



Nottingham City Council Commissioning and Procurement Executive Committee

Date: Tuesday, 15 February 2022

Time: 10.00 am

Place: Ground Floor Committee Room - Loxley House, Station Street, NG2 3NG

Please see information on page 2 of this agenda front sheet about arrangements for ensuring Covid-safety.

Councillors are requested to attend the above meeting to transact the following business

Director for Legal and Governance

Governance Officer: Mark Leavesley

Direct Dial: 0115 8764302

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|----------|--|---------|
| 1 | Apologies for Absence | |
| 2 | Declarations of Interests | |
| 3 | Minutes
Last meeting held on 11 January 2022 (for confirmation) | 3 - 12 |
| 4 | Statutory Electoral Services: procurement of suppliers - Key decision
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| 5 | Highways Sustainable Procurement Strategy: Phase 2 - Key decision
Report of Corporate Director for Resident Services | 21 - 28 |
| 6 | Building Services and Facilities Management Procurement Requirements 2022-23 - Key decision
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| 7 | Workforce recruitment and retention grant for Adult Social Care - Key decision
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| 8 | Fee Rates for Adult Social Care Services 2022-23 - Key decision
Report of Director for Commissioning and Procurement | 75 - 80 |

9 Exclusion of the public

To consider excluding the public from the meeting during consideration of the remaining item in accordance with Section 100A of the Local Government Act 1972, under Schedule 12A, Part 1, Paragraphs 3 & 5, on the basis that, having regard to all the circumstances, the public interest in maintaining an exemption outweighs the public interest in disclosing the information

10 Exempt appendices - Fee Rates for Adult Social Care Services 2022-23

81 - 94

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting

In order to hold this meeting in as Covid-safe a way as possible, all attendees are:

- asked to maintain a sensible level of social distancing from others as far as practically possible when moving around the building and entering / leaving the meeting room. As far as possible, please remain seated and maintain distancing between seats throughout the meeting.
- strongly encouraged to wear a face covering (unless exempt) when entering and leaving the meeting room and throughout the meeting, unless you need to remove it while speaking to enable others to hear you.
- make use of the hand sanitiser available and, when moving about the building, follow signs about traffic flows, lift capacities etc.

Citizens attending meetings are asked to arrive at least 15 minutes before the start of the meeting

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Nottingham City Council

Commissioning and Procurement Executive Committee

Minutes of the meeting held at Loxley House, Station Street, NG2 3NG, on 11 January 2022 from 10.03 am - 10.36 am

Membership

Present

Councillor Sam Webster (Chair)
Councillor Adele Williams

Absent

Councillor Cheryl Barnard
Councillor Eunice Campbell-Clark
Councillor Sally Longford

Colleagues, partners and others in attendance:

Anna Coltman	-	Commissioning Manager
Helen Johnston	-	Consultant in Public Health
Mark Leavesley	-	Governance Officer
Bobby Lowen	-	Commissioning Lead
Steve Oakley	-	Head of Contracting and Procurement

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 21/01/2022. Decisions cannot be implemented until the working day after this date.

39 Apologies for Absence

Councillor Barnard)	personal
Councillor Campbell-Clark)	
Councillor Longford	-	other Council business

The Committee noted that Councillors Barnard and Campbell-Clark, who would normally have attended the meeting but who did not have reports to present on this occasion, had submitted apologies in the interests of supporting Covid safety in the current context of high infection levels.

40 Declarations of Interests

None.

41 Minutes

The Committee confirmed the minutes of the meeting held on 14 December 2021 as a correct record and they were signed by the Chair.

42 Arrangements for the joint commissioning of CAMHS (2022/23-2024/25) - Key decision

Councillor Williams, Portfolio Holder for Adults and Health, and Helen Johnston, Consultant in Public Health, presented the report, which detailed the proposed arrangements for maintaining the current Targeted CAMHS (Children and Adolescent Mental Health Service) provision until March 2025. The service would be jointly

funded by Public Health Grant contributions, tapering with increased Nottingham and Nottinghamshire Clinical Commissioning Group (CCG) contributions over a three-year period. The establishment of a Section 75 agreement between Nottingham City Council (NCC) and the CCG is proposed as a robust mechanism for funding and managing the service.

Resolved

- (1) to approve:**
 - (a) the use of the Public Health Grant for a funding contribution to Targeted CAMHS 2022/23-2024/25;**
 - (b) the development of a Section 75 Agreement between NCC Public Health and the CCG for the commissioning of Targeted CAMHS from 1st April 2022 to 31st March 2025;**
 - (c) that oversight and management of the Targeted CAMHS Section 75 Agreement be held by Nottingham Health and Wellbeing Board Commissioning Sub-Committee;**
- (2) to delegate authority to the Director of Public Health to agree the final value and scope of the service, and sign the Section 75 Agreement for Targeted CAMHS.**

Reasons for recommendations

- (1) The time-limited use of the Public Health Grant will enable ongoing provision of Targeted CAMHS in Nottingham through to 2024/25 to ensure continued access and support for children and young people to mental health support. Over the period of the agreement, there will be an increasing proportion of CCG funding for the service consistent with the CCG role in coordinating a system-wide transformation programme.
- (2) A Section 75 agreement between NCC and CCG for Targeted CAMHS will provide a robust foundation for commissioning the service.

Other options considered

- (1) Under a 'do nothing' option, there would be no agreed use of the Public Health Grant for co-funding this service. The savings against the NCC Mainstream funding for consultation in the Medium Term Financial Plan place the service at risk. A reduction or removal in the Targeted CAMHS offer would leave a substantial gap in the emotional wellbeing and mental health pathway for children and young people in Nottingham, which is why this option has been rejected, and an interim funding arrangement during the transformation programme has been proposed.
- (2) Not using a formal Section 75 Agreement between NCC and the CCG carries a risk of not having an appropriate and robust arrangement for pooling the budget and managing the service. Further, a lack of joint arrangements would risk that this key provision is not sufficiently visible and considered within the wider Mental Health Transformation Programme with governance through the Children and Young Peoples' Mental Health Executive, and the Nottingham and

Nottinghamshire Integrated Care System Mental Health and Social Care Partnership Board.

43 Workforce Recruitment and Retention Fund for Adult Social Care - Key decision

Councillor Williams, Portfolio Holder for Adults and Health, and Anna Coltman, Commissioning Manager, presented the report, which detailed the Government's commitment, in the 'COVID-19 Response: Autumn and Winter Plan 2021' (announced on 14 September 2021), to support local authorities and social care providers to maintain safe staffing levels over the winter period and to continue working closely with the care sector to build sufficient workforce capacity across services.

The 'Adult Social Care Winter Plan', published on 3 November 2021, set out the support government would be providing to the adult social care sector to meet the challenges it faced during winter. The plan includes a commitment to providing workforce recruitment and retention funding, originally announced on 21 October 2021, to support local authorities and providers to recruit and retain sufficient staff over winter, and support growth and sustain existing workforce capacity.

Nottingham City Council (NCC) has been allocated £1,049,498 from the Government's Workforce Recruitment and retention fund (WR&R fund), to be spent by 31 March 2022. The primary purpose of the WR&R fund is to deliver additional staffing capacity in adult social care through recruitment and retention activity during the period 21 October 2021 to 31 March 2022. This is a ring-fenced grant and will be paid in two instalments to NCC. The first instalment of 60% will be processed as soon as possible, the second instalment of 40% will be paid in January 2022 and will be conditional on local authorities having completed a return to the Department of Health and Social Care by 14 January 2022.

During discussion, it was stated that although the vacancy rate of 2.1% seemed low, this didn't reflect turnover of staff, which at some providers was almost 100% over the last 12 months.

It was also stated that the requirement to be vaccinated against Covid was having an impact of the service, with some reporting up to 30% of staff leaving the sector, a lot of who would normally be moving within the sector but were no longer able to do so.

Resolved to

- (1) approve acceptance and spend, as per the terms and conditions of the grant, by Nottingham City Council of the funding from the Department of Health and Social Care;**
- (2) delegate authority to the Director for Adult Health and Social Care, in consultation with the Portfolio Holder for Adults and Health, to award grants to social care providers to support recruitment and retention of staff during winter months.**

Reasons for recommendations

- (1) Nottingham City Council (NCC) has been allocated £1,049,498 from the Government's Workforce Recruitment and retention fund (WR&R fund), to be

spent by 31 March 2022. The primary purpose of the WR&R fund is to deliver additional staffing capacity in adult social care through recruitment and retention activity during the 21 October 2021 to 31 March 2022 period.

- (2) This is a ring-fenced grant and will be paid in two instalments to NCC:
 - (i) the first instalment 60% will be processed as soon as possible;
 - (ii) the second instalment 40% will be paid in January 2022 and will be conditional on local authorities having completed a return to the Department of Health and Social Care by 14 January 2022.
- (3) The expectation is that the grant will be fully spent on addressing local workforce capacity pressures through recruitment and retention activity by 31 March 2022. The grant conditions are clear that 'spent' means that expenditure has been incurred between 21 October 2021 and 31 March 2022. This means the activity leading to the expense must have happened by 31 March 2022, so that the local authority is accruing the expense and it appears in the local authority's 2021 to 2022 accounts.
- (4) We anticipate that up to 20% will be retained by NCC for internal initiatives, including communications, marketing, supporting internal assessment capacity and activities to support the independent sector as follows:

Communications and marketing activities

A local recruitment campaign aiming increase interest in a job in adult social care among target audiences, increase the number of applications into social care jobs and to raise awareness of the sector.

Adult Assessment support

Increase capacity within homecare to support with hospital discharge, manage candidate selection and increase training and development opportunities.

Activities to support the independent sector

Planned activities to support the independent sector with recruitment include Jobs Hub Pathways to Health and Social Care events in neighbourhoods and events in partnership with Nottinghamshire County Council.

- (5) Up to 80% of the WR&R grant will be passported to homecare providers across the City with the expectation that the grant will be fully spent on addressing their local workforce capacity pressures through recruitment and retention activities.

Other options considered

Given the short-time scales, we are unable to fully outline the expenditure in this report as February's committee does not allow enough time to spend and allocate the grant funding as per the terms and conditions of the grant.

44 Changing Futures: Procurement of main service - Key decision

Councillor Williams, Portfolio Holder for Adults and Health, and Bobby Lowen, Commissioning Lead, presented the report, including a supplement to the agenda which included financial and legal comments, which sought approval for the delivery, under Nottingham's Changing Futures programme, of activity to assist people experiencing severe and multiple disadvantage (SMD). The approval would allow for

the wider delivery of operational activity under the programme from July 2022 (following Nottingham's successful bid for funding through the national Changing Futures programme) to build on the initial mobilisation approved in September 2021, which is now being implemented.

Resolved

- (1) to approve the use of:**
 - (a) Changing Futures funding up to a maximum value of £2,170,868 to procure a range of services and activities, as detailed in appendix 1, to assist people experiencing severe and multiple disadvantage;**
 - (b) a competitive tender process to select provider(s) to deliver the services and activities detailed in appendix 1;**
- (2) to delegate authority to the Director of Commissioning and Procurement to award contract(s) for the delivery of services to successful organisations following the tender process.**

Reasons for recommendations

- (1) The approval of the recommendations will allow for the delivery of the substantial part of Nottingham's Changing Futures programme from July 2022 to the end of March 2024 in line with Nottingham's successful application for funding through the national Changing Futures programme.
- (2) A start date of the 1st July 2022 has been timed to allow for the transition to activity delivered under Changing Futures at the close of the existing Opportunity Nottingham programme on 30th June 2022.
- (3) The wider implementation of the programme will put in place a range of operational activity (see Appendix 1) designed to help improve the lives of people in the city who experience SMD in line with the delivery plan developed in partnership and approved by the National Changing Futures Team (see Appendix 2). SMD is defined under the Changing Futures programme as applying to people experiencing three or more of the following: homelessness, substance misuse, mental health issues, domestic violence, and interaction with the criminal justice system.
- (4) The operational delivery of the programme is expected to realise the significant benefit of improving the lives of vulnerable people, and the avoidance of serious negative outcomes (e.g. in relation to health, homelessness, offending, etc) and the associated demand and costs of reactive interventions (e.g. emergency homelessness responses, hospital attendances, etc) across the public sector.
- (5) The delivery of the programme is also expected to develop the foundations to enhance partnership efforts across the public and voluntary and community sector to improve the overall response to help people who experience SMD. The programme also aims to establish partnership planning in the longer term use of mainstream resources to help people experiencing SMD (e.g. through joined up planning, funding and delivery of services) on a sustainable basis beyond the end of the programme in March 2024. 1.6 Approval is sought to procure the main delivery services through a competitive tender to select the

most suitable provider to meet the requirements of the service and to secure best value from resources available to deliver the programme.

Other options considered

- (1) Not to continue roll out of the Changing Futures programme. This option was rejected on the basis that not to deliver the programme would lose the opportunity to deliver significant expected benefits through the direct operational delivery of activity, as well as the platform for strengthening the overall system response to assist people who experience SMD.
- (2) To not procure services by means of a competitive tender. This option has been rejected on the basis that procurement through a competitive tender is necessary to identify the most suitable provider to deliver the service and to ensure compliance with procurement law.

45 Voluntary and Community Sector Update

This item does not contain any decisions that are eligible for call-in.

