

MEETING

SPECIAL POLICY AND RESOURCES COMMITTEE

DATE AND TIME

THURSDAY 19TH JULY, 2018

AT 7.30 PM (OR AT THE CONCLUSION OF THE PRECEDING LICENSING COMMITTEE)

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF POLICY AND RESOURCES COMMITTEE (Quorum 3)

Chairman: Councillor Richard Cornelius

Vice Chairman: Councillor Daniel Thomas BA (Hons)

Councillors

Dean Cohen
Anthony Finn
Ross Houston
David Longstaff

Kath McGuirk
Arjun Mittra
Alison Moore
Sachin Rajput

Barry Rawlings
Peter Zinkin

Substitute Members

Gabriel Rozenberg
Melvin Cohen LLB

Geof Cooke
Alan Schneiderman

Mark Shooter

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10am on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Monday 16th July 2018 at 10am. Requests must be submitted to Andrew Charlwood 020 8359 2014 andrew.charlwood@barnet.gov.uk

Media Relations Contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 12
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (if any)	
5.	Public Questions and Comments (if any)	
6.	Members' Items (if any)	
7.	Business Planning	To Follow
8.	Review of Capita Contracts - Strategic Outline Case	13 - 28
9.	Adults and Communities Case Management System	To Follow
10.	Saracens Loan Agreement	To Follow
11.	Award of Contract to Community Sector Development Partner	To Follow
12.	Committee Forward Work Programme	To Follow
13.	Any other item(s) the Chairman decides are urgent	
14.	Motion to Exclude the Press and Public	
15.	Any other exempt item(s) the Chairman decides are urgent	

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of our Committee Rooms also have induction loops.

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Decisions of the Policy and Resources Committee

11 June 2018

Members Present:-

AGENDA ITEM 1

Councillor Richard Cornelius (Chairman)

Councillor Dean Cohen
Councillor Anthony Finn
Councillor Ross Houston
Councillor Alison Moore
Councillor Sachin Rajput

Councillor Barry Rawlings
Councillor David Longstaff
Councillor Peter Zinkin
Councillor Arjun Mittra
Councillor Kath McGuirk

Also in attendance

Councillor Gabriel Rozenberg (as substitute)

Apologies for Absence

Councillor Daniel Thomas

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 13 February 2018 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies for absence were received from Councillor Daniel Thomas who was substituted for by Councillor Gabriel Rozenberg.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

Councillor Arjun Mittra declared a non-pecuniary interest in Agenda Item 13 – 'Authorisation to participate in the Mayor of London's REFIT programme', as he is an employee of the GLA.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

Details of the questions asked and the published answers were provided with the agenda papers for the meeting. Verbal responses were given to supplementary questions at the meeting.

Public comments were made by Mr John Dix on Agenda Item 7– Business Planning 2018-22.

6. MEMBERS' ITEMS (IF ANY)

Councillor Barry Rawlings introduced his Member's Item on Universal Credit, requesting that a report is brought to the October Policy & Resources Committee reviewing the first five months of the full Universal Credit Service in Barnet, including operations and impact on residents.

RESOLVED That the above request be agreed and incorporated within the committee work programme.

7. BUSINESS PLANNING

The Committee considered the report.

Councillor Barry Rawlings moved an additional recommendation as follows: 'That as a matter of urgency all functions relating to strategic finance come back in house'.

Councillor Richard Cornelius requested that the proposed additional recommendation be amended to request that the Business Planning report due to be considered at the July Policy and Resources Committee meeting includes an option to bring strategic finance functions in house in order that the recommendation could be supported by appropriate analysis. This was duly agreed. The amended motion was seconded by Councillor Kath McGuirk and unanimously agreed by the Committee.

