 2B of the Council's Financial Regulations, to support the delivery of the Council Highway's capital programme is delegated to the Executive Director of the Economy Transport and the Environment Department.

Tim Gregory
Director – Economy, Transport and Environment



**Procurement Business Case
Protocols 2a, 8, 9 and 10
(Over £50,000)**

**Use of Professional Consultancy
and Construction Frameworks
for Highway, Transport &
Environmental Services &
Projects**

Version Control

Version	Name	Date	Comments
1.0	Tom Blackburne-Maze	07/12/2020	Revised template
2.0	Tom Blackburne-Maze	08/12/2020	Updated to include Construction Services
3.0	Tom Blackburne-Maze	14/12/2020	Updated with comments from Procurement and Exec Director
4.0	Tom Blackburne-Maze	22/12/2020	Updated with comments from Procurement and Legal

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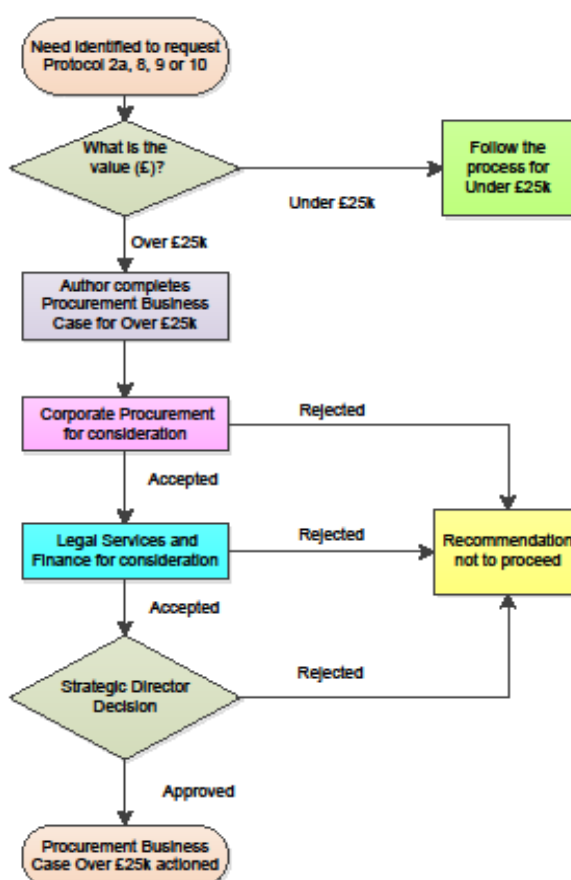
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Annexes

Annex A – List of Frameworks
 Annex B – Draft Framework Evaluation Process
 Annex C – Draft Framework Evaluation Template

Approval Process

- 1.1. Author completes section 1 to 9 and emails the document to Corporate Procurement (e.g. contract manager).
- 1.2. Corporate Procurement complete section 10 if supporting the recommendation(s) and email the document to the Director of Legal Services and Director of Finance & ICT (or their representatives under the Scheme of Delegation) for approval.
- 1.3. Legal Services complete section 11 if they support the recommendation(s) and email the document back to Corporate Procurement and the author.
- 1.4. Corporate Finance complete section 12 if they support the recommendation(s) and email the document back to Corporate Procurement and the author.
- 1.5. If approved by Legal Services and Corporate Finance, the author liaises with their Strategic Director for approval.
- 1.6. The Strategic Director (or their representative under the Scheme of Delegation) completes section 13 if they support the recommendation(s).
- 1.7. The author emails the fully approved copy to Corporate Procurement and appends it to the relevant Cabinet or Cabinet Member report if the value of the award exceeds £100,000.
- 1.8. If the document is not approved at any stage in this process, it will be returned with an explanation and proposals for resolution.



1 Background & Business Need

Since the late 1990's, Derbyshire County Council has adopted a mixed economy of in-house and partner consultants and contractors in the delivery of highway capital projects. This model has provided operational flexibility, at the same time as providing a wide range of services to address peaks and to provide specialist services and capabilities, some of which are not available in-house.

It is of critical importance that the Council implements its Highway Capital programmes and projects effectively and efficiently to meet strict funding windows and deliver Value for Money services for its residents. High performance provides good customer satisfaction and helps with future bids for other projects vital for the county's economic well-being. It also assists the Authority secure performance-related funds from Central Government that make up the majority of the Council's maintenance funding settlements.

The Council's in-house team has the maximum capacity to deliver about £13m of capital works in addition to about £5m of revenue services. External contractors currently support the in-house service in delivering approximately a further £13m of capital works using a number of Derbyshire specific contracts to top-up it's in-house construction service. These external services are procured via a number of established DCC contracts. This includes a bespoke £1.5m resurfacing framework. The framework includes 8 contractors who tender via a mini competition process for each project. Currently 6 of the contractors are returning tenders and the projects are spread evenly between them. The current framework expires at the end of March 2021 and work to develop a new framework has not been commenced.

The in-house design service currently has the capacity to deliver approximately £2m of designs per year. Since 2011, top-up consultancy services have predominantly been provided through a framework contract procured by the Midlands Highways Alliance, (MHA), of which the county council is a founder member. Currently, the Council commissions between £3-4m of design services through the framework.

Over the past few years, the Council has seen a significant increase in government funding for the highways capital programme. At the same time, the Council has experienced shortages in staff which has led to a backlog in delivery of the increased capital programme. The Council has initiated a new recruitment drive to address these shortages and engaged with a wide variety of alternative providers to identify the options available in supporting the in-house service. The Council has trialled and made limited use of the Eastern Shires Purchasing Organisation (ESPO) framework contract for consultancy services and the SCAPE framework for construction services.

The impact of COVID-19 on the Council has further impacted the existing capacity of the service to deliver its highways capital programme. This, together with staff

shortages and other factors, has resulted in a delay to the 2020-21 programme of work. As a result, a large number of projects and schemes will be carried forward into 2021-22.

It is likely that Derbyshire will receive circa £30m from Government for 2021-22 for highways maintenance, as a result of the recent budget. This, in addition to the carry forward from 2020-21, will give an overall programme of some £60m+, possibly more, dependent upon this year's outturn.

This greatly exceeds the capacity of the in-house service to either deliver or provide oversight for external providers to deliver. Realistically it will take 2-3 years to bring the annual capital programme into balance. The aim is that next year the Council programme spend of circa £40m+. In order to do this, urgent action is underway to identify current undelivered and future schemes that can be packaged up and put out to the market to deliver, these will include schemes for resurfacing, surface dressing, drainage and major patching. Procurement of these will be needed by the Spring 2021 if a major delivery programme is to be attained next year.

In the short term, there is a need to source sufficient professional consultancy and design services and construction services to accelerate the delivery of the highways capital programme. This is unlikely to be possible through the current routes used by the authority due to the scale of these packages. The Highways service also lacks sufficient internal commercial expertise to manage these arrangements and short term resource will be required to manage the programme next year, ahead of longer term establishment of an effective commercial team.

In the medium term, the service is looking at a long-term partnership arrangement that better integrates external resources in supporting the in-house service. This is a major undertaking and will require a commissioning and procurement exercise that is likely to take approximately 18-24 months to procure and commission.

In developing this approach, it is of note that the Local Authority highways sector is still an attractive market for the private sector but, within the next five years, twenty-four local highways authorities will be coming to the end of their current highways delivery arrangements with their providers, be they construction, design or both. Soft market testing, and experience with the MHA suggests, that merely having available work is not sufficient to attract business. Most providers intend to continue to offer their services to local authorities, but providers are increasingly selective about bidding. Therefore, in order to make the possible professional services procurement exercise successful, it is essential that the County Council makes itself as an attractive potential partner as possible (ways of working, types of work, location/accommodation, facilities, systems, etc) to the private sector market.

The optional use of a broader range of national and local frameworks will enable the Council to increase the delivery of its capital programme, whilst future

mechanisms are developed and put in place, different professional consultancies and contractors are members of different national and regional frameworks and, depending upon the specific services the Council needs for each project, the choice of which framework and provider to use will be determined to enable best value to the Authority in either the short or long term.

The Council will seek the option to commission services through a number of different Frameworks, some of which the Council is already using. Frameworks are responsive to changing needs and short timescales, offering both design and/or delivery services for specific schemes or programmes of works, plus the opportunity to take on seconded staff for limited periods of time. To procure these services on an individual basis through separate specifications and tendering procedures would be specialist resource dependant, time consuming and costly. Use of frameworks such as the MHA, PSP, MHF, ESPO and SCAPE arrangements have enabled the Council to deliver projects that the Council wouldn't have been able to do alone. Multiple frameworks will enable the Council to commission more projects to the right provider to support the Council's in-house service under the right terms and conditions for the Council.

It is proposed that dedicated Highway's contracts officer/officers are recruited initially on a temporary basis, to manage this requirement, as well as any subsequent ongoing contract monitoring or contract management. The contracts officer/s will integrate with the Highways service to help determine the optimum use of the various frameworks and will work closely with Council's Procurement team to validate the preferred framework option, ensuring compliance with Financial Regulations and the Standing Orders Relating to Contracts. It will be vital to continuously assess and benchmark these arrangements to assure value for money.

With an extant and future capital budget of approximately £60+m, the use of national and local frameworks will support the Council's mixed economy model to deliver more than the current capacity that the in-house design and construction services can currently deliver.

2 Objectives

To gain approval to the use of national and local frameworks identified in Annex A in commissioning professional consultancy and construction providers to support the delivery of a wide variety and volume of Highway, Transport and Environmental works in the current and future capital programme during 2021/22 and 2022/23.

3 Scope

The Council will seek the option to commission services through a number of different Frameworks, some of which the Council is already using, which could include:

- Midlands Highway Alliance Professional Services Partnership (MHA PSP)
- Midlands Highway Alliance Medium Schemes Framework (MHA MSF)
- Eastern Shires Purchasing Organisation (ESPO)
- Yorkshire Purchasing Organisation (YPO)
- North East Procurement Organisation (NEPO)
- Highways England Specialist Professional and Technical Services Framework (SPaTS)
- Homes England Technical Framework
- Crown Commercial Services (CCS) Frameworks
- Scape
- Bloom
- Pagabo
- Stoke-on-Trent Professional Services in the Built Environment Framework
- Midlands Connect Specialist Technical Framework

Annex A provides a more detailed analysis of each of these frameworks.