To be as covid-safe as possible, the Committee received a written update only from the Head of Operations, NCVS, as follows:

Support to Voluntary, Community and Social Enterprise (VCSE) during COVID-19

(a) NCVS Group Development

NCVS continues to work remotely, delivering group support sessions via video link, phone or email. This work is part funded by arrangement with Area Based and Community of Identity Leads however, there are a still lot of groups in the city who 'slip through the net'. In addition, there is no free training available for those very small, grassroots groups who cannot afford event the low-cost training offered by NCVS.

The voluntary sector has been widely recognised as playing a vital role in supporting communities and vulnerable people directly affected by the pandemic. There is no doubt that without volunteers, grass roots organisations and front line staff in the sector many more citizens would have suffered or died as a result of the pandemic. NCVS is concerned that, under current arrangements, there are a number of groups and organisations in the city who cannot access Area Based support and funding. We remain keen to discuss with NCC in detail a more efficient way of ensuring equal access to NCC VCSE support and development across the city for all groups.

(b) State of the Sector Report

NCVS is currently co-ordinating a State of the Sector 2021 survey. Data and information collected will contribute to our understanding of the VCSE sector groups and organisations which provide services and support in Nottingham city. All who have completed this survey currently have (or have had) a presence in Nottingham city in the last two years.

The survey is designed to explore the extent of VCSE sector activities, the role organisations play in the local community, and the challenges faced. Questions focus on what has changed in the last two years, as well as looking ahead to the next 12 months.

All City Council ward areas are represented in the responding organisations. Interim findings show that 66% operate across all city ward areas. Two-thirds of respondents have needed to reassess their organisation's original aims and service delivery. Two-thirds have increased their service provision. Organisations have pivoted quickly to respond to crisis, but attempting to meet demand leaves no time to plan ahead. Organisations are reporting that they are working together more. This was a trend over the last two years – only half thought this was directly due to Covid.

89% of organisations who had seen an increase in income and said this was due to Covid are reliant on grants. Some of these also fundraise through private donations and charging for services. Only 22% have contracts of some kind. Almost all of these organisations accessed emergency grant funding either through the Coronavirus Community Support Fund (National Lottery Community Fund & Government) or the National Emergency Trust Coronavirus Appeal funding.

Challenges faced by the VCSE sector over the next 12 months include creating a sustainable funding base. Of all survey respondents, 47% say the funding they receive now doesn't cover all of their costs and only 48% consider their funding situation to be 'stable'.

The highest support need is support to write tenders and funding applications. Skills shortages around web / digital and communications / marketing also score highly. Recruiting skilled staff is an ongoing challenge which is seen across all sectors.

Interim findings are also showing that Volunteers are essential. 64% of our respondents either don't employ staff or are of micro size (1-9 paid workers). Of those who don't employ staff, none have an income above the £10,000 to £49,999 bracket. 37.5% have an income under £5,000. 77% of respondents experienced an increase in demand for services. Considerations need to include that an increase in volunteers can also mean an increase in volunteers who have higher personal support needs. Can these be met?

NCVS will be producing a full State of the Sector report in the coming months.

(c) NCVS Training Programme

NCVS have redesigned its training programme to be accessible and user friendly in a virtual world. The 2020/21 programme included additional sessions in response to demand: Mental Health Awareness, is your Insurance Appropriate? Also, Health and Safety Risk Assessments. Responding to the number of requests for training, we will be further adding to our training programme with Communications and Marketing training which is specifically tailored to VCSE.

There continues to be a huge demand for VCSE Safeguarding training. The VCSE in Nottingham will need Safeguarding training in order to apply to many

funders. Those groups who do not have the resources to access even the low cost training offered by NCVS, will be at a disadvantage when applying for funding.

(d) Networks and voice

NCVS continues to host network meetings during the pandemic, continuing to provide a forum for local organisations to connect, have their voices heard and collaborate:

- Children and Young People Providers Network;
- Vulnerable Adults Providers Network;
- Designated Safeguarding Leads;
- Leaders of Volunteers Network.

Through our regular e-bulletin and social media channels, we share information with the sector about campaigns, surveys, the latest jobs etc. The NCVS website COVID emergency pages includes urgent appeals for donations, changes to service delivery, emergency grants and other support which we've been made aware of locally.

(e) Funding Updates

Green Social Prescribing

NCVS is playing a key role in a two-year partnership project aimed at improving the mental wellbeing of communities hardest hit by Coronavirus. Green social prescribing refers people to local, non-clinical, nature-based activities to help improve their physical and mental health. GreenSpace is a pilot test & learn project, working to build a network of trusted groups and organisations to embed green social prescribing throughout Nottingham City and Nottinghamshire.

Achievements so far are:

- Delivery of Framework's specialist Nature in Mind programme reaching over 150 unique participants in June/July/August;
- Delivery of water-based activities in city on canal with Canal & River Trust (181 participants in June/July/August);
- Co-production workshops with Link Workers and other social prescribers to help design effective and appropriate referral pathways;
- Relationship building between Link Workers and Green Providers – development of community gardens, co-location of Social Prescribing Link Workers, trust building;
- Network of Trusted Green Providers in city that provides a 'menu of choice' for referrals and meets needs of Social Prescribers;
- GreenSpace support for NCC Active Travel Expression of Interest to DfT GP Prescribing Pilot for walking and cycling;
- Linkages and contribution of GSP outcomes for CN28 ambitions identified;
- Renewal Trust securing £109,000 through the Government's Green Recovery Challenge Fund for New Roots – to deliver volunteering, employment and skills development in the green sector – part of our bid;
- GSP National Advisory and Project Board visit to St Ann's Allotments.

Majority Led Black Churches Project

The leaders of the Majority Black Led Churches (MBLC) in Nottingham have united over their concerns about the disproportionate effects of Covid-19 and the subsequent hesitance to take up vaccinations within the communities they serve. They developed the idea of equipping volunteers with the tools they need to deliver factual messages about the vaccination programme to help people make informed choices and increase take up.

As a network, MBLC doesn't have the infrastructure to directly employ someone to support the volunteers. So, they partnered with us, and NCVS agreed to be the employer of record for the MBLC Volunteer Coordinator to enable this vital work to happen.

Work with NCVS in collaboration with MBLC is to thoroughly address the misconceptions and misinformation around the Covid-19 vaccine and the impact on societies, especially predominantly Black communities.

We are particularly looking for student volunteers and young people from Black African or Caribbean communities. Volunteers will:

- be supported with informal induction and relevant training, and work as part of a team;
- provide outreach, support and information to people who are cautious about Covid-19 vaccination;
- Support promotion of, and engagement with, pop-up vaccination centres located in African and Caribbean community locations within Nottingham city.

IAPT (Improving Access to Psychological Therapies) Community Engagement

NCVS have recruited a Community Engagement Coordinator who will lead on engaging BAME communities, particularly South Asian communities, to raise awareness of mental health and feed back to the IAPT services to enable them to better engage and support BAME communities.

Practice Development Unit

The PDU is a partnership between Opportunity Nottingham and NCVS. Its aims are to promote and facilitate collaborative learning and the sharing of good practice and expertise amongst professionals in Nottingham and neighbouring areas, who work with people experiencing multiple disadvantage (such as mental health, substance misuse, homelessness and offending). PDU members can access a range of resources, including tool kits, reports and presentations, with both a local and national focus.

Over the last year, the PDU has:

- Delivered 18 workshops and 15 Community of Practice (CoP) meetings;
- Set up a new CoP looking at working with autistic adults;
- Launched new e-learning modules with a focus on staff wellbeing;
- Reached 383 individuals from over 120 different organisations through our events and CoPs;

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- Gained nearly 600 new users of our online hub;
- Strengthened our own co-productive approaches, with the invaluable help of Opportunity Nottingham's Expert Citizen Group;
- Undertook an independent evaluation of the impacts of the PDU on the local workforce.

For more information, please visit the portal at www.pdunottingham.org

Resolved to note the update.

Subject:	Statutory Electoral Services: procurement of suppliers	
Corporate Director:	Clive Heaphy, Corporate Director for Finance and Resources	
Portfolio Holder:	Councillor Sam Webster - Finance and Resources	
Report author and contact details:	Sarah Wilson, Electoral Services Manager Sarah.wilson@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Louise Dobson, Procurement Officer	
Key Decision: Yes	Subject to call-in: Yes	
Reasons: Expenditure of £750,000 or more taking account of the overall impact of the decision	Revenue	
Significant impact on communities living or working in two or more wards in the City	Yes	
Type of expenditure: Revenue		
Total value of the decision: Up to £1.92m (including additional £640,000 if contracts extended)		
Wards affected: All		
Date of consultation with Portfolio Holder:		
Relevant Council Plan Key Outcome:		
Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input type="checkbox"/>	
Child-Friendly Nottingham	<input type="checkbox"/>	
Healthy and Inclusive	<input type="checkbox"/>	
Keeping Nottingham Moving	<input type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Financial Stability	<input type="checkbox"/>	
Serving People Well	<input checked="" type="checkbox"/>	
Summary of issues (including benefits to citizens/service users):		
<p>Electoral Services provide a statutory service to citizens on behalf of The Electoral Registration Officer (ERO) and the Returning Officer (RO), which includes the registration of eligible electors on the Electoral Register and the management of elections held within the City.</p> <p>Nottingham City Council (NCC) appoints an officer as the ERO & RO to deliver these functions and in doing so must provide them with the relevant resources to carry out their duties.</p> <p>Electoral Services rely on a small number of specialised suppliers to provide a wide variety of products for the efficient and effective delivery of this service. These products are essential to meet the statutory requirements as set out in legislation and to provide a high level of service to citizens. They include:</p> <ul style="list-style-type: none"> • A dedicated Electoral Management System (EMS) to meet all registration and election software requirements. Along with additional integrated products which enhance the delivery of service and customer journey and maximise efficiencies; • A highly specialised printing and postal provider to innovate and design products to assist service users and produce and distribute sensitive items of personal mail, in a secure and 		

timely manner for both registration and election processes;

- Royal Mail to collect and deliver specialised items of mail to citizens as a priority under a specific licence and ensure their safe return.

The current contracts for software and printing & postal providers are approaching their renewal dates and Electoral Services are seeking approval to enter into new contracts with providers for the next four years (with the option to extend) subject to procurement requirements, from the beginning of the next financial year 2022-2023.

Failure to act would result in Electoral Services not having any contracted suppliers, leaving the ERO and RO at risk of not being able to deliver the statutory service. This would not only lead to poor customer service and reputational damage to the authority but it would also breach procurement rules and financial regulations.

As part of securing new contracts for the next four (or more) years, Electoral Services will also be able to test the market and wherever possible seek best value moving forward.

Exempt information: None

Recommendations:

- 1 To delegate authority to the Director of Legal and Governance to enter into a 4 year (+2-year option) contract with suppliers as set out below:
 - i. EMS software provider through an approved Crown Commercial Services framework following a compliant procurement process. It is intended to award the contract to the existing supplier following due diligence and value for money checks via the e-market place.
 - ii. Printing and postal provider following a tender process exercise offering best value.
- 2 To note that exemption from Contract Procedure Rules has been granted by the Chief Finance Officer in accordance with paragraph 18.79 of the Constitution in order to use Royal Mail to deliver the last stage of the postal process to the doorstep (this service can only be provided by Royal Mail).
- 3 To approve expenditure of up to £1.28 million over the next four years, and a further £640,000 if the option to extend for a further two years is exercised.

1. Reasons for recommendations

- 1.1 To ensure that the Council can adequately continue to deliver its statutory functions in relation to Electoral Services from April 2022 onwards.
- 1.2 To comply with Financial Regulations relating to testing the market to demonstrate that best value for money is being obtained.
- 1.3 To ensure business continuity for Electoral Services and the ERO & RO with a new supplier contract in place before existing contracts and solutions expire.
- 1.4 To provide adequate time and resources to replace or renew existing contracts ahead of the next annual canvass in 2022 and scheduled election in May 2023.

- 1.5 To reduce the risk to the ERO and RO of not being able to operate adequate, effective and efficient services as a result of any period of time where no supplier is contracted to deliver these services.
- 1.6 To pro-actively plan and build services for a transforming organisation considering changes to regulations and legislation as a result of ongoing reforms and other external factors such as COVID and the changing demographic, as well as internal factors, such as budget pressures and workforce reduction.