RESOLVED:

- 1. Notes the draft 2017/18 outturn position described in paragraph 1.2.1;**
- 2. Approves the New Homes Bonus Reserve reassignment described in paragraph 1.2.5 and the associated proposed policy change set out in paragraph 1.2.6;**
- 3. Notes the value of General Fund Balances described in paragraph 1.2.8;**
- 4. Notes the current and forecast values of reserves set out in Table 1;**
- 5. Notes the remaining in year pressure in 2018/19 of £9.5m as per paragraph 1.2.12;**
- 6. Approves the transfers from contingency as set out in paragraphs 1.2.14-1.2.18;**
- 7. Approves the debt write offs over £5,000 described in paragraphs 1.2.20 and 1.2.24;**
- 8. Approves the revisions to the capital programme set out in paragraphs 1.3.3-4 and Appendix B;**

9. Notes that proposals will be prepared to delete capital projects to fit within the approved budget, for consideration at an additional Policy and Resources Committee meeting proposed to be scheduled in July;
10. Notes the current capital receipts position set out in paragraph 1.3.7;
11. Notes that officers are exploring options to meet the cashflow pressure resulting from additional borrowing required to finance the Thameslink Brent Cross West station until the anticipated Business Rate increase repays scheme costs as set out in paragraphs 1.4.3-6;
12. Notes the gap within the Medium Term Financial Strategy (MTFS) to 2022, as set out at Appendix A and the assumptions underpinning this in para 1.5.22;
13. Notes the process for developing a new corporate plan and MTFS set out in paragraphs 1.5.19-21;
14. Notes the consultation results in Appendix C pertaining to a policy for offering council tax relief to care leavers based on guaranteed relief for their first two years of independent living and a presumption in favour of granting relief should it be required after that up to age 25; and recommend the policy to Council, to be implemented and backdated to 1 April 2018; and
15. That the Business Planning report due to be considered at the July Policy and Resources Committee meeting includes an option to bring strategic finance functions in house.

8. LOCAL DEVELOPMENT SCHEME

The Committee considered the report.

RESOLVED That Barnet's revised Local Development Scheme, as set out in Appendix A to this report, be approved for publication.

9. STATEMENT OF COMMUNITY INVOLVEMENT

The Committee considered the report.

RESOLVED:

1. That the committee notes the content of the draft Statement of Community Involvement (SCI) (attached at Appendix A).

2. That the Committee approves the draft SCI as the basis for public consultation. The SCI will then return to the Committee with the consultation responses.
3. That the Committee delegates authority to the Deputy Chief Executive to make any necessary changes of a minor nature to the draft SCI in consultation with the Leader prior to public consultation.

10. SARACENS LOAN AGREEMENT

The Chairman noted this item was deferred.

11. CBAT LICENSING TO EXTERNAL PARTIES

The Committee considered the report.

RESOLVED:

1. To delegate authority to the Deputy Chief Executive to enter into a legal agreement (joint venture) with Simetrica Ltd for the further development and trading of the Community Benefit Assessment Tool.
2. To delegate authority to the Deputy Chief Executive to enter into fee paying licensing agreements with external organisations.

12. IMPLEMENTATION OF IT STRATEGY: FULL BUSINESS CASE FOR NEXT PHASE OF IMPLEMENTATION OF MICROSOFT SHAREPOINT ONLINE FOR DOCUMENT MANAGEMENT

The Committee considered the report.

RESOLVED:

1. That the Committee approves this phase of implementation of Microsoft SharePoint Online technology at a capital cost of £276,000 and revenue costs of £25,000. This is a maximum cost that may reduce following the technical assurance of the proposal.
2. That the Committee notes the intention to commission Leidos, the council's contracted IT technical assurance partner, to scrutinise the technical proposals before funding is released or contracts are signed.
3. That the Committee delegates authority to the Deputy Chief Executive, in consultation with the Chairman of Policy and Resources Committee, to enter into contracts and take all other necessary actions to implement the recommendations of this report.

13. AUTHORISATION TO PARTICIPATE IN THE MAYOR OF LONDON'S REFIT PROGRAMME

The Committee considered the report.

Councillor Barry Rawlings moved that an additional recommendation 4 be added: 'That the council writes to the Mayor of London to thank him for the scheme.' Councillor Richard Cornelius seconded the motion, which was unanimously agreed by the Committee.

RESOLVED:

- 1. That the Committee resolve that Barnet Council participates in the Mayor of London's RE:FIT programme to secure energy savings across Barnet Council assets.**
- 2. That the Committee approve the decision to apply for a 0% interest Salix loan for energy saving works, subject to due diligence.**
- 3. That the Committee approve the decision for Barnet Council to utilise the GLA's fast track procurement framework for the works.**
- 4. That the council writes to the Mayor of London to thank him for the scheme.**

14. CONTRACT VARIATIONS AND EXTENSIONS

The Committee considered the report.