4 Benefits

The use of frameworks enables the Council to award individual contracts without going through a fully compliant procurement process each time. This means that frameworks can be responsive to changing needs and short timescales, offering both design and/or delivery services for specific schemes or programmes of works, plus the opportunity to take on seconded staff for limited periods of time.

To procure these services on an individual basis through separate specifications and tendering procedures would be specialist resource dependant, time consuming and costly. Use of the existing MHA, ESPO and SCAPE frameworks have enabled the Council to deliver projects that it wouldn't have been able to do alone.

The Council is presently looking at new options to successfully deliver design and professional services in the long term. However, this is likely to take approximately 18-24 months to develop the best solution for the Council to procure, commission and mobilise. In order to make the long-term solution successful the Council will be able to use multiple frameworks to assess different providers and make itself attractive to consultants who, themselves, are keen to support the Council in the period up to a longer-term solution.

With an extant and future capital budget of approximately £60+m, the use of

national and local frameworks will support the Council's mixed economy model to deliver more than the current capacity that the in-house design and construction services can currently deliver.

5 Options Appraisal

Do Nothing Option

It is likely that Derbyshire will receive circa £30m from Government for 2021-22 for highways maintenance, as a result of the recent budget. This, in addition to the likely carry forward of circa £40m from 2020-21, giving an overall programme of some £60m+, possibly more, dependent upon this year's outturn.

This greatly exceeds the capacity of the existing in-house resources and arrangements to either deliver or provide oversight for external providers to deliver. This will mean the Council will be unable to deliver all of its current and future capital highways programmes within the required timescales. This could lead to visible and structural deterioration of the network, reputational damage with residents and stakeholders, the possible loss of external funding and the raising of highway safety issues.

Do Something Option

- DCC establish their own Framework Agreement –
To procure these services on an individual basis or via a DCC internally procured framework would be resource intensive to provide separate specifications and tendering procedures. It should be specialist resource dependant, time consuming and costly and would not meet the Council's timescales.
- Optional use of Multiple Frameworks – Under this option, the Council will be able to commission multiple professional consultants and construction providers to support the design and delivery of highway projects over the next 18-24 months as a medium to longer-term solution is developed and implemented.

The second bullet point of the do-something option also enables the Council to maximise the success opportunities of a possible medium-term professional services solution by engaging with prospective partners during the development of the option. This will enable the Council to increase its attractiveness to professional consultants whilst assessing the performance of prospective partners. Realistically it will take 2-3 years to bring the annual capital programme into balance but the aim is that next year we programme a spend of circa £40m+. In order to do this, urgent action is underway to identify current undelivered and future schemes that can be packaged up and put out to the market to deliver, these will include schemes for resurfacing, surface dressing, drainage and major

patching. Procurement of these schemes will be undertaken via the frameworks in Spring 2021 in order that the major delivery programme is to be attained next year.

6 Timescales

As the alternative national and local frameworks are already in place, the Council will be able to formally apply to the appropriate contracting authority by completing an access agreement to use the frameworks it is not currently using following this business case successful approval. This will then allow Consultants and Contractors to be commissioned in January/February/March 2021 in accordance with the framework conditions to undertake the highways capital programme supporting the in-house services.

7 Costs

It is expected that up to £60m of design and construction services could be procured via the external frameworks identified in Annex A over the next 24 months. Usage costs are generally applied to the amount of work put through the frameworks and these costs are identified. Some frameworks charge separate usage costs, some are built into the rates. These costs vary between 0.25% and 5%.

The value of the additional professional consultancy and design services needed to support the in-house service over the next 18-24 months to deliver the capital programme is expected to be in the region of £10m. Costs could therefore be in the order of £25k to £500k.

The value of external construction works needed to support the in-house delivery team over the next 18-24 months is expected to be in the region of £40-50m over the current capacity. Costs could therefore be in the order of £125k to £2.5m depending upon the choice of framework.

The management of the frameworks will require additional resource in issuing briefs for packages of works and projects, managing consultants, coordination, performance monitoring and approving payments. The specialist contract management officers resource costs to manage the frameworks over the 24 months are expected to be approximately £100-200k per year.

These costs will all be met from the capital funded projects themselves.

8 Risks & Issues

It is recognised that a process of validation will need to be implemented to ensure a robust options analysis is undertaken again each new project, prior to entering into a procurement exercise. This process will establish which of the approved frameworks will deliver the best value and meet project requirements, either by

conducting a further mini competition or making a direct awarding from the preferred framework. It is proposed that a dedicated Highway's contracts officer/officers are recruited to manage this requirement as well as any subsequent ongoing monitoring or contract management of contracts. The contracts officer/s will use an evaluation matrix to undertake the options analysis and will work closely with Council's Procurement team to validate the preferred framework option, ensuring compliance with financial and procurement regulations. An example of what will be developed after approval is contained in Annex B. The officers will ensure that accurate records are maintained within the Councils Contracts Register (ProContract). An annual report will be prepared on the use of different professional consultancy frameworks and providers.

The benefits of using the chosen framework and provider will be clearly identified and recorded in the template shown. An example is contained in Annex C and, upon approval of the business case, will be developed jointly with colleagues in the Council's procurement team. An annual report of each framework and consultant/contractor use will be prepared.

9 Recommendation

I confirm that following reasonable enquiries, the facts stated in this business case are true to the best of my knowledge. On the basis of this business case it is recommended that the Director of Legal Services and the Director of Finance & ICT approve the use of national and local frameworks to commission professional consultancies and contractors to support the delivery of a wide variety and volume of Highway, Transport and Environmental works in the current and future capital programme.

Name:	Tom Blackburne-Maze		
Job Title:	Highways Programme Director		
Department:	ETE	Date:	22/12/2020

10 Corporate Procurement

To be completed by a nominated representative of Corporate Procurement.

Corporate Procurement comments:			
Name			
Job Title:		Date:	Click here to enter a date.

11 Director of Legal Services Approval

To be completed by the Director of Legal Services, or their nominated representative under the Scheme of Delegation.

Legal Services comments:			
Name:			
Job Title:		Date:	Click here to enter a date.

12 Director of Finance & ICT Approval

To be completed by the Director of Finance & ICT, or their nominated representative under the Scheme of Delegation.









Corporate Finance comments:			
Name:			
Job Title:		Date:	Click here to enter a date.

13 Strategic Director Approval

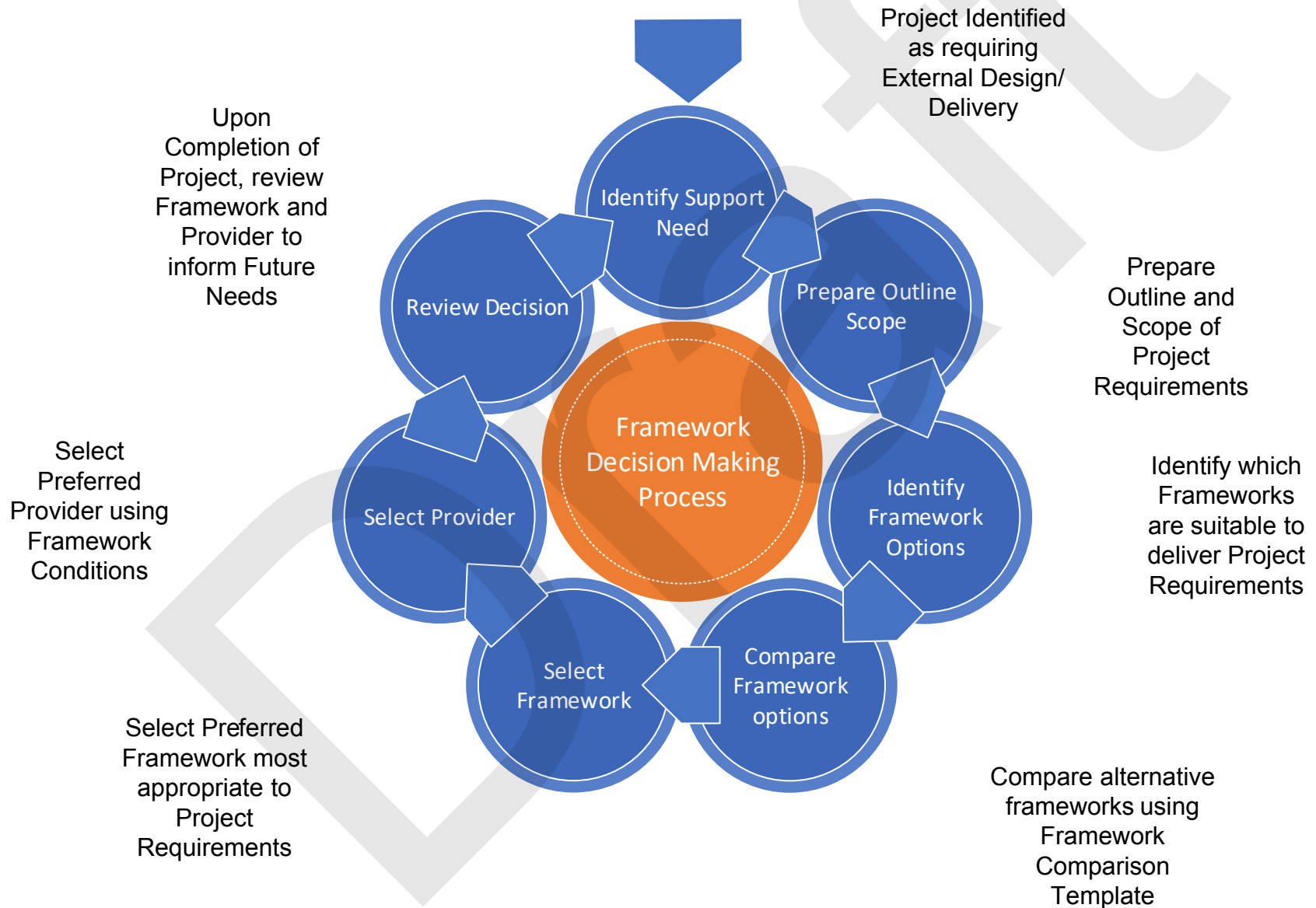
To be completed by the departmental Strategic Director, or their nominated representative under the Scheme of Delegation.