2. **Background (including outcomes of consultation)**

- 2.1 Electoral reform over the last few years has implemented a number of changes to the registration process, including Individual Electoral Registration (IER), which introduced online registration and more recently amendments to the annual canvass, which now provide the opportunity to use more electronic methods of communication and response. These new processes have made Electoral Services more reliant on their software system to meet their statutory requirements and interact digitally with both the IER Digital Service (IERDS) and citizens to manage the registration process.
- 2.2 Ongoing reform by way of the Elections Bill 2021, may introduce additional wide-ranging reforms, such as the introductions of voter ID in polling stations, changes to postal and proxy voting arrangements and amendments to the eligibility requirements for some EU citizens. Therefore, it is essential that our software and printing capabilities are robust in order to meet the challenges ahead and that contracts are in place with reputable suppliers within the electoral sector who can adapt and evolve products to meet the needs of the service.
- 2.3 Electoral Services have been successfully using Civica's EMS solution called Xpress since the introduction of IER in 2014. The system has been the market leader with local authorities for a number of years and has two main functions:
 - i. Xpress Register - which manages the property and elector database and ensures that all eligible electors are registered at the correct address on the Electoral Register along with their method of voting;
 - ii. Xpress Management - which manages the whole election process including nominations, candidates' information, polling stations, election staff, polling cards, ballot papers, postal votes and the count.
- 2.4 In addition to Xpress there are two additional Civica integrated products that are also used to improve efficiency and reduce processing, printing and postage costs, which are:
 - i. Automated Household Response (AHR) – a secure electronic portal for the collation of household responses from citizens at the annual canvass through three digital channels; online, 24-hour automated telephone line and SMS text messaging service. As well as off-site scanning for any hard copy responses, all of which are uploaded directly into the Xpress system on a daily basis.
 - ii. Mobile Canvassing App (MCA) – secure electronic tablet devices used for the collection of information during personal visits to non-responding households. All information is input directly into the tablet and uploaded into Xpress in real time.
- 2.5 These systems also provide better access and data protection for citizens as they can respond securely at any time to provide their information directly into the register, which reduces the possibility of paper forms being lost in the post or input incorrectly.

- 2.6 Electoral Services were also able to maintain business continuity during the pandemic by using these products. Responses were either electronic or hard copy forms scanned by Civica which were uploaded into Xpress so that Electoral Services colleagues could process these remotely whilst working from home.
- 2.7 Xpress also integrates with internal databases (Address Management & Council Tax) to maintain the property and elector database as well as external partner organisations (IERDS and Joint Information Systems Committee (JISC)) for the registration and verification process. The external connections require secure links and tested IT infrastructures to ensure they work seamlessly throughout the whole registration process, as any failures would result in delays to citizens registration applications.
- 2.8 Electoral Services are currently in contract with Print Image Network and Print Image LLP for the production and postage of all registration forms and election materials i.e. poll cards, ballot papers and postal voting packs as part of a countywide consortium led by Broxtowe Borough Council. The consortium has been in place for a number of years and was set up to ensure that Electoral Services teams across the county receive savings through economies of scale and the use of downstream access providers for reductions in postage costs. Print Image Network/ Print Image LLP have been successful in gaining this contract on the previous two occasions and have provided excellent service throughout their contracted period. Due to the pandemic the current contract has been extended for one year and is due to expire in June 2022.
- 2.9 Print Image Network also provides Electoral Services with an ad hoc remote printing service (Network Post) which prints and posts daily correspondence through a secure portal. Electoral Services achieve significant savings using this service than printing in-house. This system has also been invaluable in terms of business continuity during the pandemic as Electoral Services have been able to send all correspondence as normal whilst working from home with no negative impact on registration services throughout the whole pandemic.
- 2.10 Broxtowe Borough Council will continue to lead on a fresh tender exercise starting in January 2022 with input from Nottingham City Council's procurement team, so that a new contract can be put in place by June 2022.
- 2.11 Although efficiencies are obtained through using downstream access providers through our print provider for the distribution of mail, wherever possible, it is Royal Mail who provide the last delivery element of the process, known as the 'final mile'.
- 2.12 Royal Mail are also the only provider for delivery of these items back to the RO, pre-sorted and at a set time each day.
- 2.13 Electoral Services have their own Clean Mail licence with Royal Mail on behalf of the ERO and RO for all posted items and also use a Business Response Service for all statutory communications that require a Business Response Envelope is enclosed. These products are used to achieve the maximum savings on both outgoing and incoming mail.

3. **Other options considered in making recommendations**

- 3.1 Do nothing and allow contracts to cease without new contracts in place. This is not recommended as:
- i. this would put NCC, the ERO & RO at a high risk as Civica could give notice or increase costs based on the short term commitment and Electoral Services capability

to send out correspondence and deliver all elements of the statutory service would be compromised;

- ii. NCC would still have to pay Civica for the intellectual property right to use the software but we wouldn't have a contract in place with agreed terms and conditions;
- iii. NCC would incur additional expenditure as best value would not be met and costs would increase.

3.2 Develop then implement an in-house solution. This is not recommended as:

- i. IT Services do not have the requisite resources or time to develop, then maintain such a system;
- ii. the cost and effort to develop such as solution would out-strip the cost of a product built for market, which is already available and in use within the sector;
- iii. NCC does not have the capacity, resources or technical ability to provide an internal solution to the printing and distributing of large amounts of specialised mail, especially the printing and fulfilment of postal packs and ballot papers.

4. **Consideration of Risk**

4.1 Risks have been identified throughout the report.

5. **Finance colleague comments (including implications and value for money/VAT)**

5.1 This decision seeks approval to enter into a 4-year contract with a potential to extend for a further 2 years, with an Electoral Management System (EMS) software provider. The contract will be awarded through an approved Crown Commercial Services framework so that value for money is achieved. Estimated costs for this software is up to £40,000 per annum and can be afforded within the existing approved budgets.

5.2 This decision also seeks approval to enter into a 4-year contract with a printing and postal provider following a tender process undertaken by Broxtowe Borough Council. This tender process should ensure value for money is delivered. The estimated value of the contract is up to £250,000 per annum and can be afforded within the existing approved budgets.

5.3 Exemption from Contract Procedure Rules has been granted by the Chief Finance Officer in accordance with paragraph 18.79 of the Constitution in order to use Royal Mail to deliver the last stage of the postal process to the doorstep, as this service can only be provided by Royal Mail. The estimated cost of this service is up to £30,000 and can be afforded within the existing approved budgets.

5.4 As the expected cost of the contracts do not exceed the total current approved budget within the Electoral Registration service, no adverse impact is expected. Should the total cost of up to £320,000 per annum be exceeded then Finance should be informed and the service will need to provide mitigations for the overspend against budget.

Advice provided by Ruby Barton, Commercial Business Partner
24 December 2021

6. Legal colleague comments

- 6.1 The Council is under a statutory duty to deliver electoral services and comply with requirements as to how the services are accessible to the electorate. The proposed contracted services are therefore a necessary requirement and must be procured.
- 6.2 The proposed procurement routes present no legal concerns. Any access and use of established frameworks must comply with the framework conditions and it is understood that the Corporate Procurement Team have advised on the suitability of the framework being considered. As long as a direct award for the period of 4+2 years is permitted under the framework conditions the proposed contract for the EMS software provision is supported by Legal Services.
- 6.3 With regard to the award of a contract for a printing and postal provider it is understood from the report that the procurement will be led and undertaken by Broxtowe Borough Council. It will be necessary for the Corporate Procurement Team, with support from Legal Services if required, review the procurement process and confirm that it is compliant for the purpose of Nottingham City Council to enter into a contract with the successful bidder. Subject to this confirmation the proposed contract for the printing and postal provider is supported by Legal Services.
- 6.4 It is not clear from Recommendation 2 as to how long the exemption that has been granted by the Chief Finance Officer is for or the total value. If the total value of the contract with Royal Mail is below the current threshold set by legislation of £189,330 then the exemption is supported on the basis of there being only one supplier. If the value of the contract exceeds the stated threshold then legal advice is that Regulation 32(2)(b) would apply and an award can be made to Royal Mail without the need for competition under procurement legislation due to them being the sole supplier.

Advice provided by Naomi Vass, Solicitor & Team Leader, Contracts & Commercial Team
23 December 2021

7. Other relevant comments

7.1 IT Service comments

The proposed contract of four years for the purchase of election software is supported by IT. The functionality is bespoke and could not be easily met by any other existing solution. The solution will be reviewed by the technical design board to assess whether a SaaS/PaaS option exists for this application.

Advice provided by Simon Salmon, Head of IT Service, 23 Dec. 2021.

7.2 Procurement Comments

Procurement Team have been working with Electoral Services Team to ensure that their contracts going forward are compliant and aligned to allow them to deliver their service over a period of years without having to retender on a yearly basis. In addition, work to ensure that using the CCS Back Office Systems Software Framework and appointing the incumbent provider is the most efficient and economical option for the Authority over the full life of the contract. Broxtowe BC will run a tender process to set up a new Electoral Services Print and Postage Framework which Nottingham City Council will be named on and able to access. There are no procurement concerns.

Advice provided by Louise Dobson 23/12/2021

8. Crime and Disorder Implications (If Applicable)

8.1 N/A

9. Social value considerations (If Applicable)

9.1 N/A

10. Regard to the NHS Constitution (If Applicable)

10.1 N/A

11. Equality Impact Assessment (EIA)

11.1 An EIA is not required because this report relates to business as usual processes.

12. Data Protection Impact Assessment (DPIA)

12.1 Attached as appendix 1, and due regard will be given to any implications identified in it.

13. Carbon Impact Assessment (CIA)

13.1 A CIA is not required because this decision is for business as usual within a statutory service, which has no impact on the Council's Carbon Neutral Policy.

14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

14.1 None.

15. Published documents referred to in this report

15.1 Elections Bill 2021

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Subject:	Highways Sustainable Procurement Strategy - Phase 2		
Corporate Director/ Director:	Frank Jordan - Corporate Director Resident Services Mary Lester – Acting Director of Neighbourhood Services		
Portfolio Holder:	Councillor Healy - Communities, Highways and Strategic Transport		
Report authors and contact details:	Mark Bradbury, Highways Contracts & Compliance Manager Chris Keane, Head of Highway Services		
Other colleagues who have provided input:	Andrew Mitchell, Highways Compliance Manager Chris Carter, Head of Transport Strategy Mark Jenkins, Interim Head of Traffic Services		
Key Decision	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Subject to call-in
			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reasons:	<input checked="" type="checkbox"/> Expenditure	<input type="checkbox"/> Income	<input type="checkbox"/> Savings of £750,000 or more
taking account of the overall impact of the decision			<input checked="" type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital		
If Capital, provide the date considered by Capital Board - N/A: These Frameworks/Contracts support the delivery of statutory highways maintenance function and the delivery of external capital grant funded works.			
Total value of the decision: £17.75m			
Wards affected: All Wards			
Date of consultation with Portfolio Holder: 11 November 2021 & 20 January 2022			
Relevant Council Plan Key Outcome:			
Clean and Connected Communities	<input checked="" type="checkbox"/>		
Keeping Nottingham Working	<input checked="" type="checkbox"/>		
Carbon Neutral by 2028	<input checked="" type="checkbox"/>		
Safer Nottingham	<input checked="" type="checkbox"/>		
Child-Friendly Nottingham	<input checked="" type="checkbox"/>		
Healthy and Inclusive	<input type="checkbox"/>		
Keeping Nottingham Moving	<input checked="" type="checkbox"/>		
Improve the City Centre	<input checked="" type="checkbox"/>		
Better Housing	<input checked="" type="checkbox"/>		
Financial Stability	<input checked="" type="checkbox"/>		
Serving People Well	<input checked="" type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
The purpose of this report is to seek approval for the provision of legitimate procurement arrangements to support NCC's delivery of:			
<ol style="list-style-type: none"> 1. Statutory Highway Maintenance Works 2. Highway Improvement and Public Realm Programmes 3. Specialist Support Services for Highways and Transport Strategy 			
New contracts and framework arrangements are required to be put in place to cover the following essential services;			
<ol style="list-style-type: none"> 1. Materials - Purchasing of aggregates, asphalt and ready mixed concrete 2. Plant - Hire or haulage 			

3. Plant - Hire of JCB with operator
4. Services - Purchasing of winter service weather forecasting
5. Plant - Hire of tools, plant and welfare facilities
6. Materials - Purchasing of construction materials
7. Materials - Purchasing of signs
8. Services - Maintenance of water features
9. Services & works - Design and installation of street lighting (this is excluded from current PFI arrangements)
10. Works - Painting of structures & bridges
11. Works - Removal of pigeon guano from bridges & structures
12. Services - Asset management surveys, document production and data analysis
13. Services - Transport modelling and feasibility studies

It is proposed that contracts are awarded through conducting processes in accordance with the Council's Contract Procedure Rules and requirements under the Public Contracts Regulations 2015 and where permitted, appropriate and it demonstrates Best Value, to access existing national frameworks.

Contracts are anticipated to utilise the National Engineering Council (NEC 4) Suite of Construction Contracts or other industry recognised and accepted terms.

A breakdown of the contract requirements are set out in more detail in Appendix A. This includes the proposed duration of contracts which will generally be 4 years.

In the operation of any awarded framework agreements it will be necessary to award call-off contracts for individual projects. In order to ensure oversight to the operation of any framework and subsequent call-off arrangements, this report proposes that the responsibility be delegated at an operational level to the Contracts and Compliance Manager for Highways.

Exempt information: None

Recommendations:

1 To approve the procurement and subsequent award of Contracts / Framework Agreements, as set out in appendix A.

2 To delegate authority to the Contracts and Compliance Manager for Highways to act as 'Framework Manager' on the awarded call-off from the Framework Agreements, as listed in appendix A.

1. Reasons for recommendations

1.1 Recommendation 1 - Procuring Highway Contacts & Frameworks will allow Highway Services to continue to compliantly deliver works and services in order to fulfil their statutory duty to maintain the highway and support all Transport Services in compliant delivery options. The following advantages have been identified in putting these arrangements in place:

- Enabling the delivery of external grant funded schemes in line with the timescales of the award;
- A value-for-money delivery model with no fixed financial commitment to use the framework;

- Opportunities for local Small to Medium Enterprise (SME) companies to tender for the work;
- The potential for a local workforce either through direct employment or through regional SME sub-contractors;
- Ensuring the Council complies with its duty of Best Value by going through a competitive process to evaluate price and quality;
- The ability to develop relationships with a core set of framework providers to the Council and ensure effective management through such relationships.