Councillor Kath McGuirk noted that a supplementary public question had raised the issue of whether the council would seek to recoup the costs of the financial review work from contractors at a later date. She then moved an additional recommendation: 'That the council seek to recoup the cost of the financial review work from contractors'. The motion was duly seconded and unanimously agreed by the Committee.

RESOLVED:

- 1. To vary the direct award contract to Grant Thornton for financial review work up to 30 April 2019 with a value of up to £500,000.**
- 2. To enable increased use of the LGRP framework for interim staff, varying the value up to £500,000 up to the end of the LGRP framework as allowed under the framework.**
- 3. That the council seek to recoup the cost of the financial review work, as referred to in recommendation 1, from contractors.**

15. EMERGENCY PLANNING

The Committee considered the report.

Emergency Planning Officer agreed to re-circulate advice to Members regarding the role of councillors in an emergency situation.

Councillor Peter Zinkin noted that the reference to 'formal identification of lessons' in paragraph 1.16 of the report should more accurately read 'no final identification of lessons.' This was agreed by officers.

RESOLVED That the Committee note the report.

16. END OF YEAR 2017/18 PERFORMANCE MONITORING REPORT

The Committee considered the report. It was noted that Theme Committees will also receive detailed reports relevant to their areas of responsibility.

The Deputy Chief Executive agreed to circulate a breakdown of £0.776m overspend for the Estates Managed Budgets referred to on page 233-34 of the agenda pack.

The Leader noted a typographical error on page 298 of the Agenda pack under 'Libraries Transformation'. It was noted that the statement "Fire risk assessments were undertaken by the Fire Brigade, not the Health and Safety Executive (HSE). It was noted that this followed the Trade Unions raising concerns with the HSE about a few named libraries and the Fire Brigade, as the enforcing authority, carried out visits.

The Committee noted that there would be further consideration regarding the appropriate mechanism for Theme Committees to provide feedback to Policy and Resources Committee on performance issues.

RESOLVED:

- 1. The Committee is asked to scrutinise the overall annual performance of the council, in relation to the Corporate Plan and Theme Committee Commissioning Plans.**
- 2. The Committee is asked to note the 2017/18 revenue position, as detailed in paragraphs A.6-A.7 and in Appendix B.**
- 3. The Committee is asked to note the additions and deletions (which include virements) and accelerations and slippages in the capital programme, as detailed in paragraphs A.8-A.9 and in Appendix C.**
- 4. The Committee is asked to note the savings delivered in 2017/18, as detailed in paragraph A.10.**
- 5. The Committee is asked to note the agency costs for 2017/18, as detailed in paragraph A.11.**

- 6. The Committee is asked to note the strategic risks, as detailed in paragraph A.18, and the corporate risk register, which includes high level service/joint risks in Appendix A.**

17. COMMITTEE FORWARD WORK PROGRAMME

The Committee noted the forward work programme, and noted that Members would be consulted on the date of an additional meeting in July 2018.

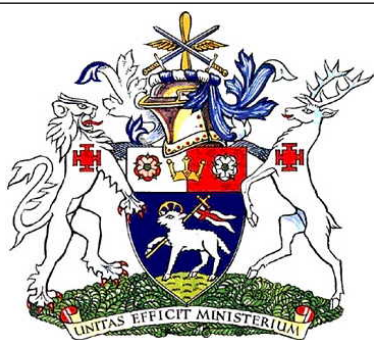
18. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting finished at 9.02 pm

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AGENDA ITEM 8



Policy and Resources Committee

19th July 2018

Title	Review of Capita Contracts – Strategic Outline Case
Report of	Leader of the Council
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	None
Officer Contact Details	<p>John Hooton, Chief Executive john.hooton@barnet.gov.uk 020 8359 2460</p> <p>Cath Shaw, Deputy Chief Executive cath.shaw@barnet.gov.uk 020 8359 4716</p>

Summary

This report seeks authority from Committee to develop a Full Business Case reviewing the council's strategic partnership with Capita, based on the Strategic Outline Case set out in paragraphs 2.1 – 2.12, with a view to bringing a final report to the Committee in the autumn. The Strategic Outline Case considers three options: (1) maintain the status quo in relation to the Customer Support Group (CSG) and Development and Regulatory Services (DRS) contracts; (2) re-shape the contracts, with some elements coming back in-house; and (3) bring the partnership to an end. It concludes that option (2) best meets the council's objectives, and recommends that a Full Business Case is developed to test this conclusion.