Name:			
Department:		Date:	Click here to enter a date.

Framework	Description	Contracting Authority	EU/UK Compliant	Number of Specialist Lots	Number of Providers	Access Fee	Direct Award	Defined Rates	Mini-Competitions	Social Value captured	Sustainability Captured	Expiry	Supporting Framework / Call off documents where required
Midlands Highway Alliance Professional Services Partnership, (MHA PSP)	<p>The PSP3 Framework superseded PSP2 in April 2019. 35 Authorities named on the framework. There are 2 Lots on the Framework</p> <p>Lot 1 provides access to 2 suppliers of design services, AECOM and Amey. The framework can be used to directly commission services to either consultant or to have a mini-competition between both suppliers. Derbyshire have had a longstanding relationship with AECOM over the previous years and have currently commissioned £2.03m design fees directly to them via PSP3 since 29 April 2019. The projects have covered a number of different Derbyshire Services, including transport planning and environment areas as well as Highways. Highways and Structures equates for about half the portfolio. Derbyshire has only recently commissioned work from Amey but is unable to compare offers between AECOM and Amey at the moment.</p> <p>Lot 2 provides access to secondment opportunities and the 2 suppliers are Waterman Aspen and Matchtech. Derbyshire currently has 15 staff from Matchtech across all services, although not all are in Highways.</p>	Leicestershire County Council	✓ <input type="checkbox"/>	1	2	£3,750 + 1% of turnover	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	X		4-year contract and is due to finish in March 2023	Framework Agreement already widely used by Derbyshire County Council
Midlands Highway Alliance Medium Schemes Framework, (MHA MSF)	<p>The scope of the Framework is for the execution of highway, civil and municipal engineering.</p> <p>The framework operates under the NEC4 framework contract with work packages awarded under NEC4 engineering and construction contract option C.</p> <p>The framework also enables the Council to commission contractors early on in the development and delivery of projects when a design and build, D&B, or early contractor involvement, ECI, solution is preferred. In these circumstances the contractor provides professional services support to the Council.</p> <p>There are four contractors under the framework; Balfour Beatty, Eurovia, Galliford Try and Morgan Sindall. Eurovia are the primary contractor for the area of MHA that includes Derbyshire, and this allows the Council to direct award to the company. Eurovia commission Jacobs, as their preferred consultant, for projects that require design input.</p>	Leicestershire County Council	✓ <input type="checkbox"/>	1	4	0.25% of turnover	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	X		The current Framework is from 14 August 2018 – 14 August 2022	Framework Agreement already widely used by Derbyshire County Council
Eastern Shires Purchasing Organisation, (ESPO) Page 78	<p>Can be used by all UK public bodies by application to ESPO and the Council have used this a number of times, including mini-tender.</p> <p>It is a non-profit making body owned and operated jointly by six local authorities. ESPO's key objective is to help its member authorities achieve optimum value for money when buying goods and services.</p> <p>The core ESPO Member authorities are Cambridgeshire County Council, Leicestershire County Council, Lincolnshire County Council, Norfolk County Council, Peterborough City Council, and Warwickshire County Council. Derbyshire County Council was an original member and benefits from a 0.5% discount off the management fee.</p> <p>Lot 5 is for Highways, Transport and Logistics; there are 25 suppliers on Lot 5. The framework provides for further competition or direct award. It also provides for individual Call-Off Contracts awarded under the Framework, which may be of any reasonable duration regardless of when they commenced (i.e., an individual Call-Off Contract may expire beyond the Framework expiry date). There is no maximum value. The Framework is currently being retendered.</p>	ESPO Trading Limited	✓ <input type="checkbox"/>	27	130	1% of turnover	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	X		The Framework has been established for a total of 4 years taking the contract term to a maximum of 4 years to 18th April 2021.	Framework Agreement already widely used by Derbyshire County Council
Yorkshire Purchasing Organisation, (YPO)	<p>Its Consultancy Services Framework can be used by all UK public bodies by application to YPO. This framework offers a range of consultancy services specific to local government and the wider public sector and is intended to make procuring consultancy services quick, simple and cost effective.</p> <p>The framework provides for further competition or direct award. It also provides for individual Call-Off Contracts awarded under the Framework, which may be of any reasonable duration regardless of when they commenced (i.e., an individual Call-Off Contract may expire beyond the Framework expiry date). There is no maximum value.</p>	Yorkshire Purchasing Organisation Limited	✓ <input type="checkbox"/>	27	130	1% of turnover	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	X		18th April 2021 currently being retendered.	Framework Agreements from YPO already widely used by Derbyshire County Council
North East Procurement Organisation, (NEPO)	<p>member authorities comprise 12 North East Local Authorities. Associate Membership is available to other local authority councils. Currently, NEPO is available to over 360 associate member bodies. Derbyshire County Council is already using this framework in a number of other services through NEPRO3 which utilises Bloom.</p> <p>There are a total of 20 lots of which two could be used for construction and professional services.</p> <p>Call off under the framework can be by either Direct Award – where the scope of services are clearly defined, or by Mini Competitions – when supplementary specifications can be provided by the Authority with award criteria of Quality and Price defined depending on the nature of the work.</p>	The Borough Council of Gateshead	✓ <input type="checkbox"/>	14	To be confirmed	5% included within rates	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	X			Framework Agreements already widely used by Derbyshire County Council

Highways England Specialist Professional and Technical Services Framework, (SPaTS2)	Framework which Local Authorities can use with agreement via Highways England, (HE). Local Authorities can appoint directly for work up to £100k, and in some instances up to £250k. The approach followed is: (a) The Local Authority approaches Highways England to act as a procurement agent for them. (b) HE and the Authority sign a collaboration agreement. (c) The Council produces a spec for the work using a template provided by HE. (d) HE invites/tenders the work as normal and goes through the normal evaluation procedure with the Council involved. (e) If the Council is satisfied, HE confirm it is okay to award (f)The Council issues award letter but the contract is direct with HE. Lot 1 is for Technical Consultancy, Engineering Advice, Research and Innovation. Lot 2 is for Commercial Services. Lot 1 would be most appropriate for Highways and Transport related design commissions.	Highways England	✓ <input type="checkbox"/>	2	12	To be confirmed	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	X			Framework Agreement has not been used previously. Documents have been requested from brad.benson@highwaysengland.co.uk
Homes England Technical Framework	available to local Authorities to use through a Panel to enable the quick and efficient procurement of construction and development related technical services. Homes England makes these Panels available to other public sector bodies as part of its role in supporting the Government's land agenda, which aims to increase economic activity through release of surplus public sector land for development. Technical and Property related services can also be procured by public sector bodies to support their other property, construction and development related activities. Currently, over 200 public sector partners access technical services through this framework. A number of wide-ranging supply chain of specialist consultants are accessible through this framework	Homes England	✓ <input type="checkbox"/>	1	20	To be confirmed	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	X			Previously, Derbyshire County Council has made use of the Homes England DPP3 framework agreement for Residential and extra care accomodation. Homes England also provide a Multidisciplinary Technical Services Framework available for call off contracts placed between 2019-2023.Framework and Call off agreement documents have been requested
Crown Commercial Services, (CCS), Management Consultancy Framework	The CCS Framework enables Local Authorities to place orders with Suppliers for the Services via Call-Off Agreements and Direct Award. The Framework is available for use by Local Authorities throughout the whole of the UK, including Northern Ireland, Scotland and Wales. This includes Central Government and Wider Public Sector organisations. Over forty suppliers are appointed to the framework. A percentage of fees generated from the framework is repaid to CCS	Crown Commercial Services	✓ <input type="checkbox"/>	4	276	To be confirmed	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	X			CCS Framework Agreement agreements alrady widely used by Derbyshire County Council. The link to the relevent documents can be found at: https://www.crowncommercial.gov.uk/agreements/RM3745
Scope	Services are commissioned via a joint venture of Pick Everard, Gleeds and AECOM through the framework and include a wide range of Highway, Transport and environmental Services. The Council has used this framework on a number of occasions.	Perfect Circle	✓ <input type="checkbox"/>	10	19	Included within rates	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>		The current framework expires in January 2024 but	Framework Agreement alrady used by Derbyshire County Council
Bloom	an alternative public sector framework for specialist professional services, consultancy and construction works. It can be used most effectively for engaging with smaller niche consultancies that are not contained within larger Frameworks. For example, this might include specialist local consultancies or local contractors based in Derbyshire boosting local employment opportunities.	Bloom Procurement Services	✓ <input type="checkbox"/>	20	6500	5% included within rates	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>			<div><div>NEPO Framework Agreement</div><div>Bloom Call Off Contract</div><div>Service Supply Agreement (SSA) - Supplier Terms</div><div>Bloom Client Requirement Form V3.docx</div></div>
Pagabo	provide access to over 75 different providers across 19 different lots and 7 regional areas.	The Education Alliance Trust	✓ <input type="checkbox"/>	19	74	3% included within rates	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>		01 April 2024	<div><div>F:\Emma Hesbrook Why Pagabo.pdf</div><div>F:\Framework Compliance - Client Checklist11.docx</div><div>F:\Midlands 191120.pdf</div></div>
Stoke-on-Trent Professional Services in the Built Environment Framework	Derbyshire County Council is a named Authority permitted to use the Stoke-on-Trent Professional Services in the Built Environment Framework contract. There are two lots for Highway and Civil Engineering projects. One is for projects up to a value of £1m and one for those over £1m. There are 4 Consultants appointed to each of the frameworks. A mini competition between consultants can be undertaken or a consultant can be appointed through direct award	Stoke-on-Trent Council	✓ <input type="checkbox"/>	17	47	3% included within rates	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	X			Framework Agreement has not been used previously. The OJEU Contract notice states usage can be by all local authorities within the boundaries of Staffordshire, Cheshire, Shropshire and Derbys. However, the total value of the framework is estimated as (excluding VAT) 41 500 000.00 GBP. Documents have been requested from Jonathan.phipps@stoke.gov.uk
Midlands Connect Specialist Technical Framework	Midlands Connect have recently issued a Prior Information Notice, (PIN), seeking to establish a procurement framework for its technical work going forward. The framework will consist of a number of specialist lots targeting different aspects of their future technical programme. They also intend to have a lot for small, advisory commissions for key specialisms. It is envisaged that the duration of the Framework will be 4 years and will be open for other Public Sector organisations to access. This could be subject to change however and will be confirmed at the time of tender publication.	Midlands Connect	✓ <input type="checkbox"/>	6	TBA	TBA	TBA	TBA	TBA	TBA			<div><div>F:\Midlands Connect Specialist Technical</div><div>The framework agreement has not been used previously by the Council. Documents and further information requested from Darren.robertson@wmca.org.uk</div></div>