1.2 **Recommendation 2** – To have a named officer to have oversight of the frameworks and approve any call-off arrangements will ensure that there is appropriate and ongoing governance of the spend under and operation of the framework and that the necessary authorities and budgets are in place on a project by project basis before a call-off can be awarded.

1.3 This delivery model has a number of additional benefits including;

- Strong links to our corporate value and objectives;
- A highly flexible and responsive structure to accommodate short term changes to delivery programmes;
- Local knowledge available in the planning and assessment of proposed works

2. **Background (including outcomes of consultation)**

2.1 It is essential that the authority has a compliant procurement route for the management and delivery of highway maintenance, construction, design and transport related activities.

2.2 Highways Procurement Strategy Phase 1, as approved at Commissioning & Procurement Sub-Committee in April 2021 is well under way and on target, all implementation is in conjunction with Procurement and Legal Services. This comprises of a suite of replacement significant highway delivery frameworks and contracts for a 4-year period, commencing from early 2022. This further decision, to seek approval to procure additional works and services contracts, will actively support the Highway Procurement Strategy.

2.3 These contracts will complement the work undertaken by our Employer Hub. This is Nottingham City Council's local employment and training service and will help the Council to deliver opportunities for local people while providing a free recruitment and training service to meet the workforce needs of suppliers. This will benefit not only Nottingham Citizens with job opportunities but our framework providers in recruitment.

2.4 The Derby and Nottingham Metropolitan Strategy 2030 strengthens those existing ties. The Strategy aims to establish the national presence and international reputation that will enable the Cities to take best advantage of

opportunities (such as the Midlands Engine and foreign trade and investment) that will benefit the D2N2 area and boost the wider economy.

3. Other options considered in making recommendations

- 3.1 Not to let contracts - Not having compliant procurement measures in place will adversely affect our ability to engage with suppliers and contractors to deliver both statutory highway maintenance works and essential highway works. Further, no effective means to demonstrate to compliance with financial and procurement regulations (external grant funded) for the broader transport group at NCC.
- 3.2 To not progress new contract and framework arrangements will jeopardise funding and Nottingham would lose out on the opportunity to invest the city and in local neighbourhoods. It would also fail to demonstrate commitment to the Government's Levelling Up agenda putting at risk the ability to secure future capital funding.
- 3.3 To directly award contracts as opposed to framework contract arrangements that have no commitment to value. This would require commitment to spend at point of contract, would not provide the flexibility required for service requirements over the period required and therefore not provide value for money.

4. Consideration of Risk

- 4.1 The Department for Levelling Up, Housing and Communities (DLUCH) has the ability to invoke funding clawback from the Council if there are any issues with project performance or compliance.
- 4.2 To mitigate this risk, officers will develop risk assessment plans, regularly monitor performance, compliance, income and expenditure, as well as put in place clear escalation procedures to ensure that all funding is received and any potential risks are identified and mitigated early.
- 4.3 The Senior Responsible Officer (SRO) is the Head of Transport Strategy. The programme of capital works will be managed by officers within Growth & City Development and Resident Services. The Council has a good track record of delivering transport capital projects.
- 4.4 All delivery will be under an established project governance structure reporting into the Capital Board. The governance structure has defined reporting lines and a clear decision-making process.

5. Finance colleague comments (including implications and value for money/VAT)

- 5.1 This framework will be managed through an established framework board in order that contractors are commissioned proficiently to align with current NCC financial regulations.
- 5.2 The impact on capital and revenue funded works is provided through a mix of internal resources and external contractors procured through the framework.
- 5.3 The capital projects will require separate approval if amendments or additions to the approved Capital Programme are required following, if this occurs the Capital Board will be required to endorse the changes prior to the Council contractually

committing. Financial advice will be provided at this stage regarding the Amended Scheme of Delegation.

- 5.4 The use of contractors will be limited annually to that expenditure which is agreed in the NCC capital programme budget and revenue maintenance budgets.
- 5.5 A summary of the estimated expenditure over 4 years is provided in appendix A. At this stage it is not possible to break down this information further by financial year.
- 5.6 There is no financial commitment to use the framework therefore there is minimal risk.
- 5.7 Supplies of Building & Construction Services falling within the Construction Industry Scheme definition are subject to the Domestic Reverse Charge rules. The Council will need to ensure that the framework contains suitable provisions to enable it to demonstrate that it has taken reasonable care to ensure that it and any contractors used are compliant with these requirements.
- 5.8 The Off Payroll Working Regulations, also known as IR35, were extended to the private sector from April 2021; the Council is required to ensure that it has processes in place to ensure compliance with these regulations. These should include a requirement for contractors engaged from this framework to notify the Council of any workers within their supply chain engaged on an Off Payroll basis so that the required Employment Status checks can be made.

Comments provided by:

Tania Clayton Pérez – CRES/HW Commercial Business Partner
Gary Robbins - Senior Accountant Tax
Thomas Straw – Senior Accountant (Capital Programmes)
January 2022

6. **Legal colleague comments**

- 6.1 There are no significant legal concerns arising from the recommendations set out in this report. The recommendations are asking for authority to procure or access compliant framework agreements to provide and/or support the delivery of a range of highways related services over a 4-year period. The most suitable contracting arrangements and procurement processes will be determined in consultation with the Corporate Procurement Team and, where required, Legal Services.
- 6.2 It is understood that the value of £17.75m is the indicative maximum spend to be awarded under those contracts over the duration of the frameworks rather than a budget approval for £17.75m to be committed to those services. Any call-off contract placed under the framework must have an approved budget against it – whether as part of a departmental budget for services provided (as is likely to be the case for the majority of call-offs made by the Highways Team) - or through a project specific approval for example where Highway Services are delivering services against a funded scheme. Where a budget is in place then any awarding officer may be required to complete an Operational Executive Decision-Making Form in accordance with Constitutional requirements.
- 6.3 Recommendation 2 is to provide a smooth mechanism to place orders under the procured frameworks, without seeking any further approval to award or enter into a contract (subject to budget availability as per 6.2 above). To have authority

delegated to a Framework Manager is an appropriate mechanism as they will have full oversight as to the operation of the contracts and will ensure that call-off arrangements are made compliantly under the terms of the framework.

- 6.4 Where an officer is awarding a contract it must be in accordance with any financial authorities they have been granted under the Financial Regulations, however the proposed delegation will mean that the Framework Manager can award a call-off for any value where they have been provided evidence that there is a budget in place and approved. Regard must be had to the Council's Constitution, and specifically the Contract Procedure Rules with regard to the execution of contracts for certain values. Where a contract is required to be executed under the Council's Seal – whether due to the financial or risk value – then this will need to be executed by the Director of Legal and Governance.

Naomi Vass – Team Leader – Contracts and Commercial Team
7 January 2022

7. Procurement comments

- 7.1 There are no procurement concerns with the recommendations set out within the report. The procurement team will work with the highways department to ensure that all procurement activity delivers value for money and is in-line with Public Procurement Regulations and NCC policies.

Sue Oliver – Places Category Manager 11 January 2022.

8. Crime and Disorder Implications (If Applicable)

- 8.1 Highways Maintenance and public improvement programmes improve the lives of residents through physical regeneration improving infrastructure for the betterment of all. Improvements in physical regeneration makes a material difference in reductions in crime and disorder.

9. Social value considerations (If Applicable)

- 9.1 The overall procurement arrangements ensure delivery of specialist elements, flexibility in programming and resource targeting, and opportunities for local training and employment by requiring contractors to source staff through the Employer Hub.
- 9.2 The Employer Hub is Nottingham City Council's local employment and training service and will deliver opportunities for local people while providing a free recruitment and training service to meet the workforce needs of suppliers and contractors.

10. Regard to the NHS Constitution (If Applicable)

- 10.1 N/A

11. Equality Impact Assessment (EIA)

- 11.1 An EIA is not required because this is a continuation of existing services.

12. Data Protection Impact Assessment (DPIA)

12.1 A DPIA is not required because there is no impact on data protection.

13. Carbon Impact Assessment (CIA)

13.1 A CIA is not required because the carbon impact of the projects these frameworks support would be assessed on a project by project basis.

14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

14.1 None.

15. Published documents referred to in this report

15.1 None.

Appendix A - Highway Services Sustainable Procurement Strategy - Phase 2

Highway Services - Highways Contracts & Framework Agreements				
Works Category		Category	Includes but not limited to	Estimated value over 4 year duration (million)
1	Supply of Aggregates, Asphalt and Ready Mixed Concrete	Materials	Supply of, aggregates, asphalt & ready mixed concrete	2.00
2	Hire of Haulage	Plant	Supply of vehicle and operator	1.00
3	Hire of JCB with Operator	Plant	Supply of JCB with associated attachments and operator	2.00
4	Winter Service Weather Forecasting	Service	Weather forecasting service to support the winter service programme	0.20
5	Tool, Plant and Welfare Hire	Plant	Hire of tools, plant, welfare	2.00
6	Construction Materials	Materials	Multiple lots covering requirement for all construction materials	6.00
7	Signs	Materials	Supply of columns, clips, permanent & temporary signs	0.60
8	Water Feature Maintenance	Works	Routine dosing and maintenance of water features at Old Market Square and Sneinton Market	0.30
9	Street Lighting Design and Installation	Services & Works	Street lighting design and installation	1.50
10	Bridge Painting 2022-2026	Works	Routine painting of bridges in line with programme requirements	0.50
	Pigeon Guano removal at Manvers Street Bridge	Works	Pigeon Guano removal and implementation of prevention measures at Manvers Street Bridge	0.15
				16.25
Highway Services - Framework Access				
Works Category		Category	Framework Requiring Accessing	Estimated value over 4 year duration Nottingham (million)
1	Highways Asset Management Surveys, Support and Data Analysis	Services	Various national frameworks including but not limited to ESPO, G Cloud & Bloom	0.75
2	Transport Modelling and Feasibilities Studies	Services	ESPO Framework 664	0.75
				1.50
Total for Approval				17.75

Subject:	Building Services and Facilities Management Procurement Requirements 2022-2023		
Director:	Mary Lester – Acting Director for Neighbourhood Services		
Portfolio Holder:	Councillor Sam Webster - Finance and Resources		
Report author and contact details:	Trevor Bone – Acting Head of Building Services Trevor.bone@nottinghamcity.gov.uk		
Other colleagues who have provided input:	Naomi Vass – Legal Clive Heaphy & Philip Gretton – Finance Sue Oliver – Procurement Rebecca Hurt – Energy Carbon assessment Rosey Donovan – Equality Impact assessment		
Key Decision	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Subject to call-in
			<input checked="" type="checkbox"/> Yes
			<input type="checkbox"/> No
Reasons:	<input checked="" type="checkbox"/> Expenditure	<input type="checkbox"/> Income	<input type="checkbox"/> Savings of £750,000 or more
taking account of the overall impact of the decision			<input checked="" type="checkbox"/> Revenue
			<input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input type="checkbox"/> Yes
			<input checked="" type="checkbox"/> No
Type of expenditure:	<input checked="" type="checkbox"/> Revenue	<input type="checkbox"/> Capital	
Total value of the decision:	£32,520,000		
Wards affected:	City Wide		
Date of consultation with Portfolio Holder:	January 2022		
Relevant Council Plan Key Outcome:			
Clean and Connected Communities		<input type="checkbox"/>	
Keeping Nottingham Working		<input checked="" type="checkbox"/>	
Carbon Neutral by 2028		<input checked="" type="checkbox"/>	
Safer Nottingham		<input checked="" type="checkbox"/>	
Child-Friendly Nottingham		<input type="checkbox"/>	
Healthy and Inclusive		<input checked="" type="checkbox"/>	
Keeping Nottingham Moving		<input checked="" type="checkbox"/>	
Improve the City Centre		<input checked="" type="checkbox"/>	
Better Housing		<input type="checkbox"/>	
Financial Stability		<input type="checkbox"/>	
Serving People Well		<input checked="" type="checkbox"/>	
Summary of issues (including benefits to citizens/service users):	<p>This report sets out Building Services and Facilities Management (FM) procurement requirements for planned, reactive maintenance and minor works for financial year 2022/23. The Council has a statutory duty to be compliant with all applicable asset legislation in relation to its asset portfolio. This duty is met by carrying out planned, reactive and minor works on its asset portfolio. Whilst works are performed in-house wherever possible, there are occasions where specialist contractors or additional resource is required.</p> <p>Building Services and Facilities Management needs to award several framework agreements and contracts to the value of £32.520m as set in appendix 1 in conjunction with the council's procurement team. Additionally, £1.6m of the planned maintenance budget in 2022/23 will be spent through internal services and Nottingham City Homes.</p>		
Exempt information:	None		

Recommendations:

- | | |
|----------|--|
| 1 | To approve procurement of contracts to a maximum value of £32.52m in line with the annual procurement plan as set out in appendix 1. |
| 2 | To delegate authority to the Acting Director for Residents Services to award the contracts and approve all call-off arrangements under those contracts over a period of four years 2022-26 to a maximum of £32.520m, as set out in appendix 1. |
| 3 | To approve the proposed expenditure of at least £1.6m of the £3m planned maintenance budget for 2022/23 to be spent on services delivered either through in-house provision or Nottingham City Homes. |

1. Reasons for recommendations

- 1.1 There are a number of contracts which the Building Services and Facilities Management department use coming to the end of their term in March 2022. The contracts set out in the appendix require re-procurement to enable Building Services to keep the Council's asset portfolio compliant with regulatory, legislative and insurance obligations. Through the proposed procurement routes the Council can continue to improve efficiency and service of supplier delivery across multiple high-risk work streams and improve value for money for Directorates across the Council. Our annual procurement programme has been proven the best approach to securing a competent supply chain with the lowest costs possible.
- 1.2 This report details how orders are placed with Contractors through the Council's robust systems. To ensure a smooth and timely process for placing orders it is recommended that the Director for Neighbourhood Services has delegated authority to approve any contracts and call-offs made under frameworks for their duration. No award will be made without evidence that the budget has been approved for the ordered requirement.
- 1.3 It has been identified that at least £1.6m of the 2022/23 planned maintenance budget can be delivered through a mixture of in-house services and the Council's company, Nottingham City Homes, which is a company meeting the Teckal exemption requirements under procurement legislation. Contracts to such companies are not subject to the procurement requirements as set out in the Contract Procedure Rules but authority is still required to authorise entering into such contracts.