Officer Recommendations

That the Committee:

- 1. Agrees to review the council's partnership with Capita, and authorises the Chief Executive to develop a Full Business Case.**
- 2. Agrees that the proposed strategic aims underpinning the Full Business Case should be to:**
 - a) Deliver high quality services;**
 - b) Secure best value for money for Barnet's residents; and**
 - c) Strengthen the council's strategic control of services.**
- 3. Notes the three options identified and considered in more detail in paragraphs 2.4 to 2.7 and Tables 1 to 4.**
- 4. Agrees that option 2 – realigning the CSG and DRS contracts to bring back in house those services listed in Table 5 – is the proposed preferred option to be tested in the Full Business Case.**
- 5. Agrees that the Full Business Case should review the joint venture arrangement for the delivery of Development and Regulatory Services.**
- 6. Agrees that the Full Business Case should be considered by Policy & Resources Committee, for referral to Council for final decision.**

1. WHY THIS REPORT IS NEEDED

Background

- 1.1. The purpose of this report is to seek authority to develop a Full Business Case reviewing the council's strategic partnership with Capita, with a view to bringing a final report to the Committee in the autumn.
- 1.2. The council has a longstanding approach to service delivery which is based on commissioning services from whichever organisation can deliver them most effectively, whether this a partner from the private, voluntary and community, or public sector; or an in-house service.
- 1.3. In accordance with this approach, the council has two major contracts with Capita. The first, known as the CSG contract, is for the delivery of the council's 'back office' functions, including finance, human resources, customer services and information technology. The second relates to the provision of development and regulatory services (DRS), including planning, regeneration, highways, environmental health and cemeteries/crematoriums. This contract

is delivered by a joint venture between Capita and the council¹, known as Regional Enterprise Limited, or Re. The terms “DRS contract” and “Re contract” are used interchangeably in this report. The contracts began in September 2013 and October 2013 respectively and run for ten years with an option to extend for up to a further five years. Detailed reports on the performance of both contracts were provided to the Performance and Contract Management Committee on 15th November 2016 in relation to the CSG contract and 28th November 2017 in relation to the Re contract.

- 1.4. Both contracts have delivered significant financial benefits since their commencement in 2013 and Capita has been instrumental in delivering efficiencies, service improvements and increased income across a range of services. Particular benefits have included:
- Significant improvements in resident satisfaction across both contracts
 - Investment in technology and better IT security
 - Improved revenue collection rates
 - Implementation of Unified Reward
 - Improvements in planning and planning enforcement
 - Additional savings through, for example, office rationalisation
 - National recognition
 - Service improvements set out in the contract reviews
- 1.5. However, Members will also be aware of various issues in respect of service performance across the two contracts, as previously reported to the Performance and Contract Management Committee (now Financial Performance and Contracts Committee) and Audit Committee. In relation to the CSG contract, these have included issues with: financial controls and reporting; pensions administration; estates; and user satisfaction with back office services. In relation to the Re contract, issues have been raised on financial controls and the operation of the Highways service. A number of these performance concerns were also highlighted in the contract reviews that were carried out in 2016 and 2017 of the CSG and Re contracts respectively.

Purpose of the review

- 1.6. The council continuously reviews its service delivery arrangements, in line with its commitment to ensuring that they are as effective and efficient as possible. Contract reviews were undertaken in year 3 for CSG and year 4 for Re, and further reviews would in any event be due under the contracts in years 6 and 7 respectively.
- 1.7. Members will be aware that, following the appointment of a new Capita Chief Executive and the publication of the company’s 2017 end of year results, Capita set out a new strategic direction for the organisation. Capita’s focus in future will be delivering technology-enabled services, at scale, where the company believes it can add the most value to service delivery.