Project



Draft Framework Evaluation Template

Factor	Description	Framework A	Framework B	Framework C	Framework E	Framework F
Relevance	Relevance of Framework to deliver Project requirements					
Appropriateness of Providers	Suitability of Providers within the Framework to deliver Project requirements					
Cost	Costs of using the Framework and Providers within the Framework					
Time	Time to appoint Provider and to deliver project requirements					
Quality	Quality guarantees of Framework and Provider including previous experience					
Ease of Use	Ease of appointing provider on Framework and in use					
Confidence	Confidence that framework and provider can deliver project requirements					
Social Value	Added social value from using Framework and Provider					
Sustainability	Added sustainability value from using Framework and Provider					
Total						

Rating Scale

- 1 Doesn't meet Requirements
- 2 Somewhat meets Requirements
- 3 Meets Requirements
- 4 Slightly exceeds Requirements
- 5 Significantly exceeds Requirements

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Author: David Cohen (x38095)

Agenda Item No.6(e)

DERBYSHIRE COUNTY COUNCIL

CABINET

14 January 2021

Report of the Executive Director for Children's Services

DERBYSHIRE YOUTH NETWORK

1. Purpose of Report

To update Cabinet on 'The Big Consultation' on youth democracy in Derbyshire and the development of the 'Derbyshire Youth Network.' The proposal was originally presented to Cabinet on 16 January 2020 and the consultation responses on 30 July 2020.

2. Information and Analysis

Context:

From 26 January to 17 April 2020, a countywide consultation was undertaken to ask young people and other stakeholders about the proposal to replace Derbyshire Youth Council with a strategic participation network. 78% of respondents agreed.

In July 2020 Cabinet agreed a proposal for the participation team to develop the network with school councils and community groups.

Update:

The participation team has been working to an implementation plan to ensure the network is up and running by the end of January 2021. Young people who were members of the Derbyshire Youth Council have remained as a focus group to support implementation and have proposed the name 'Derbyshire Youth Network'; reflecting the range of youth groups and schools who will be engaged. The network will also include the children in care council, care leaver's council and children's residential homes.

The model will initially be delivered virtually due to social distancing restrictions, but a hybrid model which includes face-to-face delivery is proposed as restrictions ease. A consultation question will be circulated to the network each term starting in January 2021, the first question considering how supported children have felt during the coronavirus pandemic. The questions will be formulated based on feedback from young people in the Big Consultation and areas the council wishes to consult young people on. The network will have an element of flexibility in order to synchronise consultation timings with council decision making processes and service planning.

Questions will be asked and responses analysed within the same term to ensure that timely feedback can be given to young people about the impact of their involvement. Technology will be used to record and deliver this information to ensure it is accessible to schools and community groups at a time which is convenient to their meetings.

Whilst termly consultations will form the basis of the network, the participation team will be able to facilitate additional focused consultations. This could be targeted at specific demographics, geographical locations or priority groups.

The participation team has currently had positive engagement with 31 mainstream schools (out of 45) and 6 special educational needs schools (out of 10) within Derbyshire. This currently gives the network access to democracy leads for over 21,000 children. Eight community groups have also signed up to the network across the county. Working in partnership with youth and community engagement officers, further community groups will be contacted to share information and encourage their involvement in the network. The response from schools and community groups has been overwhelmingly positive with none declining the offer of involvement to date.

Future Developments:

The network is aimed at young people aged over 11. In the future this could potentially be increased to include primary schools, however the resource implications would need to be considered.

Summary

The response from young people and adults that support them has been extremely positive with schools and groups keen to become involved in the Derbyshire Youth Network. Good progress is being made with implementing the new network in order to hear the views of as many young people as possible across Derbyshire.

3. Financial Considerations

None.

4. Other Considerations

In preparing this report the relevance of the following factors has been considered: legal and human rights, human resources, equality and diversity, health, environmental, transport, property, crime and disorder, and social value considerations.

5. Key Decision?

No

6. Is it necessary to waive the call-in period?

No

7. Executive Director's Recommendation

It is recommended that Cabinet note the progress in relation to the implementation of Derbyshire Youth Network.

**Jane Parfremment
Executive Director for Children's Services**

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Agenda Item.6 (f)

DERBYSHIRE COUNTY COUNCIL

CABINET

14 January 2021

Report of the Executive Director of Children's Services

**URGENT DECISION TAKEN BY THE EXECUTIVE DIRECTOR
Children Services
Covid Winter Grant Scheme**

1 Purpose of Report

Cabinet is requested to note the urgent decision taken by the Executive Director of Children's Services on 2 December 2020 to approve spending plans for the Derbyshire County Council allocation of the COVID Winter Grant Scheme. The scheme was announced on 8th November 2020 but clarifying guidance was not received until 23rd November 2020 from the Department of Work and Pensions with a go live date from December 2020 and therefore time for the normal decision-making protocols have not been possible.

This is a dynamic initiative and since the Executive Director's Urgent Decision the children and adult cohorts have been further refined and more detail is provided within this Cabinet Report. Furthermore, the rationale for exclusion of eligibility is also provided with the report. Work has been ongoing to provide more information about the rationale of cohorts, in and out of scope, without changing the fundamental make-up of the cohort.

2 Information and Analysis

On 8th November 2020, the Government announced a package of extra targeted financial support for those in need over the winter period; further guidance was issued on 24th November 2020. The grant scheme will begin in December 2020 and complete by 31 March 2021. Derbyshire County Council's allocation is £2,181,024.15.

The Local Authority can determine eligibility in their area and target their support within the scope of the conditions set out below:

- at least 80% of the total funding will be ring-fenced to support families with children, with up to 20% of the total funding to other types of households, including individuals.

- at least 80% of the total funding will be ring-fenced to provide support with food, energy and water bills (including sewerage), with up to 20% on other items.

The option selected for children is below and shows the whole grant value, this will be paid over two periods: Christmas 2020 and Spring (February/March 2021).

Cohort	Eligibility	Numbers	Total Grant (families)
Families with Children	Free School Meal (FSM) (excluding universal), Early Years Pupil Premium with qualifying benefits Early Years 2-Year Old with qualifying benefits Care Leavers 16-18	25,896	1.66m

Qualifying Criteria

- For Free School Meals the child must attend an educational setting; and must be in receipt of one or more of the following qualifying benefits (in some cases this excludes Universal Free School Meals):
- For Early Years Pupil Premium, the child must be aged between 3-4 and the family must also be in receipt of free childcare and one or more of the following qualifying benefits:
- For Early Years 2-year old funding, the child must be aged 2 and be in receipt of free childcare and one or more of the qualifying benefits:
- For care leavers, they should have been in care for at least 13 weeks after they reach the age of 14 or have been in care for at least one day after reaching the age of 16. The additional qualifying benefits do not apply.
 - Income Support.
 - Income-based Job seekers Allowance.
 - Income related Employment and Support Allowance.
 - Support under Part 6 of the Immigration and Asylum Act 1999.
 - The Guaranteed element of State Pension Credit.
 - Child Tax Credit (provided you are not also entitled to Working Tax Credit) and have an annual gross income of no more than £16,190.
 - Working Tax Credit run-on, which is paid for 4 weeks after you stop qualifying for Working Tax Credit.
 - Universal Credit - your household income must be less than set threshold after tax not including any benefits you get.

The grant scheme is targeted to aid those vulnerable families with children and other vulnerable households throughout the winter period especially those experiencing additional economic hardship due to the pandemic. Not all Children in Need, on a Child Protection Plan or in receipt of Early Help meet the qualifying criteria. Those from disadvantaged backgrounds should be captured in the qualifying criteria above with the exception of those under 2-years old, those who are educated at home and those who's circumstances have changed very recently. Additionally, not all children on Universal Free School Meals (Key Stage 1) meet the qualifying criteria listed above. Should a family circumstances change they may be eligible under the next voucher provision. Families who are excluded from the scheme may benefit from other schemes and information is displayed on the Council's website for other sources of assistance during the winter period.

The remaining grant, in accordance with the scheme's intent and the Executive Director's Urgent Decision, is to be spent on vulnerable adults via a voucher issue for care-leavers or via a combination of other means of support. These will include an increase in Local Welfare Assistance utilising the Derbyshire Discretionary Fund and an uplift to the Derbyshire Healthy Homes Programme which will address, via referral, domestic infrastructure issues including boiler repair and heating system maintenance. Furthermore, grants will be provided to Third Party Organisations to target those less likely to access local welfare support. Specifically: an older adult hardship fund targeting over sixty five year olds via a grant through Age UK; and a grant to Derbyshire Carers Association ensuring that funding reaches a wide range of vulnerable adults and families who are dealing with the additional pressures of caring for those with long term health conditions, chronic illness, disabilities and learning difficulties.

3. Additional information

It has been established that other surrounding local authorities are supporting eligible children schooled in their area regardless of their home address; this is the same for Derbyshire County Council. Therefore, children who go to school in Derbyshire but live outside the County are included in this calculation in keeping with other Local Authority plans.

The Derbyshire scheme will be supporting individual children (eg.one voucher per child) within the family group as opposed to awarding the same grant to each family regardless of size.

4. Financial Considerations

Approximately £1.66m would be spent of the provision to families meeting local criteria of vulnerabilities and those families where children are in receipt

of free school meals due to low income of the household across the Christmas and February half-term breaks.

Approximately £0.42m would be spent on vulnerable adults partially through voucher scheme for care-leavers and via the other methods outlined in this report.