2. Background (including outcomes of consultation)

- 2.1 Building Services and Facilities Management provide a range of asset management services and specifically planned maintenance, reactive, and minor works all with the intention of maintaining the safety and integrity of the Council's property portfolio.
- 2.2 The Council has a statutory duty to maintain and service all equipment within our property portfolio in accordance with current legislation in order for buildings to be safe and compliant for all users. To ensure the management of risk is undertaken by appropriately trained and qualified colleagues in an appropriate manner. This ensures that our citizens and visitors to the city are safe when visiting/using the council's assets.
- 2.3 In addition to having and managing its own determined work programme and budget, the Service also provides a complete building services function to support departments across the Council. Approval for these works will be sought by the

budget holders in line with financial regulations. Prior to providing any services to a department Building Services and Facilities Management require evidence that there is an approved budget in place.

- 2.4 In providing a range of services, and delivery against its own requirements it is necessary to use a mix of in-house provision and the use of external contractors, including the Council's own companies where appropriate to do so. The use of external contractors is mainly for the delivery of specialised works and services, or on occasion to meet any resource requirements.
- 2.5 The budget allocated for planned maintenance for 2022/23 is £3m of which it is intended that at least £1.6m will be spent internally or through Nottingham City Homes. The remaining amount will be spent through external contracts which are either already in place through previous procurement exercises or the newly procured contracts as set out in this report.
- 2.6 Building Services and Facilities Management have successfully been engaging with the Council's Corporate Procurement Team to run tenders to appoint a range of contractors and demonstrating Best Value for the Council.
- 2.7 Building Services and Facilities Management have already undertaken the restructuring of its supply chain, which achieved a £450k pa reduction in costs across the Directorates. We also insourced multiple work streams e.g. legionella flushing, fire alarm weekly bell testing, asbestos auditing etc. to further gain cost and service delivery efficiencies. All new contracts include a contractual clause to enable further insourcing activity.
- 2.8 The Planned Maintenance programme ensures health and safety issues within the Councils operational portfolio are overseen in a strategic manner. The projects are subject to there being an approved budget in place which is usually the annual budget allocated to Building Services and Facilities Management. All projects undergo and pass the scrutiny and governance of the Operational Asset Group (OAG). The statutory planned maintenance programme enables all the statutory checks, inspections, and insurance testing to be completed throughout the operational portfolio and ensure assets are safe to use. It also ensures 24/7 service delivery throughout the year.
- 2.9 All contracts and orders placed under a framework arrangement are recorded on the Council's Concerto system. This ensures the 'Golden thread' of live data and evidence of works undertaken are captured and all certification associated with compliance is stored centrally. It also means that the Strategic Director for Neighbourhood Services has confidence that any order placed not only has evidence that there is a budget in place but that the order is fully recorded and can be used for any audit purposes. New contracts will continue to require the supplier to utilise our asset management system.

3. **Other options considered in making recommendations**

- 3.1 Do nothing and allow contracts to end, which will remove statutory, regulatory, and legislative compliancy across the Council's portfolio of assets and increase the risk of prosecution and reputational damage to Nottingham City Council. This option was considered unacceptable and rejected.
- 3.2 Insource all the activity covered by the contract areas under consideration for renewal. Due to the complexity and high risks involved with this task, including

a lack of competency-based skills and training, equipment and specialised resource, it was considered unacceptable and rejected.

- 3.3 Allow Nottingham City Council's directorates to purchase their own asset compliancy services. This is a very high-risk approach to asset safety and compliance across the portfolio and the Council would find it very hard to track actual compliance through our current systems. Such an approach would lead to additional expense and the general safety of the asset compromised. This option was considered unacceptable and rejected.

4. **Consideration of Risk**

- 4.1 N/A

5. **Finance colleague comments (including implications and value for money/VAT)**

The following report review has been completed by Philip Gretton.

Title: Review Building Services Procurement Requirements - 2019/2020, version 1,
Changes required: None, it's fine as it is

Philip Gretton – Team Manager – Resources 17th January 2022

I would suggest that where we use NCH and they simply outsource the work we pay a 1%-2% handling fee and no more. I see no justification for an 8% top slice when all they do is pass the work on. I am copying Sajeeda for information

Clive Heaphy – Corporate Director, Finance & Resources 20 January 2022

6. **Legal colleague comments**

- 6.1 This report sets out a number of recommendations around the contracting arrangements to be put in place for the Building Services and Facilities Management department. In considering each of the recommendations in turn – there are no legal concerns arising from Recommendation 1. The proposal here is to conduct a range of procurement exercises which will result in contracts or the ability to award contracts through frameworks. Subject to a compliant procurement process being undertaken, which will include the provision of contract terms, this recommendation is supported.
- 6.2 Recommendation 2 is simply to provide a smooth mechanism to place orders under the procured contracts, without seeking further approvals. The delegation is not intended to give any authority to approve budgets for any projects. Client departments will need to provide evidence of approved budgets on an order by order basis, or where orders are placed directly by the Building Services and Facilities Management department to discharge their obligations the budget will have been approved as part of the Council's annual budget setting process. In addition to knowing that no order will be placed without a budget being available any order will have a clear audit trail on the Council's Concerto system providing assurance for the Director of Neighbourhood Services. Accordingly, this recommendation raises no significant legal concerns.
- 6.3 Finally, committee is asked to approve a proportion of the Building Services planned maintenance budget to secure provision both from in-house teams

and also Nottingham City Homes, a Teckal exempt company wholly owned by the Council. Articles 18.19 to 18.30 of the Council's Constitution sets out the approach to these types of arrangement. With regard to Teckal exempt companies specifically, although there is no obligation to carry out a procurement process there is still an obligation to (1) enter into a contract with the company; (2) ensure there is approval in place for such contracts; and (3) demonstrate that the arrangement demonstrates Best Value. This recommendation is intending to seek a blanket approval to contract with NCH, which as long as the requirements above are met, can be supported. It is advised that there is always a clear record that sets out how the proposed contract demonstrates Best Value for the Council and to take legal advice with regard to any contractual terms. In addition any recommendations approved by the Council meeting of 4 January 2022 with regard to the s.114 notice issued must be complied with where they may impact on any proposed contract being awarded to NCH.

Naomi Vass – Team Leader, Contracts and Commercial 31/1/22

7. **Other relevant comments**

Procurement - There are no procurement concerns arising from the report. The procurement team will work with the client to ensure compliance with the Councils Contract Procedure Rules and Public Contract Regulations 2015 and to ensure that value for money is achieved.

Sue Oliver – Procurement Category Manager (Places) 18/01/2022

8. **Crime and Disorder Implications (If Applicable)**

8.1 N/A

9. **Social value considerations (If Applicable)**

9.1 All contracts have suppliers social, economic, and environmental promises to be fulfilled over the duration of the contract.

10. **Regard to the NHS Constitution (If Applicable)**

10.1 N/A

11. **Equality Impact Assessment (EIA)**

11.1 Attached as Appendix 2, and due regard will be given to any implications identified in it.

12. **Data Protection Impact Assessment (DPIA)**

12.1 Attached as Appendix 3, and due regard will be given to any implications identified in it.

13. **Carbon Impact Assessment (CIA)**

13.1 Attached as Appendix 4, and due regard will be given to any implications identified in it.

14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

14.1 None.

15. Published documents referred to in this report

15.1 None.

Table 1

Procurement Ref	Procurement Category	Sub-category	Project Title	Whole-life Value	Initial Contract Duration	Contract Extension Terms	Comments
4626	Places		Liquid Waste - Removal and Disposal	£480,000	2years	1 + 1 Years	
3474	Places		Fire & Intruder Alarms	£1,000,000	2 Years	1+1 Years	Renewal
	Places		Demolition	£12,000,000	2 years	1 year	Had previous approval 20/21
2316	Places		Minor Works Framework Agreement	£12,000,000	2 Years	1+1 Years	New
	Places		Electrical Supply Framework	£6,000,000	2 Years	1+1 Years	Renewal
	Places		Electrical Resource Support	£1,000,000	2 Years	1+1 Years	Renewal
5019	Places		Building Management Systems (Non-Trend) Repair & Maintenance	£600,000	2 Years	1+1 Years	New
	Places		Condition Surveys (WITH BW)	£280,000	5 Years		Renewal (via BECS (Scape) services Framework)
	Places		Fire Safety Assessments	£160,000	2 years	1+1 Years	New
			TOTAL	£32,520,000			

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Equality Impact Assessment Form

screeintip-sectionA

1. Document Control

1. Control Details

Title:	Building Services and Facilities Management Procurement Requirements 2022-2023
Author (assigned to Pentana):	Trevor Bone – Acting Head of Building Services
Director:	Mary Lester
Department:	Building Services
Service Area:	Commercial and Operations
Contact details:	Email: trevor.bone@nottinghamcity.gov.uk
Strategic Budget EIA: Y/N	Y
Exempt from publication Y/N	N

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2. Document Amendment Record

Version	Author	Date	Approved
1.0	Trevor Bone	23/12/2021	Rosey Donovan

3. Contributors/Reviewers

Name	Position	Date
Rosey Donovan	Equality and Employability Consultant	21 st December 2021

4. Glossary of Terms

Term	Description
NCC	Nottingham City Council
EIA	Equality Impact Assessment
VCO	Voluntary Community Organisation

[screentip-sectionB](#)

2. Assessment

1. Brief description of proposal / policy / service being assessed

This report sets out the requirements for Nottingham City Council, Building Services team to procure multiple replacement contracts, which end at various months during the financial year 22/23. Working with the central procurement team a programme of procurement has been formulated which included a thorough analysis of the total number of current contracts, which has been reduced by packaging similar works together.

Without these contracts, Nottingham City Council will not be able to fulfil its many statutory, insurance, regulatory and legislative compliance obligations for the Councils portfolio of assets, which serve a diverse mixture of citizens in Nottingham and include the flagship corporate and civic asset portfolio.

Nottingham City Council has a legal duty to offer a safe and properly maintained portfolio of assets to its citizens, which are also accessible and appropriate to all sectors of the community.

This report recommends that Nottingham City Council give authority for Building Services to procure multiple replacement contracts with a total value of £32.520m and to allow Building services to award and enter into the contracts.

[screentip-sectionC](#)

2. Information used to analyse the effects on equality:

No consultation exercise has taken place due to the nature of the type of maintenance service contracts we have to replace. However, without the procurement-taking place it's envisaged that all citizens of Nottingham will be impacted upon and the Council's asset portfolio will not be compliant with statutory, legislative and insurance requirements and therefore assets could potentially become a risk to all citizens and colleagues using them.

3. Impacts and Actions:

<u>screentip-sectionD</u>	Could particularly benefit X	May adversely impact X
People from different ethnic groups.	<input type="checkbox"/>	<input type="checkbox"/>
Men	<input type="checkbox"/>	<input type="checkbox"/>
Women	<input type="checkbox"/>	<input type="checkbox"/>
Trans	<input type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers.	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>
Older	<input type="checkbox"/>	<input type="checkbox"/>
Younger	<input type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	<input type="checkbox"/>	<input type="checkbox"/>
<i>Please underline the group(s) /issue more adversely affected or which benefits.</i>		

[screeentip-sectionE](#)

How different groups could be affected
(Summary of impacts)

Building Service procurement requirements will adhere to the Nottingham City Council Procurement Strategy and will support the Council in meeting the requirements of the Equality Act 2010, including ensuring non-discrimination and compliance with the public sector equality duty in the delivery of contracts procured.

The Strategy is a key driver in promoting and meeting the requirements of the Public Services (Social Value) Act 2012, through the key objectives and themes of securing social, economic, and environmental benefits for the City and its citizens. To maximise the economic, social, and environmental benefits delivered, appropriate specific measures will be taken where relevant to any contract procured, for example including requirements for employment and training opportunities and promoting the principles of the NCC Business Charter.