¹ The council’s involvement in the joint venture is through a separate, council-owned company. More details on the joint venture structure are set out in the Year 4 review of the Re contract linked to in paragraph 6.5

- 1.8. The environment in which local government is operating has also changed since the contracts were let. Whilst both contracts envisaged the need to adapt to changing circumstances, it is recognised that, as well as a longer than forecast period of austerity, the outsourcing market has changed over time. In addition, the rapidly changing external environment has accentuated the need for the council to increase the level of direct control it exercises over the levers that affect its strategic direction.
- 1.9. Against the backdrop of these changes, it is timely to take stock of the partnership, including the joint venture arrangement for the delivery of the DRS contract, and consider the most appropriate approach going forward.

2. REASONS FOR RECOMMENDATIONS

Aims

- 2.1. In developing preliminary proposals, officers have been guided by three key aims. It is recommended that the Committee endorse these aims to guide the development of a full business case:

- (a) To deliver high quality services;
- (b) To secure best value for money for Barnet's residents; and
- (c) To strengthen the council's strategic control of services.

Options

- 2.2 This report considers three broad options for the future:
- 1. Maintain the status quo in relation to the CSG and DRS contracts;
 - 2. Re-shape the contracts to better align service delivery to the council and Capita's strengths and priorities, within the context of the existing contractual structure; and
 - 3. Bring the partnership to an end, and either bring services back in house or re-procure them.
- 2.3 Assessments are based on the following principal sources of evidence², in addition to those reports referred to in paragraph 1.5 above:
- NSCSO Full Business Case
 - Approval of Bidder for DRS services
 - Year Three Review of CSG contract
 - Year Four Review of RE contract
 - End of Year 2017-18 Contracts Performance Report
- 2.4 Option 1 would involve continuing with the CSG and DRS contracts as they are currently, and driving change using existing contractual levers. A

² Links to these reports can be found in Section 6 of this report, Background Papers

preliminary assessment of the effectiveness of this approach in meeting the council's aims is set out below.

Table 1: Assessment of Option 1

Aim	Option 1 - status quo
High quality services	Medium – while some services are performing well, there remain areas of persistent poor performance. These are generally (though not exclusively) concentrated in areas that are non-core to Capita, where they have relatively few local authority clients and where there is limited opportunity to benefit from economies of scale and new technologies. The existing partnership working and contractual levers have been effective in driving performance improvement in some areas, but can be cumbersome. This is time and resource intensive in undertaking the contract management (as the council is currently doing) and detracts resource away from more strategic requirements.
Value for money	High/Medium – as noted above, the contracts have delivered significant savings, and for many services the current clearly score “high” value for money. However, the Re review noted difficulties in benchmarking the value for money of special projects, and the contractual structure does not lend itself easily to changing priorities or performance standards.
Strategic control	Low – the model involves delivery of both strategic advice and transactional services through the contracts. This places strategic direction of key corporate functions at arms’ length from the council and can make it difficult respond to new challenges rapidly. While Capita has expertise in many of these services, the bespoke nature of advice required does not lend itself to the company’s corporate focus on technology enabled services.

- 2.5 Option 2 would involve re-shaping the contracts, allowing Capita to focus on the areas in which they can add most value and bringing some services back in house (or transferring them to alternative specialist providers). Contracts would be re-shaped within the context of the original procurement and the existing contractual framework. A preliminary assessment of the effectiveness of this approach in meeting the council's aims is set out below.

Table 2: assessment of option 2

Aim	Option 2 – Re-shape contracts
High quality services	Medium/High – this option creates flexibility for services to be run by the organisation best able to recruit and retain high quality staff and invest in the appropriate level of technology. There is some risk that in the short-term management and staff attention on delivering organisation changes may distract from service improvement, and that some Capita staff may choose not to move across to the council.
Value for money	High – the benefits of economies of scale are maintained, but the council is able to flex services more effectively to changing needs. An appropriate commercial agreement is fundamental to securing the value for money benefits.
Strategic control	Medium/High – the council could bring back those elements of the contracts, which directly support the shaping of the strategic direction of the council.

- 2.6 Option 3 would involve ending the partnership, and either bringing services back in house, or identifying alternative providers.

Table 3: assessment of option 3

Aim	Option 3 – End partnership
High quality services	Medium/Low – wholesale in-sourcing or re-procurement is likely to divert management and staff time from service improvement. Many staff based outside of London may choose not to relocate to Barnet. Low unemployment locally is likely to make it hard to recruit to consequent vacancies
Value for money	Low – Capita has delivered significant economies of scale across transactional services, including by delivering them outside of London. The council would not be able to replicate these savings.
Strategic control	Medium/High – wholesale insourcing would in time give the council direct control over all services, following a complex transition.