It is estimated that administrative costs for the distribution of the overall scheme will be in the region of £60-80k and provision is made within the terms of the grant for essential administrative costs. However, it is the intention of Derbyshire County Council to ensure that all of the grant directly reaches vulnerable members of the community, consequently the council will not take administrative costs from the grant unless there is remaining unused grant at the close of the scheme to prevent unused funds having to be returned or become unclaimed.

5. Legal Considerations

The Council's Constitution provides that "notwithstanding any other provision of the Constitution Strategic Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."

6. Other Considerations

In preparing this report the relevance of the following factors has been considered:- human rights, equality of opportunity, health, environmental, transport, property, crime and disorder and social value considerations.

7. Background Papers

See attached Executive Director of Children's Services Urgent Decision.

8. Key Decision


Yes

9. Officer's Recommendation

That Cabinet notes the Urgent Decision taken by the Executive Director and the additional detail provided for the adult scheme within this report.

**Jane Parfremment
Executive Director
Children Services**

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CHILDREN'S SERVICES
EXECUTIVE DIRECTOR URGENT DECISION
COVID Winter Grant Scheme

Head of Service Submitting request	Isobel Fleming (Service Director – Commissioning and Transformation, Childrens Services)
Date of Submission	2 nd December 2020
Date submitted to Executive Director	Final version – 2 nd December 2020
Executive Director Decision	Approved
Executive Director Approval	Signed:  JANE PARFREMENT
Date of Executive Director Decision	2 nd December 2020

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DERBYSHIRE COUNTY COUNCIL

2nd December 2020

Report to the Strategic Director for Children's Services

The COVID Winter Grant Scheme

Purpose of the Report

1. The purpose of this report is to ask the Executive Director for an urgent decision to approve spending plans for the Derbyshire County Council allocation of the COVID Winter Grant Scheme. The scheme was announced in early November 2020 but clarifying guidance was not received until 23 November 2020 from Department of Work and Pensions with a go live date from 1st December 2020 and therefore time for the normal decision making protocols have not been possible.

Information

2. On 8th November 2020, the government announced a package of extra targeted financial support for those in need over the winter period; further guidance was issued on 23rd November 2020. The £170 million COVID Winter Grant Scheme, available from December 2020, will see new funding issued to County Councils and Unitary Authorities to support those most in need across England with the cost of food, energy and water bills and other associated costs. Derbyshire County Council's allocation is £2,181,024.15.

3. The Department for Work and Pensions (DWP) will provide funding to County Councils and Unitary Authorities, under section 31 of the Local Government Act 2003, who will administer the scheme and provide direct assistance to vulnerable households and families with children particularly affected by the pandemic. This will include some families who normally have access to Free School Meals during term time. County Councils and Unitary Authorities in England will have the ability to deliver the scheme through vouchers or grants. The Scheme will operate until the end of March 2021.

4. The Local Authority can determine eligibility in their area and target their support within the scope of the conditions set out below:

- at least 80% of the total funding will be ring-fenced to support families with children, with up to 20% of the total funding to other types of households, including individuals.
- at least 80% of the total funding will be ring-fenced to provide support with food, energy and water bills (including sewerage), with up to 20% on other items.

5. In Derbyshire it is proposed that:

- approximately £1.66m would be spent of the provision to families meeting local criteria of vulnerabilities and those families where children are in receipt of free school meals due to low income of the household across the Christmas and February half-term breaks.
- approximately £0.42m would be spent on vulnerable adults partially through voucher scheme for care-leavers and via Derbyshire Discretionary Fund to cover the Christmas and February half-term breaks but also on application throughout the term of the grant scheme.
- Approximately £0.1m would be set aside for administrative costs but would be reallocated as the scheme matured should this figure prove to be excessive.

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6. The precise figures for funding for families with children will be confirmed dependent on which option is deemed most appropriate. The values provided are the whole grant value; further consideration must be given over how many periods this will be paid over; the recommendation would be to meet Christmas 2020 and Half Term (February) 2021.

Options for grant distribution	Cohort	Eligibility	Numbers	Total Grant - families	Approximate Grant Value
1	Families with Children	FSM (excluding Universal) Identified family with vulnerability (CIN, CP, targeted support) Early years funding NB this list is not exhaustive	16,759	1.66m	£99 per household
2	Children		27,565	1.66m	£60 per child
3	Option 2 + Option 3	992 Children who attend school in Derbyshire but live outside Derbyshire	27,565 + 992 = 28,557	1.66m	£58 per child

7. Where eligible children go to school in Derbyshire but live outside the County, where eligibility may differ, there is a potential that children in need may not qualify for the grant due to their area of residence. It is proposed that these children are given consideration within the Derbyshire grant allocation at Option 3.

8. It is recommended that supporting the number of children within the family group (including those who school in Derbyshire but live outside) and awarding a proportional grant as opposed to awarding the same grant to each family regardless of size would meet with the schemes intent and provide the anticipated level impact and where it is needed most.

9. Detailed records of Grant allocation would be produced to ensure that the money is fairly and consistently targeted, to reduce the risks of any fraud and to account for the expenditure in line with the set criteria. Detailed records will be held on individual household allocations. It is proposed that £100,000 will initially be set aside for administration, although this can be refined and/or reallocated as appropriated.

Other Options Considered

10. Numerous other options were considered but it was felt they did not meet the requirements of the Grant's intent, lacked flexibility and were not dynamic enough to respond to emerging needs.

Reason for Recommendations

11. The recommendations support the conditions and purpose of the grant as set by government whilst meeting local priorities.

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

13. The Children & Families revenue budget will be adjusted to reflect this new ring-fenced

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grant and it will be monitored through the usual financial monitoring process and in line with the grant conditions. A summary of the grant allocation is in the table below:

	Food & Utilities	Other	Total
	£m	£m	£m
Vulnerable families with children (including FSM)	1.3	0.33	1.66
Vulnerable Adults	0.37	0.08	0.42
Administration			0.10
Total	80%	20%	2.18

Legal Considerations

14. The Council's Constitution provides that "notwithstanding any other provision of the Constitution Strategic Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."

Background Papers and Published Documents

15. Covid Winter Grant Scheme at the Enclosure.

Key Decision

16. Yes.

Officer's Recommendation(s)

17. That the Executive Director:

- Approves the overarching Covid Winter Grant Scheme expenditure plan for Derbyshire County Council.
- Approves up to £0.100m administration costs from the Grant (any unused funds will go back to providing assistance to those cohorts most in need).
- Approves that number of children is the determining criterion for grant award not family.
- Approves that children not resident in Derbyshire but schooled in Derbyshire are assessed on a case-by-case basis to ensure their needs are met.
- Approves that Vulnerable Adults will be treated on a case by case basis.
- Approves that the grant for children will be paid in two instalments covering Christmas 2020 and Half Term 2021.

Dr Isobel Fleming
Service Director - Commissioning and Transformation
Childrens Services

Enclosures:

1. COVID Winter Grant Scheme: – Guidance for County Councils and Unitary Authorities.

COVID Winter Grant Scheme: – Guidance for County Councils and Unitary Authorities

Introduction

1. The £170 million COVID Winter Grant Scheme will be made available in early December 2020 to support those most in need across England with the cost of food, energy (heating, cooking, lighting), water bills (including sewerage) and other essentials.
2. The Department for Work and Pensions (DWP) will provide funding to County Councils and Unitary Authorities (including Metropolitan Councils and London Boroughs), under section 31 of the Local Government Act 2003, who will administer the scheme and provide assistance to vulnerable families with children and other vulnerable households, particularly affected by the pandemic. County Councils and Unitary Authorities in England have a statutory duty for childcare and have the ability to deliver the scheme through a variety of routes including issuing grants to third parties, providing vouchers to households or making direct provision of food, for example. County Councils are encouraged to work together with District Councils to provide support and ensure the funding meets its objectives. **Note: County Councils and Unitary Authorities will be referred to as ‘Authorities’ throughout the remainder of this guidance.**
3. This guidance sets out the required collaboration between DWP, Authorities, including their delivery partners, such as District Councils and charitable organisations, etc., to successfully meet the policy intentions within the agreed framework. It also provides any constraints that we need to work within and the distribution of funding and reporting arrangements.
4. The aim is to give vulnerable households peace of mind in the run up to Christmas and over the Winter months during the pandemic by helping those who need it to have food on the table and other essentials, so every child will be warm and well-fed this winter.
5. Authorities have the local ties and knowledge, making them best placed to identify and help those children, families and individuals most in need. It is important to stress that this covers a wide range of vulnerable households including children of pre-school age too. Targeting this money effectively will ease the burden faced by a wide range of vulnerable households across the country worrying about paying the next utility bill or the next food shop due to the pandemic.
6. Rather than focus on one specific vulnerable group Authorities should try and use the wide range of data and sources of information at their disposal to identify and provide support to a broad cross section of vulnerable households in their area. Authorities have access to a variety of different benefit information through DWP’s Searchlight portal which provides information on individual citizen’s entitlement to (and confirms receipt of) DWP welfare benefits. However, support is not restricted to vulnerable households in receipt of benefits. Therefore, Authorities should try, where possible, to use other sources of information to identify vulnerable households, such as, social workers, troubled families’ advisors and utility companies.
7. This guidance applies to Authorities in England only and should be read in conjunction with the COVID Winter Grant Scheme Determination issued with this guidance.

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8. The total amount of funding being allocated to this scheme is £170 million and is in addition to the wider Support Package for disadvantaged families and children, which includes:

- expansion of the Department for Education's Holiday Activities and Food programme;
- increasing the value of the Department for Health and Social Care's Healthy Start vouchers from £3.10 to £4.25 from April 2021; and
- £16m to fund local charities through well-established networks and provide immediate support to front-line food aid charities.

Objective and key principles

9. The objective of the COVID Winter Grant Scheme is to provide support to vulnerable households and families with children particularly affected by the pandemic throughout the winter period where alternative sources of assistance may be unavailable.

10. When administering this scheme, you are encouraged to adopt the following principles:

- use discretion on how to identify and support those most in need
- use the funding from December 2020 up to the end of March 2021 to meet immediate needs and help those who are struggling to afford food and utility bills (heating, cooking, lighting) and water for household purposes (including drinking, washing, cooking, central heating, sewerage and sanitary purposes), or other related essentials. This includes payments made, or committed to, by the Authority or any person acting on behalf of the Authority, from 1 December 2020 to 31 March 2021. For example, this would allow food vouchers issued before the end of the funding period to be redeemed in April 2021
- work together with District Councils including, where necessary and appropriate, other local services, such as social and care workers to help identify and support households within the scope of the scheme.