Where a procured contract has specific equality implications (for example a change of service provision) an EIA will be undertaken as part of the commissioning decision making process. The Strategy sets out several core principles for all procurement that will support equalities including:

- 'ethical standards' including the wellbeing and protection

[screeentip-sectionF](#)

Details of actions to reduce negative or increase positive impact
(or why action isn't possible)

The outcomes of our procurement activity will be monitored and reported on, progress against the key economic, social, and environmental objectives of the Procurement Strategy.

We will work with Procurement colleagues to ensure the principles of NCC procurement strategy are upheld and that our procurement is conducted in a fair and inclusive manner as detailed within the NCC procurement strategy.

Our strategy will support and promote the Council's equality objectives: 'Make sure that our workforce will reflect the citizens we serve; Create economic growth for the benefit of all communities; Provide inclusive and accessible services for our citizens; Lead the City in tackling discrimination and promoting equality. Using the same methodology as that already described with 'Core Principles' we will evidence these objectives as they will be contained within our tender documents and suppliers will be asked to explain how they will support the objectives in their tender returns.

Procurement processes will be fair, open, transparent, proportionate, and accessible as per the requirements of NCC Procurement strategy to ensure a level playing field for all suppliers and no barriers to participation, particularly for small businesses and VCOs.

<p>of work forces, that people are treated with respect and their rights protected.</p> <ul style="list-style-type: none"> - ‘governance, fairness and transparency’ in the procurement and governance process - Citizens at the heart’: ensuring all services procured are accessible and appropriate to meet the diverse needs of the community <p>For each of the above principles, we will ensure that they are contained within our tender documents and request suppliers who wish to bid for the work explain how will support the core principles. The tender document / questions are weighted so when we evaluate supplier responses against the core principles a score will be applied dependent on the quality of their response.</p>	
--	--

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4. Outcome(s) of equality impact assessment:

<input checked="" type="checkbox"/>	No major change needed	<input type="checkbox"/>	Adjust the policy/proposal
<input type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

5. Arrangements for future monitoring of equality impact of this proposal / policy / service:

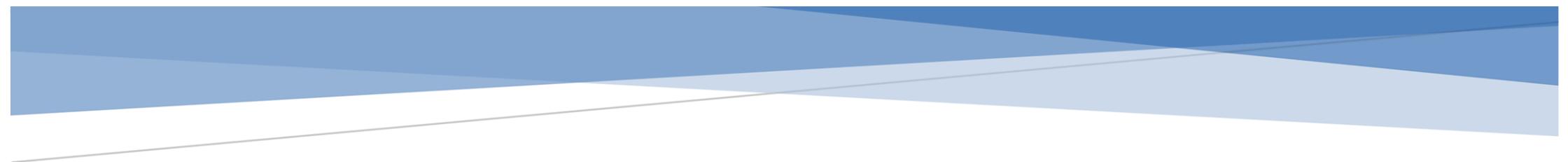
6. Approved by (manager signature) and Date sent to equality team for publishing:

Approving Manager: Trevor Bone	Date sent for scrutiny: 21/12/2021
--------------------------------	------------------------------------

<p>The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals. trevor.bone@nottinghamcity.gov.uk</p>	<p>Send document or Link to: equalityanddiversityteam@nottinghamcity.gov.uk</p>
<p>SRO Approval: </p>	<p>Date of final approval: 23rd December 2021</p>

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.



DATA PROTECTION IMPACT ASSESSMENT - V1.0

Page 43

Reference number:

Author: xxxxxxxxxxxxxxxx
Email: xxxxxxxxxxxxxxxx@nottinghamcity.gov.uk

DATA PROTECTION IMPACT ASSESSMENT

When to complete this template:

Start to fill out the template at the beginning of any major project involving the use of personal data, or, where you are making a significant change to an existing process that affects personal data. Please ensure you update your project plan with the outcomes of the DPIA.

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1. Document Control

1. Control Details

Author of DPIA:	
Owner of project:	
Contact details of Author:	

2. Document Amendment Record

Issue	Amendment Detail	Author	Date	Approved

3. Contributors/Reviewers

Name	Position	Date

4. Glossary of Terms

Term	Description
<i>Please insert any abbreviations you wish to use:</i>	

Author: xxxxxxxxxxxxxxxx
 Email: jeremy.lyncook@nottinghamcity.gov.uk

2. Screening Questions

1. Does the project involve personal data? Yes/No	If 'Yes', answer the questions below. If 'No', you do not need to complete a DPIA but make sure you record the decision in the project documentation.
2. Does the processing involve any of the following data: medical data, ethnicity, criminal data, biometric data, genetic data and any other special/ sensitive data?	Yes/No
2. Does the processing involve any systematic or extensive profiling?	Yes/No
3. Does the project involve processing children's data or other vulnerable citizen's data?	Yes/No
4. Does the processing involve decisions about an individual's access to a product, service, opportunity or benefit that is based on any evaluation, scoring, or automated decision-making process?	Yes/No
5. Does the processing involve the use of innovative or new technology or the novel application of existing technologies?	Yes/No
6. Does this project involve processing personal data that could result in a risk of physical harm in the event of a security breach?	Yes/No
7. Does the processing combine, compare or match data from multiple sources?	Yes/No
8. Does the project involve processing personal data without providing a privacy notice?	Yes/No
9. Does this project process data in a way that tracks on line or off line location or behaviour?	Yes/No
10. Will the project involve using data in a way it has not been used before?	Yes/No
11. Does the project involve processing personal data on a larger scale?	Yes/No
12. Will the project involve processing data that might prevent the Data Subject from exercising a right or using a service or entering into a contract?	Yes/No
If you answered 'Yes' to any <u>two</u> of the questions above, proceed to Question 3 below. If not seek advice from the DPO as you may not need to carry out a DPIA.	

Project Title:

Team:

Directorate:

DPIA Reference number: *(This will be allocated by the Information Compliance Team or the DPO and must be quoted in all correspondence)*

Has Consultation been carried out? (If not why not?) Describe when and how you will seek individual's views- or justify why it is not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

1. DDM attached?	Yes/No
2. Written evidence of consultation carried out attached?	Yes/No
3. Project specification/ summary attached?	Yes/No
4. Any existing or previous contract / SLA / processing agreement attached?	Yes/No
5. Any relevant tendering documents attached?	Yes/No
6. Any other relevant documentation attached?	Yes/No

3. Project - impact on individual's privacy

Issue	Questions	Examples	Yes/No	Initial comments on issue & privacy impacts
Page 49 Purpose and means		Profiling, data analytics, Marketing. Note: The GDPR requires a DPIA to be carried out where there is systematic and extensive evaluation of personal aspects relating to individuals based on automated processing, including profiling, and on which decisions about individuals are based.		
	Please give a summary of what your project is about (<i>you can also attach or embed documents for example a project proposal</i>).			
	Aims of project Explain broadly what the project aims to achieve and what types of processing it involves.			
	Describe the nature of the processing How will you collect store and delete data? Will you be sharing with anyone? You might find it useful to refer to a flow diagram or another way of describing data flows. What types of processing identified as likely high risk are involved? Who will have access to the project personal data, how is access controlled and monitored and reliability of staff assessed? Will data be separated from other data with in the system?			

Page 50	<p>Privacy Implications</p> <p>Can you think of any privacy implications in relation to this project? How will you ensure that use of personal data in the project is limited to these (or “compatible”) purposes?</p>			
	<p>New Purpose</p> <p>Does your project involve a new purpose for which personal data are used?</p>			
	<p>Consultation</p> <p>Consider how to consult with relevant stakeholders: Describe when and how you will seek individuals views- or justify why it's not appropriate to do so. Who else do you need to involve in NCC? Do you plan to consult Information security experts, or any other experts?</p>			

Individuals (data subjects)	Will the project:	Expanding customer base; Technology which must be used by individuals; Hidden or complex uses of data; Children's data		
	Affect an increased number, or a new group, or demographic of individuals (to existing activities)?			
	Involve a change to the way in which individuals may be contacted, or are given access to services or data? Are there any			If the answer is Yes then consultation with citizens should be considered.

	areas of public concern that you should factor in?			
	Affect particularly vulnerable individuals, including children?			
	Give rise to a risk that individuals may not know or understand how their data are being used?			
Parties Page 51	Does the project involve:	Outsources service providers; Business partners; Joint ventures		
	The disclosure of personal data to new parties?			
	The involvement of sharing of personal data between multiple parties?			
Data categories	Does the project involve:	Special personal data; Biometrics or genetic data; Criminal offences; Financial data; Health or social data; Data analytics: Note: the GDPR requires a DPIA to be carried out where there is processing on a large scale of special categories of data or of data relating to criminal convictions and offences		
	The collection, creation or use of new types of data?			
	Use of any special or privacy-intrusive data involved? <ul style="list-style-type: none"> • Political opinions • Religious beliefs or philosophical beliefs • Trade union membership 			

Page 52	<ul style="list-style-type: none"> • Genetic data • Biometric data • Sexual life • Prosecutions • Medical data • Criminal data <p>(Criminal data processing, i.e. criminal convictions, etc. also has special safeguards under Article 10)</p>			
	<p>New identifiers, or consolidation or matching of data from multiple sources?</p> <p>(For example a unique reference number allocated by a new management system)</p>			
Technology	New solutions:	Locator or surveillance technologies; Facial recognition; Note: the GDPR requires a DPIA to be carried out in particular where new technologies are involved (and if a high risk is likely)		
	Does the project involve new technology that may be privacy-intrusive?			

Data quality, scale and storage		New data		
Data quality, scale and storage	Data: Does the project involve changes to data quality, format, security or retention? What are the benefits of the processing? i.e. will the new system have automatic retention features? Will the system keep the information in a safer format etc.?			
	Does the project involve processing data on an unusually large scale?			
Monitoring, personal intrusion		Surveillance; GPS tracking; Bodily testing; Searching; Note: the GDPR requires a DPIA to be carried out where the project involves systematic monitoring of a publicly accessible area on a large scale		
Monitoring, personal intrusion	Monitoring: Does the project involve monitoring or tracking of individuals or activities in which individuals are involved?			
	Does the project involve any intrusion of the person?			
Data transfers		Transfers outside the EEA		
Data transfers	Transfers Does the project involve the transfer of data to or activities within a country that has inadequate or significantly different data protection and privacy laws?			(Is any information held on the cloud? If so check where it is held)

4. Legal Framework and Governance – Compliance

Ref.	Question	Response	Further action required (and ref. to risk register as appropriate)
1. Applicable laws and regulation			
1.1	Which data protection laws, or laws which impact data protection and privacy, will be applicable to the project?	<ul style="list-style-type: none"> • General Data Protection Regulation 2016/679 • UK General Data Protection Regulation • Data Protection Act 2018 • Human Rights Act 1998 <p><i>(What laws gives you the power to process the data for this project i.e. the Education Act etc,,)</i></p> <ul style="list-style-type: none"> • 	
Page 54	Are there any sector-specific or other regulatory requirements or codes of practice, which should be followed?	The Children Act 2004 (the Act), as amended by the Children and Social Work Act 2017.	
2. Organisation's policies			
2.1	Is the project in compliance with the organisation's information management policies and procedures (including data protection, information security, electronic communications)?	Yes.	

2.2	Which policy requirements will need to be followed throughout design and implementation of the project?	Data Protection Policy Information Security Policy Records Management Policy	
2.3	Are any changes/updates required to the organisation`s policies and procedures to take into account the project? Note: new requirements for “Accountability” under the GDPR, including record-keeping, DPOs and policies		
3. Training and roles			
3.1	Will any additional training be needed for staff in relation to privacy and data protection matters arising from the project?		