Recommended Preferred Option

- 2.7 The conclusions of the analysis in paragraphs 2.4-2.6 are summarised in Table 4 below. Based on the preliminary assessment, option 2 is preferred. If agreed by the Committee, the full business case will test this finding by further assessing all three options, with a view to making a final recommendation to P&R in the Autumn, for referral to Council for decision.

Table 4: summary of conclusions

Aim	Option 1	Option 2	Option 3
High quality services	Medium	Medium/High	Medium/Low
Value for money	Medium/High	High	Low
Strategic control	Low	Medium/High	Medium/High

- 2.8 Option 2 relies on a service-by-service assessment to determine which party is best placed to deliver each contract element going forward. An initial assessment of each service provided under the two contracts has been carried out based on the aims set out in paragraph 2.1 above, and having regard to Capita's future strategic direction. The outcome of this preliminary assessment is summarised below.
- 2.9 The Committee is invited to approve the recommendation that the full business case considers in more detail the case for re-aligning the contracts by insourcing the services listed in Table 5. The Committee will wish to note that while this is the starting point for development of the full business case, more detailed analysis may suggest a different mix of services to be retained by Capita or returned to the council. Furthermore, there may be some services that are best transferred to an alternative specialist provider. Where relevant, these options will be addressed as part of the development of the full business case.

Table 5: services to be considered for insourcing

	Scope to improve service performance	Scope to improve value for money	Scope to improve strategic control
CSG contract			
Finance and Accounting (excluding transactional services provided from the Darlington shared service centre)	✓		✓
Estates (Property Services, Building Services and Facilities Management)	✓	✓	✓
Strategic HR			✓
Safety, Health and Welfare			✓
Insight			✓
Social Care Direct	✓ ³		

³ The Social Care Direct service is considered to perform well, but with scope for improved services through more highly skilled initial triage.

RE/DRS contract			
Regeneration Commissioning (including commissioning the Brent Cross programme)	✓		✓
Highways	✓	✓	✓
Economic Skills and Development			✓
Cemetery and Crematorium ⁴			
Strategic Planning			✓

- 2.10 The starting point for the full business case is, therefore, that the remaining services would continue to be provided under the existing contracts. These services are listed in table 6 below.

Table 6: services proposed for continued delivery through existing contracts

CSG contract
Procurement
Finance – transactional services provided from the Darlington shared service centre
Revenues and Benefits
IT
Estates – Printing
HR Payroll
HR Pensions Administration
Customer Services
Customer Transformation Programme
RE/DRS contract
Development Control (planning and other consents)
Planning Enforcement
Building Control
Land Charges
Trading Standards
Licensing
Environmental Health
Delivery of the Brent Cross Thameslink programme, and potential future regeneration commissions

- 2.11 The Committee will note that in a small number of cases the preliminary assessment suggests that services should remain with Capita despite current performance issues. This is because Capita is believed to have both the

⁴ The Cemetery & Crematorium service is considered to perform well, and is proposed for insourcing as it is not seen as a strategic service by Capita in the long term.

capability and capacity to resolve these issues to the council's satisfaction. The full business case will test this further.

2.12 The Full Business Case will also address:

- a) the future arrangements for the delivery of corporate programmes, which is currently commissioned through the special projects process and funded from the transformation reserve; and
- b) the financial model associated with procurement, with particular focus on the options to reform the current gainshare mechanism.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Committee could choose not to proceed to the full business case stage. This is in effect supporting Option 1: maintain the status quo. If the Committee agrees with the aims set out in paragraph 2.1, then the preliminary assessment suggests that Option 1 is not the most beneficial to the council, as set out in Table 4. In accordance with good practice, the full business case would re-assess all three options and test the preliminary finding that option 2 is preferred.