11. When deciding how to help people, you should consider:

- how you plan to provide support to vulnerable households, in other words, paying into bank accounts, use of cash and vouchers
- any risks associated with these payment methods – see section Managing the risk of fraud.

Access to data

12. The COVID Winter Grant Scheme is being classified as Local Welfare Provision (LWP) and local authorities (LAs) who have signed and returned the relevant section (Annex C) of the DWP/LA Memorandum of Understanding (MoU) have legal permission to access DWP's Searchlight portal. This portal provides information on individual citizen's entitlement to (and confirms receipt of) DWP welfare benefits. Therefore, this data can be used to help Authorities identify those families and individuals to whom to target this support.

13. Staff accessing Searchlight will need to be registered with the Employee Authentication System (EAS). Further information on Searchlight can be found in the local authority Searchlight Training Pack available in the Searchlight folder on Glasscubes (the LA/DWP online collaboration tool). If your Authority needs to discuss access to

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Glasscubes, contact DWP at lawelfare.lasupport@dwp.gov.uk and we will arrange for this to be provided.

14. Authorities do not have permission for the purposes of this scheme to access the 'Income' data provided on Searchlight for the Test and Trace Support Payment Scheme.
15. Searchlight can only be used to verify a specific individual's DWP benefit information. Therefore, if an Authority identified a group of potential customers who may be eligible for the scheme from their own records, they can access Searchlight to verify each claimant's DWP benefit entitlement (although benefit entitlement is not a condition of support).
16. Authorities cannot use the DWP Universal Credit (UC) Local Council Tax Reduction data share for LWP. We are not able to facilitate any bespoke UC data share to support Authorities with this scheme.
17. Authorities also have access to their own non-DWP data to help identify vulnerable households who may be eligible for support under this scheme.

Working with other organisations

18. Authorities should develop a 'local eligibility framework and approach' to enable them to distribute grant funding that best supports vulnerable families and individuals. The focus is on the provision of food, energy, water and/or associated financial support to vulnerable households with children (see the definition of a child under paragraph 25) over the winter period. A proportion of funding (up to 20%) is also available for vulnerable households without children (including individuals) so that no vulnerable household is excluded.
19. Authorities have flexibility to develop a local delivery approach that best fits the scheme's objective. Where Authorities choose to work with multiple organisations to provide a local delivery network or where Authorities choose to engage with District Councils to deliver this grant on their behalf, detailed arrangements and funding should be available to those organisations no later than the end of November 2020 so that support for vulnerable children and families can be in place in the run up to Christmas and the winter months.
20. County Councils are encouraged to work collaboratively with District Councils and other organisations in their area who may come into contact with those households who are eligible and would benefit from this grant. Authorities that do not have the mechanisms in place to administer this grant are encouraged to consider whether District Councils are better placed to do so on their behalf. If Authorities decide to engage with District Councils in this way they are encouraged to do so as quickly as possible to ensure roles, responsibilities and effective arrangements are put in place to deliver the scheme promptly and efficiently. Where Authorities are working with Third Party Organisations (TPOs), this should be done on an objectively fair, transparent and non-discriminatory basis, having regard to the time available to deliver the scheme.
21. DWP Jobcentre Plus staff are being made aware of the scheme and will aim to connect with their local partners to raise awareness and support Authorities with the delivery of the scheme to ensure it is making a real difference at a local level.

Establishing eligibility

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22. Authorities have the flexibility within the scheme to identify which vulnerable households are in most need of support and apply their own discretion when identifying eligibility. Authorities can request applications for support or can proactively identify households who may benefit, or can take a mixture of the two approaches. There is no requirement for Authorities to undertake a means test or conduct a benefit check unless this specifically forms part of the Authority's local eligibility criteria. In accordance with their general legal duties, Authorities must have a clear rationale or documented policy/framework outlining their approach including how they are defining eligibility and how households access the scheme.
23. Awards must be based on the following framework:
- at least 80% of the total funding will be ring-fenced to support households with children, with up to 20% of the total funding to other households experiencing, or at risk of experiencing, poverty during the pandemic. This may include households not currently in receipt of DWP welfare benefits.
 - at least 80% of the total funding will be ring-fenced to provide support with food, energy and water bills for household purposes (including drinking, washing, cooking, central heating, and sanitary purposes) and sewerage. Within this condition there is flexibility about the proportion of support allocated to food and to bills.
 - up to 20% of the total funding can be used to provide support with other essentials clearly linked to the scheme conditions (including sanitary products, warm clothing, soap, blankets, boiler service/repair, purchase of equipment including fridges, freezers, ovens, etc.), in recognition that a range of costs may arise which directly affect a household's ability to afford or access food, energy and water.
 - the scheme is not intended to cover payment of rent or other housing costs because these are not directly related to food or utility bills and other benefits and support is available to cover these costs. Nor is it intended to be used for the provision of general advice on managing debt and/or financial hardship.
 - it is important that Authorities develop overall policies appropriate for their areas, and proportionate procedures, for the allocation of the grant monies by reference to the above criteria.

Funding overlap

24. Authorities should consider the household circumstances when making a decision to spend this grant. Households may be receiving other forms of support and this should be taken into account to avoid duplicating provision where possible. However, families receiving other forms of assistance are not excluded from receiving support through this grant. For example, a household may:
- have additional wider needs in terms of food
 - need support with provision for cooking, lighting, heating and/or water (including sewerage)

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- require other essential supplies

Definitions

25. For the purpose of this grant (and without prejudice to other schemes):

- The definition of a child is any person:
 - who will be under the age of 19 as at 31 March 2021; or
 - a person aged 19 or over in respect of whom a child-related benefit (for example, Child Benefit) is paid or free school meals are provided; or

26. Where an eligible child lives on his or her own, they are a household that includes a child covered in the 80% allocation for households with children.

27. Vulnerable households which include a person aged 19 to 25 with special educational needs and disability (SEND) and/or care leavers may still be eligible for grant support however that support falls within the 20% allocation to households without children.

28. The definition of energy includes any form of fuel that is used for the purpose of domestic heating, cooking and lighting, including oil and portable gas cylinders. There is no prescriptive definition of other essentials although these should be related to food, heating, lighting, cooking, water and sewerage needs. Authorities have discretion to assess what is reasonable to assist those experiencing or at risk of poverty during the Covid-19 pandemic. Illustrative examples include: a warm blanket or duvet, winter coat, heater, essential toiletries such as sanitary products. It is not intended to cover debt advice and general financial hardship support not linked to food, warmth and/or hygiene. Housing costs are expressly excluded.

29. Third party organisations may include but are not limited to:

- Registered charities and voluntary organisations
- Schools
- Food banks
- General Practitioners
- Care organisations

Reporting requirements

30. Authorities are required to make two Statement of Grant Usage and management information (MI) returns – **see the Grant Determination**. There is an interim statement and return that covers the months of December 2020 and January 2021 and a final statement and return that covers the full period of the scheme from December 2020 to 31 March 2021. The deadlines for completing these returns are shown in the table below. Completed MI returns should be sent to lawelfare.pdt@dwp.gov.uk

31. Authorities should use the standard MI reporting template provided, which incorporates the Statement of Grant Usage. For the purpose of this section:

- **Grant allocation** – refers to the amount of grant allocated to a TPO to distribute to vulnerable households.

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- **Grant award or spent refers** to the amount provided or paid to vulnerable households under the remit of this grant.
- Please asterisk or highlight in the tables where estimates have been used instead of actuals.

Reporting period		Deadline for return
01/12/2020	31/01/2021	14/02/2021
01/12/2020	31/03/2021	21/04/2021

32. It is the responsibility of Authorities to provide the MI returns to DWP.
33. The reporting requirements for Authorities (including District Councils that may be asked to support the distribution of the grant in Shire County Councils) are different to the reporting requirements for TPOs for example, charitable or voluntary organisations.
34. The main difference between the reporting requirements for Authorities and TPOs relates to the level of detail regarding spend and volumes relating to:
- families with and without children; and
 - food, utility bills and other essentials
35. Where Authorities (including District Councils) issue awards directly to vulnerable households they should either obtain information at source or via information or data they have access to, to complete the split of spend and number of awards across the eligibility criteria, in other words, families with and without children and food, utility bills and other essentials. Where Authorities decide to deliver support to vulnerable households through TPOs they should use whatever information the TPO holds, or other available data, to estimate the level of spend and volume of awards across the eligibility criteria.
36. The different elements of the MI template are shown below together with guidance on how to complete them.

Table 1

Table 1: Governance	Response
Local Authority (full name)	
Section 151 officer (name)	
Section 151 officer (email address)	
Reporting Period	
Approved signed off by	
LA Single Point of Contact	
Date Returned to DWP	

37. Each MI return must include your Section 151 Officer's name and email address to provide assurance on validation of funding spend. If they are the same contact, please input details in both response fields.
38. We also require you to copy your Chief Financial Officer and Section 151 Officer into the email, providing this assurance when you return the MI template to DWP.

Table 2

Table 2: Total Awards	
Item	Spend (£s)
a) Total amount provided to vulnerable households	
b) Administration Costs	
c) Total spend (a+b)	

- **Total Amount provided to vulnerable households** – this is the total amount of the grant fund that has been paid/awarded to vulnerable households. It includes amounts paid by Authorities and by TPOs on behalf of Authorities. It should not include amounts allocated to TPOs that have not been spent during the reporting period.
- **Administration costs** – this includes reasonable costs incurred administering the scheme. These include for example:
 - staff costs
 - advertising and publicity to raise awareness of the scheme
 - web page design
 - printing application forms
 - small IT changes, for example, to facilitate MI production
- **Total Spend** – this is the total of the above. It is the amount that will be used to determine the final funding payment from DWP to cover the full cost of administering the grant in your area.