5. Personal Data Processing Compliance

Ref.	Question	Response	Further action required (and ref. to risk register as appropriate)
1. Personal Data Processing			
1.1	Which aspects of the project will involve the processing of personal data relating to living individuals?		
1.2	Who is/are the data controller(s) in relation to such processing activities?	Nottingham City Council Nottinghamshire County Council	
1.3	Who is/are the data processor in relations to such processing activities?		
2. Fair and Lawful processing - GDPR Articles 5(1)(a), 6, 9, 12, 13			
Page 56	Which fair processing conditions are you relying on? GDPR: Article 6(1) (legal basis for processing) and, for sensitive personal data, Article 9(2).	6(1). Choose at least one of the following for personal data, usually (e) -(Cross out the rest) <ul style="list-style-type: none"> a) Consent b) Performance of contract c) Legal obligation d) Vital interests e) Public interest / exercise of Authority 9(2) Choose at least 1 for special data- usually g (cross the rest out) <ul style="list-style-type: none"> a)Explicit consent b) Employment / social security / social protection obligations c) Vital interests d) <u>Non-profit bodies</u> e) Processing made public by data subject f) Legal claims g) Substantial public interest 	

- h) Health, social care, medicine
- l) Public interest for public health
- j) Archiving, statistics, historical research

For any criminal Data

Comply with Article 10 **if it meets a condition in Part 1, 2 or 3 of Schedule 1.**

- Employment, social security and social protection
- Health and social care purposes
- Public health
- Research

Substantial public interest:

- Statutory and government purposes
- Equality of opportunity and treatment
- Racial and ethnic diversity at senior levels of organisations
- Preventing or detecting Unlawful Acts
- Protecting the public against dishonesty etc
- Regulatory requirements relating to unlawful acts and dishonesty etc
- Journalism etc in connection with unlawful acts and dishonesty etc
- Preventing fraud
- Suspicion of terrorist financing or money laundering
- Counselling
- Safeguarding of children and of individuals at risk
- Safeguarding of economic well-being of certain individuals
- Insurance
- Occupational pensions
- Political parties processing

		<ul style="list-style-type: none"> • Disclosure to elected representatives • Informing elected representatives about prisoners <p>Additional Conditions</p> <ul style="list-style-type: none"> • Consent • Vital interests • Personal data in the public domain • Legal claims • Judicial Acts 	
<p>Note: different conditions may be relied upon for different elements of the project and different processing activities. Also, the scope of special category data is wider under the GDPR, and in particular includes genetics & biometric data, and sexual orientation.</p>			
2.2	How will any consents be evidenced and how will requests to withdraw consent be managed?		
<p>Note: new requirements for obtaining and managing consents within the GDPR.</p>			
2.3	Is the data processing under the project covered by fair processing information already provided to individuals or is a new communication needed (see also data subject rights below)?	Attach privacy notice or provide a working link to the relevant privacy notice	
<p>Note: more extensive information required under the GDPR than under current law, and new requirements on how such information is provided. Also a general principle of “<i>transparency</i>”. It is important to assess necessity and Proportionality</p>			
2.4	If data is collected from a third party, are any data protection arrangements made with such third party?		
2.5	Is there a risk of anyone being misled or deceived?		
2.6	Is the processing “fair” and proportionate to the need’s and aims of the projects?		
2.7	Are these purposes clear in privacy notices to individuals? (see above)		

3. Adequate, relevant and not excessive, data minimisation - GDPR Article 5(1)(c)			
3.1	Is each category relevant and necessary for the project? Is there any data you could not use and still achieve the same goals?		
Note: GDPR requires data to be “limited to what is necessary” for the purposes (as well as adequate and relevant).			
3.2	Is/can data be anonymised (or pseudonymised) for the project?		
4. Accurate and up to date - GDPR Article 5(1)(d)			
4.1	What steps will be taken to ensure accurate data is recorded and used?		
For example: checks when receiving/sending information from/to third parties, or transcribing information from oral conversations or handwritten documents, any automatic checks on information not meeting certain criteria.			
4.2	Will regular checks be made to ensure project data is up to date?		
5. Data retention - GDPR Article 5(1)(e)			
5.1	How long will personal data included within the project be retained?		
5.2	How will redundant data be identified and deleted in practice? Consider paper records, electronic records, equipment?		
5.3	Can redundant data be easily separated from data which still need to be retained?		
6. Data subject rights - GDPR Articles 12 to 22			
6.1	Who are the relevant data subjects?		
6.2	Will data within the project be within the scope of the organisation`s subject access request procedure?		
6.3	Are there any limitations on access by data subjects?		
6.4	Is any data processing under the project		

	likely to cause damage or distress to data subjects? How are notifications from individuals in relation to damage and distress managed?		
6.5	Does the project involve any direct marketing to individuals? How are requests from data subjects not to receive direct marketing managed?		
6.6	Does the project involve any automated decision making? How are notifications from data subjects in relation to such decisions managed?		
6.7	How will other rights of data subjects be addressed? How will security breaches be managed?	These rights will be processed by the Information Compliance Team at Nottingham City Council. All breached will be dealt with by the Information Compliance team and the Data Protection Officer.	
Page 600 7. Data Security - GDPR Articles 5(1)(f), 32			
For example: <ul style="list-style-type: none"> • Technology: encryption, anti-virus, network controls, backups, DR, intrusion detection; • Physical: building security, clear desks, lock-leads, locked cabinets, confidential waste; • Organisational: protocols on use of technology, asset registers, training for staff, pseudonymisation, regular testing of security measures. 			
Describe the source of risk and nature of potential impact on the individuals. Include associated compliance and corporate risks as necessary -What security measures and controls will be incorporated into or applied to the project to protect personal data? Consider those that apply throughout the organisation and those which will be specific to the project. N.B Measures that are appropriate to the nature of the data and the harm which may result from a security breach		Likelihood of harm	Severity of harm
		Remote, Possible or Probable	Minimal, Significant or Severe
			Overall Risk
			Low, Medium or High
•			

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Identify measures to Reduce Risk- Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk that you have identified

Risk	Options to reduce or eliminate risk	Effect on risk Eliminated/ Reduced or Accepted	Residual risk Low/Medium/High	Measures approved Yes/No

8. Data processors - GDPR Article 28 & direct obligations in other articles				
8.1	Are any data processors involved in the project?			
8.2	What security guarantees do you have?			
For example: specific security standards or measures, reputation and reviews				
8.3	Please attach the processing agreement			
For example: security terms, requirements to act on your instructions, regular audits or other ongoing guarantees Note: new requirements for the terms of contracts under the GDPR (much more detailed than current law).				
8.4	How will the contract and actions of the data processor be monitored and enforced?	Power to audit under the processing agreement.		
8.5	How will direct obligations of data processors be managed?	Under the processing agreement		
Note: New direct obligations for processors under the GDPR, including security, data protection officer, record-keeping, international data transfers.				
For example: fair & lawful, lawful purpose, data subject aware, security, relevance.				
9. International data transfers - GDPR Articles 44 to 50				
9.1	Does the project involve any transfers of personal data outside the European Union or European Economic Area?			
9.2	What steps are taken to overcome the restrictions?			
For example: Safe Country, contractual measures, binding corporate rules, internal assessments of adequacy				

Note: GDPR has similar methods to overcome restrictions as under current law, but there are differences to the detail and less scope for an “own assessment” of adequacy.

10. Exemptions

10.1	Will any exemptions for specific types of processing and/or specific DP requirements be relied upon for the project?		
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For example: crime prevention, national security, regulatory purposes

Note: Exemptions under the GDPR to be assessed separately, and may be defined within additional EU or UK laws.

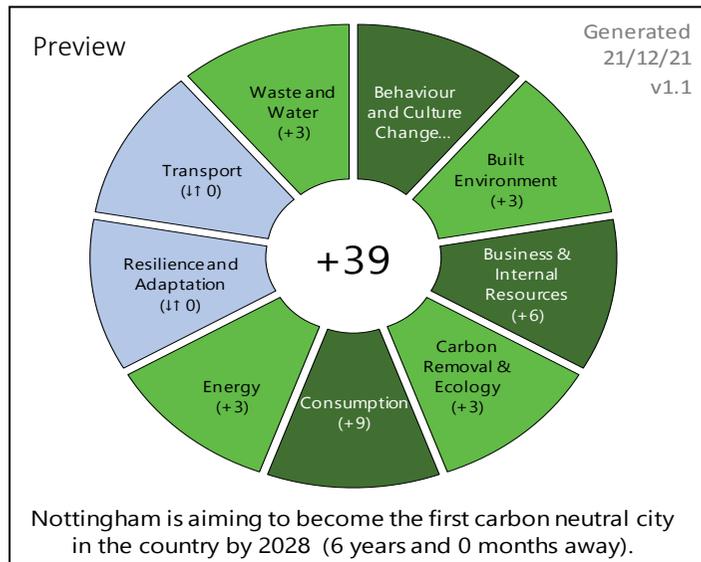
6. Sign off and record outcomes

Item	Name	Date
Measures approved by: (project owner) This must be signed before the DP can sign off on the DPIA.		
Residual risks approved by: (If accepting any residual high risk, consult the ICO before going ahead)		
DPO advice provided: (DPO should advise on compliance, measures and whether processing can proceed)		
Summary of DPO advice:		
DPO advice accepted or overruled by		If overruled, you must explain your reasons
Comments:		
IT Security Officer: Where there are IT security issues		
IT Officer comments:		
SIRO Sign off: (For major projects)		
Consultation responses reviewed by:		
This DPIA will be kept under review by:		The DPO should also review ongoing compliance with DPIA

Summary

Building Services and Facilities Management (BSFM) play an active and significant part in reducing carbon levels within the City. We have achieved this by identifying end of life asset plant and then accessing Salix funding administered by Energy colleagues to replace these ends of life and high energy consuming pieces of equipment within the operational asset portfolio. There is a data lag of a couple of years regarding Council emissions but of the 17,805tCO₂e (43%) emissions reduction: 33% attributed to Salix projects, 2% due to uptake of electric fleet vehicles and 1% solar PV projects.

Our supplier contracts have environmental commitments made within them by the supplier and I can report that most commit to reduction of use of single plastics and replacing fleet with ULEV or electric fleets.



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Subject:	Workforce Recruitment and Retention Grant for Adult Social Care		
Corporate Director/ Director:	Catherine Underwood – Corporate Director for People Sara Storey – Director for Adult Health Social Care		
Portfolio Holder:	Cllr Adele Williams – Adults and Health		
Report author and contact details:	Anna Coltman, Commissioning Manager Anna.coltman@nottinghamcity.gov.uk		
Other colleagues providing input:	Karla Banfield, Market Strategy and Development Manager		
Key Decision	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Subject to call-in
			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reasons:	<input checked="" type="checkbox"/> Expenditure	<input type="checkbox"/> Income	<input type="checkbox"/> Savings of £750,000 or more
taking account of the overall impact of the decision			<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital		
Total value of the decision:	£4,937,535		
Wards affected:	All		
Date of consultation with Portfolio Holder:	13 January 2022		
Relevant Council Plan Key Outcome:			
Clean and Connected Communities	<input type="checkbox"/>		
Keeping Nottingham Working	<input type="checkbox"/>		
Carbon Neutral by 2028	<input type="checkbox"/>		
Safer Nottingham	<input type="checkbox"/>		
Child-Friendly Nottingham	<input type="checkbox"/>		
Healthy and Inclusive	<input checked="" type="checkbox"/>		
Keeping Nottingham Moving	<input type="checkbox"/>		
Improve the City Centre	<input type="checkbox"/>		
Better Housing	<input type="checkbox"/>		
Financial Stability	<input type="checkbox"/>		
Serving People Well	<input checked="" type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
<p>On 14 September 2021 the government made a commitment in the COVID-19 Response: Autumn and Winter Plan 2021 to support local authorities and social care providers to maintain safe staffing levels over the winter period and to continue working closely with the care sector to build sufficient workforce capacity across services.</p> <p>The adult social care winter plan published on 3 November 2021 sets out the support the government will be providing to the adult social care sector to meet the challenges it faces this winter. The plan includes a commitment to providing workforce recruitment and retention funding, originally announced on 21 October 2021 and updated on 10 December 2021, to support local authorities and providers to recruit and retain sufficient staff over the winter, and support growth and sustain existing workforce capacity.</p>			
Exempt information:	None		

Recommendations:

1. To approve acceptance and spend of Round 2 of the Workforce Recruitment and Retention Grant funding from the Department of Health and Social Care (DHSC) to Nottingham City Council as per the terms and conditions of the grant.
2. To delegate authority to the Director for Adult Health and Social Care, in consultation with the Portfolio Holder for Adults and Health and the Director for Commissioning and Procurement, to accept and allocate any further awards of these funds received by the Council during 2022-23, up to a maximum value of £3,000,000, in accordance with the conditions of grant funding, to enable the timescales of the DHSC to be met.

1. Reasons for recommendations

- 1.1 Nottingham City Council has been allocated a total of £2,987,033 from the Government's Workforce Recruitment and retention fund (WR&R fund). The funding has been provided across two rounds. Round 1 provided £1,049,498 from 21 October 2021 and Round 2 provided £1,937,535 from 10 December 2021.
- 1.2 Approval to accept and allocate Round 1 of the WR&R grant was provided at the Commissioning and Procurement Executive Committee on 11 January 2022.
- 1.3 Round 2 of the WR&R funding is to be spent by 31 March 2022. The primary purpose of the WR&R fund is to deliver additional staffing capacity in adult social care through recruitment and retention activity. Round 2 funding must be fully spent during the 10 December 2021 to 31 March 2022 period.
- 1.4 The Grant is ring-fenced and will be paid in instalments to Nottingham City Council:
 - the first instalment (70%) will be paid in January 2022;
 - the second instalment worth (30%) will be paid in February 2022 and will be conditional on local authorities having completed a return to the DHSC by 21 January 2022.
- 1.5 The expectation is that the grant will be fully spent on addressing local workforce capacity pressures through recruitment and retention activity by 31 March 2022. The grant conditions are clear that 'spent' means that expenditure has been incurred between 10 December 2021 and 31 March 2022 (Round 2 funding). This means the activity leading to the expense must have happened by 31 March 2022, so that the local authority is accruing the expense and it appears in the local authority's 2021 to 2022 accounts.
- 1.6 The delegation to the Director for Adult Health and Social Care, in consultation with the Portfolio Holder for Adults and Health and the Director for Commissioning and Procurement, to receive and allocate any further allocations of this fund received during 2022-23 up to a maximum of £3,000,000 will enable the funds to be passported to providers promptly in order to meet the timescales for use of the funds as set by DHSC.
- 1.7 This delegation will be specifically related to accepting and allocating funding for recruitment and retention activity to support staffing capacity within adult social care within the Nottingham City Council local authority area. This applies to any further grant funding received during 2022/23, as part of the WR&R grant or a replacement grant with grant conditions allowing for the same activities as the WR&R grant.