4 POST DECISION IMPLEMENTATION

- 4.1 Besides testing and refining the assumptions in this strategic outline case, development of the full business case will need to address other important issues including:
- a) commercial terms, including ensuring that future service provision is affordable within the constraints of the council's medium term financial challenge;
 - b) due diligence – the process of ensuring that the council fully understands the implications of in-sourcing services, including the impacts on staff and key systems (such as Integra), and clarity about responsibilities and interfaces with the remaining contracted services;
 - c) arrangements for accommodating returning services (or procuring an alternative provider if that is the recommended approach), for example ensuring appropriate management structures, systems and software licenses are in place;
 - d) arrangements for the services retained by Capita, for example through updating volume baselines and key performance indicators; and
 - e) transition planning and defining the detailed activities that would be required for implementation (including the contractual process for implementation), and the associated resourcing requirements and timescales.
- 4.2 It is proposed that this work should proceed over the summer, in accordance with the principles of the council's project management toolkit. Officers will as a first step produce an outline business case, prior to developing a full

business case for consideration by this Committee in the autumn and subsequent referral to Council.

- 4.3 Throughout the development of the full business case and any subsequent implementation period the council will continue to exercise robust contract management to ensure that required service improvements are delivered, including for those services that are being considered for in-sourcing.
- 4.4 The council will also seek to minimise disruption to staff employed across both contracts and within the council during this period.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The aims set out in paragraph 2.1 have been designed to ensure high quality, good value services as envisaged in the council's Corporate Plan. The preliminary assessment of services summarised in tables 5 and 6 is intended to maintain the council's ongoing approach of commissioning services from most effective available provider.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 As noted above, the resource implications of any change in contract arrangements will be incorporated into the full business case for consideration by the Committee in making its final recommendation to Council.
- 5.2.2 To develop the Full Business Case to bring to Committee in the autumn, up to £300,000 of resources is required, to be funded from reserves. This is justified by the scale of the contracts and the importance to the council of delivering best value going forward.

5.3 Social Value

- 5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.
- 5.3.2 The contracts include several requirements that relate to social value, for example the provision of apprentices. The importance of at least maintaining these benefits will be reflected in the full business case.

5.4 Legal and Constitutional References

- 5.4.1 The Full Business Case will confirm the contractual basis for implementation of the agreed changes. The contracts include detailed provisions for such

changes and the full business case will confirm the recommended steps to implement the preferred option.

- 5.4.2 Detailed legal support is being provided to ensure that the council meets its legal obligations, for example in relation to public procurement regulations.
- 5.4.3 Council Constitution, Article 7 (Committees, Forums, Working Groups and Partnerships) provides that the Policy and Resources Committee is responsible for 'Strategic Partnerships'.
- 5.4.4 Council Constitution, Article 7 (Committees, Forums, Working Groups and Partnerships) provides that the Financial Performance & Contracts Committee is responsible for the oversight and scrutiny of the council's major strategic contracts including analysis of performance and contract variations.
- 5.4.5 Council Constitution, Article 4 (The Full Council) provides that Full Council can make decisions on matters normally reserved to committees...where the matter is so significant that it requires all Members to determine. The recommendation is that the final decision is referred to Council as the matter is so significant.

5.5 Risk Management

- 5.5.1 The decision to move to the full business case stage has relatively limited risks. The key risks are:
 - Unsettling or distracting staff who may be affected. Both the council and Capita will engage with their staff as set out in section 5.8 below.
 - Difficulties in recruiting to vacant posts in services that might be transitioning in future.
 - Loss of key staff from services that are affected by proposals set out in this report.
- 5.5.2 The risks of any contract realignment will be set out in the full business case for consideration by the Committee.

5.6 Equalities and Diversity

- 5.6.1 Equality and diversity issues are a mandatory consideration in the council's decision-making process. Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. The equalities impact will be revisited on each of the proposals as they are developed. This project is in a formative stage so the equality impacts will need to be updated as the project is progressed. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

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

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
- (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) Tackle prejudice, and*
- (b) Promote understanding.*

Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:

- Age*
- Disability*
- Gender reassignment*
- Pregnancy and maternity*
- Race,*
- Religion or belief*
- Sex*
- Sexual orientation*
- Marriage and Civil partnership*

5.6.2 Accordingly, an Equalities Impact Assessment will be developed as part of the work to develop the full business case. The EIA will consist of two parts, the first assessing the impact on customers / users of services, and the second assessing the impact on the workforce. An initial Equalities Impact Assessment will be prepared and considered early in the development of

business case, and reviewed regularly as the business case progresses.