Table 3

	Table 3: Total Value of Awards split by Household Composition			
		a) Families with Children	b) Families without children and Individuals	c) Total (a+b)
Row 1	Authority Spend (£s)			
Row 2	Authority Volumes			
Row 3	TPO Estimated Spend (£s)			
Row 4	TPO Estimated Volumes			

39. Table 3 relates to grant spend and the estimated volume of awards made in relation to families with and without children. Rows 1 and 2 relate to grant awards made by Authorities (including District Councils) directly to vulnerable households, and rows 3 and 4 relate to grant awards to vulnerable households made by TPOs.

40. **Authority Spend (£s)** - this is the amount paid/awarded to vulnerable households within the eligibility criteria. Authorities should make every effort to gather information to establish whether a child resides in the household (including being the only member of the household) in order to complete the template as fully as possible. This information is important for DWP to report to Ministers and evaluate how successful the scheme has been in providing support to households with and without children.

41. Authorities should either gather information or check existing records they hold or have access to, to establish whether the household includes a child (as defined above) and complete columns a and b accordingly. Responsibility for MI reporting rests with Authorities. Where Shire Counties pass grant allocations to District Councils, District

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Councils should pass the information relating to columns a and b to the County Council/Unitary Authority to collate the information and send one collated template to DWP.

42. **Authority Volumes** - this is the number of individual/separate payments made to vulnerable households within the eligibility criteria. If multiple awards are made to the same household throughout the period of the scheme each award should be counted separately. For example, where an award is made to a household with multiple children it should be classed as a single award.
43. **TPO Estimated Spend and TPO Estimated Volumes** - we acknowledge that some TPOs, for example, charitable and voluntary organisations such as food banks, have limited or no access to household information and may not be in a position to provide this information to the same level of accuracy as Authorities. We are therefore asking Authorities and TPOs to estimate, to the best of their ability, the level of spend and the volume of awards across the different eligibility criteria in rows 3 and 4.
44. Authorities should list these TPOs in Table 5 together with the amount of grant allocation they have been provided. More guidance relating to Table 5 is included later in this section.

Table 4

Table 4: Total Value of Awards Split by Category			
		a) Food and Utility Bills	b) Other Essentials
c) Total (a+b)			
Row 1	Authority Spend (£s)		
Row 2	Authority Volumes		
Row 3	TPO Estimated Spend (£s)		
Row 4	TPO Estimated Volumes		

45. Table 4 relates to grant spend and the estimated volume of awards made in relation to food, utility bills (in other words, household energy and water) and to other essentials. Rows 1 and 2 relate to grant awards made by Authorities (including District Councils) directly to vulnerable households, and rows 3 and 4 relates to grant awards to vulnerable households made by TPOs.
46. Authority Spend (£s) - this is the amount paid/awarded to vulnerable households in respect of food and utility bills or other essentials.
47. Rows 1 and 2 relate to awards/payments made directly to vulnerable households by Authorities including District Councils. It does not include grant funding spent by TPOs e.g. charitable and voluntary organisations. The value and volume of grant spent by TPOs should be captured in rows 3 and 4.
48. Authority Volumes - this is the number of individual/separate payments made to vulnerable households within the eligibility criteria. If multiple awards are made to the same household throughout the period of the scheme each award should be counted separately. There is no requirement to distinguish between awards for food and utility bills these are both included in the same category of spend.
49. **TPO Estimated Spend and TPO Estimated Volumes** - we acknowledge that some TPOs, for example, charitable and voluntary organisations have limited **MI** and may not be in a position to provide this information to the same level of accuracy as Authorities. We are therefore asking Authorities and TPOs to estimate, to the best of their ability, the level of spend and the volume of awards across the different eligibility criteria in rows 3 and 4.
50. **Total** - the total spend in Table 2 row a, Table 3 column c and Table 4 column c should add up to the same amount.
51. When allocating spend and the volume of awards across the eligibility criteria please follow the guidance below.

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52. Table 3 and Table 4 ask for spend and award volumes to be recorded against two sets of criteria. Therefore, the details of each award need to be recorded twice once against one set of criteria and then a second time against the other criteria. Shown below is a worked example of how the MI template should be completed.
53. The eligibility criteria set two separate categories of spend, both with (at least) 80% and 20% splits. This is because the categories of spend cover separate subjects. One relates to household composition and one relates to the type of support being provided, for example, food and utility bills or other essentials.
54. Authorities are asked to report and manage spend in relation to both these areas. For example, if a £100 award is made to a family with children for food, you would allocate £100 to the 'family and children' section in Table 3 and £100 to the 'food and utility bills' section in Table 4. You would also allocate one award in both these sections of Table 3 and Table 4.
55. Each award needs to be allocated twice – one allocation to each of the eligibility category tables so that when you report on the total spent on family composition and the total spent on the type of support, both eligibility criteria categories will total the amount you have paid. The total volume of awards in Table 3 and Table 4 should also be the same.

Additional guidance and examples when working with TPOs

56. Please include, where possible, an estimate of the amount of spend across the following categories:

- families with or without children, and
- food, utility bills, or other essentials.

57. Please estimate this to the best of your ability.

58. For example, if you have allocated:

- grant funding to a food bank to provide food to vulnerable people, establish the amount of that allocation the food bank has spent and enter the full amount spent under food and utility bills as you know that the grant allocation has been spent in respect of food, and estimate the split across families with and without children in accordance with Example 1 below.
- grant funding to a charity that specialises in providing vulnerable children with clothing, establish the amount of that allocation the charity has spent and enter the full amount spent in 'families with children' and the full amount of the grant spent in 'other essentials'. This is because you know that the purpose of the grant is for children and the nature of support is clothing which comes under other essentials. Update Table 5 to provide a more detailed description of 'other essentials' for this TPO in Table 5 column b, something along the lines of 'provision of blankets and warm clothing'.

59. The amount of MI available will vary considerably across each TPO. Please use whatever information is already available or reasonable to collect to be as accurate as possible, although we understand estimates may be provided. Please asterisk or highlight where estimates have been made.

60. Shown below are some examples of how to complete the template.

Example 1

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61. A food bank operates on an open basis where anyone can turn up and pick up food and supplies. This is not an award made directly to vulnerable families by an Authority. The cost is picked up by a TPO, for example, the food bank. The MI template should be completed as per guidance below.
62. The total value of grant spent and the volume of awards made by the charity or voluntary organisation providing the food bank should be entered in Table 3 and Table 4. The Authority or food bank provider will need to estimate the split between families with and without children to the best of their ability.
63. If the food bank provider captures this MI and you can make a more accurate estimate of the split between families with and without children, then you should do so. If not, calculate the split between families with and without children based on published data which estimates that 40% of food parcels issued by food banks are made to families with children.
64. Table 5 should contain the total grant allocated to the TPO.

Example 2

65. The Authority directly provides cash/vouchers etc. to vulnerable households. These could be redeemable at a number of food outlets including supermarkets or food banks. Food voucher amounts can vary depending on how many children reside in the family. Authorities are expected to collect or verify information to establish whether the award is made to a family with or without children. The MI template should be completed as follows:
 - the value of award should be entered in Table 3 in 'spend' row 1 column a and row 1 column b based on the information the Authority has been capturing to split spend across these categories. Where data is not available an estimate can be used.
 - the volume of awards should be included in Table 3 'volume' row 2 column a and row 2 column b based on the information the Authority has been capturing to split the volume of awards spend across these categories. Where data is not available an estimate can be used.
 - the value of award should be entered in Table 4 row 1 column a because it relates to food
 - the award should be entered in Table 4 volume row 2 column a because it relates to food
 - nothing should be included in Table 5 because this is a payment made directly from the Authority to the vulnerable household not a payment to a TPO.

Table 5

Table 5: Grant Allocation Details		
Name of Third Party Organisation (TPO)	a) Amount of Grant allocated to TPO (£s)	b) Where the grant allocation covers the category "other essentials" please provide a more detailed description of what it covers.

66. Table 5 is a list of TPOs you have allocated grant funding, to distribute to vulnerable households on your behalf. Do note that this excludes District Councils. Please provide the amount of grant allocated to each TPO in Table 5 column a.
67. This section covers grant allocations **not** the amount of grant awards/spend TPOs have provided to vulnerable families.
68. Please name all the organisations you are working with in your area together with the value of the grant allocation for each organisation. Authorities should have a good idea what the grant allocations made to TPOs will be used for. Where the grant allocation is intended to cover support other than food or utility bills, in other words, the other essential category, please provide a more detailed description in Table 5 column b outlining the nature of that support.

DWP engagement

69. LA relationship managers from DWP's LA Partnership, Engagement and Delivery division will contact Authorities to provide support and gather information throughout the scheme. Examples where LA relationship managers will contact Authorities:

- no Single Point of Contact details have been provided
- the MI templates have not been completed and returned

70. They will also contact Authorities where further clarification is needed in respect of the information provided on the MI reporting template, if for example:

- critical data is missing or the data looks odd, or
- the Authority is reporting a high value of awards where they have not been able to establish the household composition. We may need the Authority to explain why that is the case and provide supporting evidence.
- the Authority is reporting a high value of administration costs. We may need the Authority to explain why that is the case and provide supporting evidence
- there is a significant gap between actual and allocated spend. We may need the Authority to explain why spend is so low and any plans they have to redress this.

71. They will look to identify good practice and identify case studies where appropriate.

72. They also plan to engage with a sample of Authorities:

- during late November and December 2020, to get a feel as to how Authorities are implementing the scheme and understand any obstacles Authorities are facing.
- to obtain copies of their Delivery Framework to get a better understanding of how Authorities are delivering the scheme locally and the other types of organisations they are working with.

73. DWP will deliver a series of all LA calls through November and December 2020 to enable LAs to ask questions and seek points of clarification.

74. DWP will also continue to engage with Authorities to respond to questions we receive via the designated inbox as quickly as possible

75. Jobcentre Plus may engage with other local stakeholders to gather intelligence on how funding is being used and assess its impact.

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76. Where Authorities work with District Councils and TPOs it is the responsibility of Authorities to collect and collate MI and complete one collated MI return and submit to DWP.

DWP funding arrangements

77. This COVID Winter Grant Scheme is ring-fenced and any unspent funding will need to be repaid to DWP. To ensure that the objectives of the fund are being met during the course of the grant and reduce administration costs for all concerned, including the need for DWP to recover underspend, we have adopted a three stage payment approach. This will enable DWP to adjust the amount of the final payment based on the MI returns.

78. Payment of the grant from DWP to Authorities will be made in three instalments:

- First payment - 50% of your allocation at the start of the scheme (in early December 2020)
- Second payment - 25% at the end of February 2021
- Final payment - 25% following the end of the scheme in April/May 2021

79. The second of three payments (25% of funding allocation) is dependent on the MI return for December to end of January 2021. Where Authorities have spent less than 20% of their overall allocation during December and January, the second payment will be withheld and the remaining balance paid as the final payment at the end of the scheme in April/May 2021.

80. If an Authority feels that the December and January spend is not representative of the likely February and March spend, the Authority can make a request to DWP to make the second payment by providing the reasons why the Authority believe spend will significantly increase in the latter months of the scheme. This request should be made with the MI return in February 2021.

81. The second payment will only be made on receipt of the completed MI request.

82. Both MI returns must be endorsed by the S151 officer in accordance with their statutory assurance responsibility in order for the interim and final payments to be made by copying your Chief Financial Officer and Section 151 Officer into the email.

83. The guidance for completion is provided on a separate tab within the MI template.

84. The definition of spend includes grant funding that has been provided to vulnerable households, within the scope of the eligibility criteria, and within the period of the scheme 1 December 2020 to 31 March 2021.

85. Spend also includes 'committed spend'. For the purpose of this scheme committed spend relates to grant funding that has been spent and delivered to vulnerable households even though the vulnerable household may not have used their grant funding. An example would be the award of a food voucher on the 31 March 2021 to a vulnerable household. It would be unreasonable to expect the family to be restricted to redeem the voucher on the day of receipt. In this example spend has been committed

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by the Authority, support has been provided to a vulnerable household and, therefore, should be included as eligible grant spend. It would be reasonable to expect the vulnerable household to redeem the food voucher in the first few weeks of April 2021.

86. However, committed spend does not include large volumes of food vouchers, procured quite late in the scheme, which cannot be distributed to vulnerable households within the period of the scheme. Grant funding is intended to cover the run up to Christmas and the winter, we do not expect Authorities to stockpile large quantities of food vouchers for use after the scheme has ended.

87. Authorities that plan to order vouchers in bulk should attempt to be realistic in the volumes ordered to avoid holding large stocks of unused vouchers at the end of the scheme. Alternatively, Authorities may want to consider:

- purchasing vouchers on a sale or return basis, so that they can return any unused vouchers, or
- if the Authority wants to use the vouchers during 2021-22 they should be funding through other means.

88. The definition of committed spend for the purpose of this scheme does not affect its accounting treatment in accordance with normal rules.

89. The timetable for provision of funding and MI returns is as follows:

Funding:

Payment	Amount (%)	Date	Notes
First	50%	December 2020	Payment issued at start of scheme
Second	25%	End Feb/Early March 2021	Based on February 2021 MI return
Final	25%	Late April/Early May 2021	Based on final MI return and actual amounts spent.

Reporting:

Reporting Period		Deadline for return
01/12/2020	31/01/2021	14/02/2021
01/12/2020	31/03/2021	21/04/2021

Managing the risk of fraud

90. Fraudsters have been targeting COVID-19 support funds.
91. As with any welfare payment to vulnerable recipients there is a risk of fraud, as recipients might appear to be eligible when they are not.
92. To help mitigate this risk, Authorities should involve District Councils and other organisations chosen to administer this scheme to help identify vulnerable families, households and individuals. Engagement should start immediately and, ideally, no later than the end of November 2020 to provide them with the necessary and appropriate funding and any specific locally determined eligibility criteria.
93. Authorities wishing to work with TPOs to deliver the scheme **must** carry out suitable due diligence checks to ensure they are viable and able to deliver the support. So, for example, ensuring all charities are registered and taking extra caution if they are new organisations.
94. Authorities are also encouraged to ensure checks are in place to verify the identity of those eligible.
95. Authorities are encouraged to ask neighbouring authorities to work together to help prevent double provision – especially where allocation of provision is by school in one area and by residential address in another.
96. It is for Authorities to decide how payments are made to recipients. However, when making decisions, Authorities should consider the risks involved. Although they still carry fraud risks, vouchers should be used instead of cash where possible as this helps to mitigate the risk of the money being spent by the recipient on things outside of the policy intent.
97. Authorities should ensure that they consider and put in place suitable controls when making use of vouchers as part of this scheme. Authorities may wish to consider restricting access to these vouchers; and also consider restricting usage to ensure that they cannot be spent outside the intended scope of this Scheme.
98. Where possible, any payments made into a bank account should be in the same name of the person that is eligible for that payment. Authorities have access to a range of data sources, and checks can be carried out against this data to verify the identity of the recipient. Authorities are also encouraged to use existing tools at their disposal to verify personal bank accounts.
99. If the Authority has any grounds for suspecting financial irregularity in the use of any grant paid under this Determination, it must notify the department immediately, explain what steps are being taken to investigate the suspicion and keep the Department informed about the progress of the investigation. For these purposes ‘financial irregularity’ includes fraud or other impropriety, mismanagement, and the use of grant for purposes other than those for which it was provided.
100. If you suspect fraud, you should notify DWP at hdd.businessplanningteam@dw.gov.uk of the:
 - number of instances
 - total amount lost
101. This will help DWP identify any emerging threats and share them with other Authorities, so they can take steps to prevent and detect any fraud in their schemes.

Individuals with No Recourse to Public Funds

102. Authorities can provide a basic safety net support to an individual, regardless of their immigration status, if there is a genuine care need that does not arise solely from destitution, for example if:

- there are community care needs
- they have serious health problems
- there is a risk to a child's wellbeing

103. The rules around immigration status have not changed. Authorities must use your judgement to decide what legal powers and funding can be used to support individuals who are ineligible for public funds or statutory housing assistance.

Complying with State Aid rules

104. The funding is intended to benefit households struggling to afford food and other essential items as a result of COVID-19. The funds should not be used for any economic undertaking.

105. Whichever way you use the funding, including where you work in partnership with others, you should consider all State Aid issues. Check whether the de minimis regulation applies. You should also follow government procurement procedures where relevant.

Administration costs

106. The COVID Winter Grant Scheme funding allocation includes reasonable administration costs to enable Authorities to deliver the scheme. Authorities should deduct their estimated administration costs from the total allocation to determine the amount remaining.

107. In all cases, Authorities should keep administrative costs to a reasonable level.

108. Administration costs for each Authority will be published on www.gov.uk alongside detail of all spend related to this scheme.

109. Examples of administration costs include reasonable:

- staff costs
- advertising and publicity to raise awareness of the scheme
- web page design
- printing application forms
- small IT changes, for example, to facilitate MI production

Public Sector Equality Duty

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- 110. DWP has undertaken an Equality Impact Assessment and is willing to provide Authorities with advice and support in complying with their duties if required.
- 111. Under the Equality Act 2010, all public authorities must comply with the Public Sector Equality Duty. For the purposes of this grant, you should consider how any support that helps people facing severe financial hardship impacts those with characteristics protected under the Equality Act.
- 112. When developing your local delivery frameworks, you should ensure people are not disadvantaged or treated unfairly by this scheme. For example, any application process should be easy to access and to navigate.

Questions and answers

- 113. Questions and answers can be found at Annex A

Contact

- 114. If you have any queries about the content of this guidance or use of the funding you can email hdd.businessplanningteam@dwp.gov.uk

Questions and answers

Q1. Why is DWP asking County Councils and Unitary Authorities to administer this instead of District Councils?

A1. County Councils and Unitary Authorities have a statutory duty regarding children. This is not to suggest that District Councils are not capable of delivering support. It reflects the focus of this grant and that support could take many, broad, forms and, therefore, the funding sits better with County Council and Unitary Authorities.

We would encourage County Council and Unitary Authorities to work with their district partners, as well as other organisations, as appropriate, to ensure the most effective support is delivered to as many families as possible.

Q2. What happens at the end of the funding year?

A2. The COVID Winter Grant Scheme runs from 1 December 2020 to 31 March 2021.

Authorities have discretion over how they use the funding within the grant conditions and within this time period. This includes payments made, or committed spend, by the Authority or any person acting on behalf of the Authority, during the stipulated period, under the scheme. Please refer to the guidance for more information regarding the definition of committed spend.

The extended Holiday Activities and Food Programme begins in Easter 2021 and it will provide enriching activities and healthy food to disadvantaged children.

Q3. Is it acceptable to use the grant funding for Free School Meals?

A3. The COVID Winter Grant Scheme is not intended to replicate or replace Free School Meals and Authorities should avoid duplicating provision where possible.

However, Authorities have discretion over how they use the funding within the grant framework and within the stipulated time period.

Therefore, Authorities may choose to offer COVID Winter Grant Scheme support to those families in receipt of Free School Meals, if they consider this to be appropriate in their area.

Q4. Can the Scheme be used flexibly for more strategic activity such as advice provision around financial hardship?

A4. The COVID Winter Grant Scheme funding must only be used to provide support as defined within the eligibility criteria in this guidance document.

However, Authorities may choose to deliver the COVID Winter Grant Scheme support in parallel with other activity that they are already undertaking to address wider financial hardship.

Should Authorities choose to adopt this approach, they must fund the additional activity to address wider financial hardship through means other than the COVID Winter Grant Scheme.

Q5. Can we make multiple awards to the same people or families?

A5. A family or individual can be supported on multiple occasions throughout the life-time of the scheme, should an Authority deem it to be necessary. All awards should be reported separately.

Q6. Can Searchlight information be used by Authorities to help identify suitable recipients for the COVID Winter Grant Scheme funding?

A6. Searchlight can only be used to verify a specific individual's DWP benefit information. Universal Credit award information is available on Searchlight. Therefore, if an Authority identified a group of potential claimants who may be eligible for the scheme from their own records, they can access Searchlight to verify those claimants' DWP benefit details.

Q7. Does there need to be a complaints and appeals process?

A7. The appeals process falls within each Authority's normal complaints and appeals process. Authorities will be responsible for making determinations on eligibility and as such will need to decide how they administer any complaints or appeals.

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