5.7 Corporate Parenting

- 5.7.1 Capita provide a small number of services to care leavers living in Barnet, most notably in relation to the revenues and benefits service. The continued focus on high quality services through the development of the full business case will ensure that these services continue to be provided.

5.8 Consultation and Engagement

- 5.8.1 The Council is committed to securing best value by continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. As part of that commitment the Council will be undertaking appropriate consultation on options and proposals in accordance with the duty under section 3 of the Local Government Act 1999, and with proper regard to Central Government Guidance. The results of consultation will be considered in full and will form a key part in informing the equality impact assessment and the FBC and recommendations of the review.
- 5.8.2 Any proposals that involve the transfer of services from one provider to another (including transfer in-house or to alternative providers) will entail a statutory requirement to consult with affected staff and their representatives under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). These requirements will be triggered in the event that a decision to transfer services takes place and prior to any transfer being effected. The consultation requirements will be factored into the full business case.
- 5.8.3 However, it should be noted that it is good practice to engage with all staff from the point at which any potential for transfer of services becomes generally known, throughout the decision making and transition periods and for a period post transfer (if a transfer takes place). Early engagement with staff assists in managing risks of staff becoming unsettled or distracted as outlined above. It also assists in preventing loss of key staff during the decision making and transition periods, as well as ensuring the council continues to attract high calibre individuals by maintaining its reputation as an employer of choice.
- 5.8.4 Likewise, early engagement and ongoing dialogue with staff representatives is also good practice, with the aim of early identification and resolution of issues, reaching agreement on processes and approach to managing the workforce aspects of transfer and addressing any issues that may arise at the earliest opportunity so that statutory consultation and the transition itself can run smoothly for affected staff.
- 5.8.5 In line with good practice set out above, work is already underway to agree a joint staff engagement and communication plan between the council, CSG and Re to ensure there is transparent and consistent messaging for all groups of staff and their representatives throughout the coming period. A dialogue has also started with staff representatives and will continue throughout the

decision-making process and any subsequent decisions taken by the Committee.

5.9 Insight

- 5.9.1 The full business case will draw on the analysis and benchmarking undertaken as part of the CSG and Re contract reviews, as well as more up to date data as appropriate.

6 BACKGROUND PAPERS

- 6.1 Approval of NSCSO full business case:
<http://barnet.moderngov.co.uk/documents/s6649/NSCSO.pdf>
- 6.2 Approval of preferred bidder for DRS services:
<https://barnet.moderngov.co.uk/documents/s9226/DRS%20Cabinet%20Report.pdf>
- 6.3 Capita transformation update:
<https://www.capita.com/news/news/2018/transformation-update-and-proposed-fully-underwritten-701m-rights-issue/>
- 6.4 Year three review of CSG contract:
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=693&MId=8796&Ver=4>
- 6.5 Year four review of RE contract:
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=693&MId=9134&Ver=4>
- 6.6 Report into children's social care services in the London Borough of Barnet:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/676435/Commisisoner_Report_into_Barnet_Children_s_Social_Care_Services.pdf
- 6.7 Report to Financial Performance and Contracts Committee – End of Year 2017-18 Contracts Performance Report:
<https://barnet.moderngov.co.uk/documents/s47149/EOY%202017-18%20Contracts%20Performance%20Report.pdf>
- 6.8 Report to Audit Committee, CAFT annual report:
<https://barnet.moderngov.co.uk/documents/s46044/Appendix%201%20-%20CAFT%20Annual%20Report%20201718.pdf>
- 6.9 Reports to Performance and Contract Management Committee
- Quarter 3 2017-18 Performance Monitoring Report (Part C: Contract Performance):

<https://barnet.moderngov.co.uk/documents/s45224/Q3%202017-18%20Report.pdf>

Quarter 2 2017-18 Performance Monitoring Report (Part C: Contract Performance):

<https://barnet.moderngov.co.uk/documents/s43586/Quarter%202%20201718%20Performance%20Monitoring%20Report.pdf>

Quarter 1 2017-18 Performance Monitoring Report (Part C: Contract Performance):

<https://barnet.moderngov.co.uk/documents/s42044/Q1%202017-18%20Performance%20Monitoring%20Report%20010917.pdf>

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