2. Background (including outcomes of consultation)

2.1 The main purpose of the WR&R fund is to support local authorities to address adult social care workforce capacity pressures in their geographical area through recruitment and retention activity this winter, in order to:

- support providers to maintain the provision of safe care and bolstering capacity within providers to deliver more hours of care;
- support timely and safe discharge from hospital to where ongoing care and support is needed;
- support providers to prevent admission to hospital;
- enable timely new care provision in the community;
- support and boost retention of staff within social care.

2.2 Nottingham City Council has worked closely with the provider/external market to agree the measures to be put in place either individually and collectively, including passporting funding directly to the external market. It will be important to retain existing staff capacity as well as encourage new and returning entrants. Examples under consideration are, but are not limited to:

- supporting payments to boost the hours provided by the existing workforce – including childcare costs and overtime payments;
- investment in measures to support staff and boost retention of staff within social care – including incentive and retention payments;
- boosting the current recruitment of carers campaign;
- a proposal to recruit temporary Nottingham City Council employed social care staff to enhance the capacity to support discharge to assess pathways.

2.3 Is it anticipated that round 2 funding is allocated to the wider market support adult social care. Nottingham City Council will work with the provider/external market to agree the measures to be put in place either individually and collectively, including passporting funding directly to the external market.

2.4 Round 2 of the WR&R Grant is a new grant, separate to the third Infection Control and Testing Fund.

3. Other options considered in making recommendations

3.1 Given the short-time scales we are unable to fully outline the anticipated expenditure in this report, as March’s committee does not allow enough time to spend and allocate the grant funding as per the terms and conditions of the grant.

4. Consideration of Risk

RISK	MITIGATION
Onus is placed on Providers to allocate and report on their funding appropriately and previous similar funding has not been fully spent and has been clawed back.	Offer support to those smaller providers who don’t receive a proportion of funding by joining up with the Jobs Hub and Skills for Care to run a recruitment webinar or event.
City will decide which Providers receive funding so it will not be	Use a proportion of the funding on a role to support providers to choose and implement

<p>equally distributed across all Providers. Potential for some providers to challenge this.</p> <p>This is less prescriptive and we can't control what initiatives Providers will choose to fund or how effective these will be.</p>	<p>effective ways to spend the funding to reduce the likelihood of funds not spent and clawing back. Jobs Hub may be able to match fund.</p> <p>Providers have put forward suggestions to use the funding if passported including:</p> <ul style="list-style-type: none"> • Paying for a pool car • Paying for driving lessons • Admin to arrange student visas • Paying a driver to transport carers to and from care visits • Providing incentives to existing staff who have worked through the pandemic.
<p>We are not able to accurately measure conversion rates or there is a high cost per contact meaning our internal activities would not represent value for money.</p>	<p>Consider passporting funding across the wider ASC sector including to voluntary sector providers who are supporting ASC and freeing up workforce capacity in ASC.</p>

5. Finance colleague comments (including implications and value for money/VAT)

- 5.1 This report seeks approval to accept and spend round 2 of the Department for Health and Social Care's (DHSC) Workforce Recruitment and Retention Fund (WR&R Fund) grant, and to delegate authority to the Director for Adult Health and Social Care, in consultation with the Portfolio Holder for Adults and Health.
- 5.2 The value of the grant is £1.938m.
- 5.3 The grant has been made available to local authorities to address adult social care workforce capacity pressures in their geographical area for the winter period 2021 - 2022.
- 5.4 Further grants may be awarded for 2022 – 2023.
- 5.5 To enable the timescales of the DHSC to be met, approval is also being sought to accept and allocate any further awards of this grant received by the Council during 2022 - 2023, up to a maximum value of £3m that are also in accordance with the conditions of the WR&R Fund grant.
- 5.6 This latest grant allocation must only be used to deliver measures that address local workforce capacity pressures in adult social care from 10 December 2021 through to 31 March 2022, through recruitment and retention activity.
- 5.7 It is expected for the grant for round 2 to be passported to the wider market to support adult social care. Please note, the approved grant for round 1 is expected to be allocated to the home care market, given the workforce challenges and risks within this market.

- 5.8 The grant terms advise the main purpose of the grant is to support local authorities to address adult social care workforce capacity pressures in their geographical area, in order to:
- Support providers to maintain the provision of safe care and bolster capacity within providers to deliver more hours of care;
 - Support timely and safe discharge from hospital to where ongoing care and support is needed;
 - Support providers to prevent admission to hospital;
 - Enable timely new care provision in the community;
 - Support and boost the retention of staff within social care.
- 5.9 It is a requirement that any unspent grant is returned to the DHSC.
- 5.10 Once the cohort of beneficiary providers has been identified, established processes should be utilised to communicate with the providers and direct the funding.
- 5.11 It is important to be aware of the short timescales associated with this grant. To be able to maximise the grant effectively the service will be able to utilise established communications and reporting processes. However, there will still be a risk that due to the short timescales, responses may not be received in time therefore allowing for a potential underspend on the grant.
- 5.12 Established reporting processes are in place and should be used to review provider expenditure to ensure funding is allocated for qualifying spends only.
- 5.13 A clawback process will need to be utilised to retrieve surplus grant from providers.
- 5.14 Finance will provide support to ensure all income and expenditure relating to this grant is reflected within the relevant financial accounting budget year.
- 5.15 Any WR&R amounts granted above the £3m delegated authority threshold and/or has a different set of terms and conditions, will require further approval.
- 5.16 Any subsequent decisions linked to this report will be robustly reviewed by Finance in line with Financial Regulations, ensuring that funding has been identified to support the initiative without resulting in an adverse movement in the Councils financial position, both for 2021-22 and ongoing.

Chanelle Poyser, Strategic Finance Business Partner (Adults Social Care) -
17 January 2022

6. **Legal colleague comments**

- 6.1 The proposals in this report seek to accept funding from the Department of Health and Social Care (DHSC) under Round 2 of the funding to further support the recruitment and retention of staff by providers in the city. The Council has the power to accept the funding under s.1 Localism Act 2011.
- 6.2 The Council must ensure that it complies with any terms and conditions imposed upon it in receipt of and onward allocation of the funding from the DHSC. Legal Services have not been asked to review the funding terms and conditions from the DHSC and are therefore unable to comment or confirm the obligations imposed

within them. The Service area must fully review the conditions of funding to be satisfied that the Council can meet any associated requirements.

- 6.3 Any external contracts utilising the funding, including grants must be awarded in accordance with the City Council's Contract Procedure Rules and Financial Regulations and should include provisions which flow down any relevant provisions from DHSC such as monitoring and reporting outputs and options for clawback, particularly as there are significant time pressures with delivery under this round of funding.
- 6.4 Grants are not governed by the Public Contracts Regulations 2015 PCR and so a tender process is not required. However, appropriate grant agreement terms should be put in place between the Council and the recipient providers in order to reflect this.
- 6.5 The grant recipients may be required to undertake and share their own assessment of the grants received in terms of compliance with the new Subsidy Control Regime.
- 6.6 It is noted that the report seeks approval to delegate authority to the Director for Adult Health and Social Care in consultation with the Portfolio Holder for Adults and Health and the Director for Commissioning and Procurement, to accept and allocate any further awards of these funds received by the Council during 2022 – 2023. This is capped to a maximum value of £3,000,000 as receipt and value of future funding is not yet known.
- 6.7 Seeking approval at this time will ensure that if the DHSC offer additional funding with short timescales, the Council will have more time to allocate the funding as is detailed within the report, the current timescales are very tight. Should further funding be received in accordance with this recommendation, as with the Round 2 funding, it must only be used in accordance with the conditions of grant funding, which will need to be reviewed. Future spend will also be subject to the Council's Contract Procedure Rules and additional governance requirements as relevant.
- 6.8 It should be noted that depending on the value and requirements of any funding arrangements, funding terms and conditions may only be permitted to be signed by the Legal Services department and so sufficient time for review and signature should be provided in order to consider requirements.
- 6.9 Any spend outside of these recommendations will require further approvals.

Advice provided by Dionne Sreaton, Senior Solicitor, Contracts and Commercial -
18 January 2022

7. Other relevant comments

Procurement colleague comments

- 7.1 This decision relates to the receipt and expenditure grant funding in Round 2 of the Department of Health and Social Care (DHSC) Workforce Recruitment and Retention Fund (WR&R) grant which has been awarded to the Council deliver additional staffing capacity in adult social care through recruitment and retention activity. This is a ring fenced grant only available for use on eligible recruitment and retention activities between 10 October 2021 and 31 March 2022.

7.2 The decision seeks delegation to the Director for Adult Health and Social Care to receive and allocate any further allocations of this fund received during 2022-23, up to a maximum value. This is supported from a procurement perspective as it will enable the funds to be passported to providers promptly to meet the DHSC timescales for use.

7.3 As this funding will be allocated to existing service providers as grant funding there are no procurement implications as the UK Public Contracts Regulations and Council's Contract Procedure Rules are not applicable. Should any allocations be made to providers which are not grants, the Council's Contract Procedure Rules should be complied with and the Procurement Team will support this as needed.

The WR&R funding must be used in accordance with the strict DHSC conditions of grant funding, which include timescales for expenditure and reporting on use of the funding to DHSC. Appropriate grant agreement terms should therefore be established with providers receiving funding to ensure compliance with the DHSC grant conditions.

Jo Pettifor, Category Manager, Strategy & People - 18 January 2022

8. Crime and Disorder Implications (If Applicable)

8.1 N/A

9. Social value considerations (If Applicable)

9.1 N/A

10. Regard to the NHS Constitution (If Applicable)

10.1 N/A

11. Equality Impact Assessment (EIA)

11.1 An EIA is not required.

12. Data Protection Impact Assessment (DPIA)

12.1 A DPIA is not required.

13. Carbon Impact Assessment (CIA)

13.1 A CIA is not required.

14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

14.1 None.

15. Published documents referred to in this report

15.1 None.

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Subject:	Fee Rates for Adult Social Care Services 2022/23		
Directors:	Katy Ball, Director for Commissioning and Procurement Steve Oakley, Head of Contracting and Procurement		
Portfolio Holder:	Councillor Adele Williams – Adults and Health		
Report author and contact details:	Jo Pettifor – Category Manager - Strategy and People Tel: 0115 8765026 Email: jo.pettifor@nottinghamcity.gov.uk		
Other colleagues who have provided input:	Hayley Mason, Strategic Finance Business Partner Dionne Scream, Solicitor, Contracts Commercial and Employment Steve Oakley, Head of Contracting and Procurement		
Key Decision	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Subject to call-in <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reasons: taking account of the overall impact of the decision	<input checked="" type="checkbox"/> Expenditure	<input type="checkbox"/> Income	<input type="checkbox"/> Savings of £750,000 or more
			<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital		
Total value of the decision: £6.299m			
Wards affected: All			
Date of consultation with Portfolio Holders: Cllr Williams – 27/01/22, Cllr Webster – 26/01/22			
Relevant Council Plan Key Outcome:			
Clean and Connected Communities		<input type="checkbox"/>	
Keeping Nottingham Working		<input type="checkbox"/>	
Carbon Neutral by 2028		<input type="checkbox"/>	
Safer Nottingham		<input type="checkbox"/>	
Child-Friendly Nottingham		<input type="checkbox"/>	
Healthy and Inclusive		<input checked="" type="checkbox"/>	
Keeping Nottingham Moving		<input type="checkbox"/>	
Improve the City Centre		<input type="checkbox"/>	
Better Housing		<input type="checkbox"/>	
Financial Stability		<input type="checkbox"/>	
Serving People Well		<input checked="" type="checkbox"/>	
Summary of issues (including benefits to citizens/service users):			
This report presents proposals for fee rates in 2022/23 across Adult Social Care contracted provision. Nottingham City Council is contractually bound to consider fee rates on an annual basis where it has a statutory duty to provide a service. The Council will consult with providers on these proposals and consider responses prior to implementation from April 2022.			
Exempt information:			
Appendices 1, 2 and 3 to this report are exempt from publication under paragraphs 3 and 5 of Schedule 12A to the Local Government Act 1972.			
Financial advice is exempt under paragraph 3 because it contains commercially sensitive information relating to the Councils pricing structure and financial modelling. Having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information as declaring financial modelling to suppliers would prevent the Authority from managing the market efficiently, which could cost it more.			

Legal advice is exempt under paragraph 5 because it contains information that is subject to legal professional privilege. Having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, because the information sets out the legal implications inherent in the course of action proposed here, which the decision maker is arguably entitled to consider without the Council's position being affected by consideration of those implications.

Recommendations:

- 1 To approve proposals for fee rates for Adult Social Care Services in 2022/23 as outlined in the pricing details at exempt Appendix 1, which will be consulted upon with service providers.
- 2 To delegate authority to the Director of Commissioning and Procurement in consultation with the Director for Adult Health and Social Care to agree fee rates in accordance with the proposals detailed in the exempt Appendix 1 pricing detail, subject to the outcome of consultation with providers and in line with the Council budget. Subject to consultation and recommendation 4 below, the agreed rates will be implemented from April 2022.
- 3 To approve the total spend of £6.299m associated with this decision, including approval to spend against high cost placement provision through the Council's scheme of delegation for Adults Care Packages.
- 4 To note that if upon completion of the consultation the financial impact of any revised proposals exceed the budget available, further approval from this Committee will be sought.

1. Reasons for recommendations

- 1.1 Nottingham City Council is contractually bound to consider fee rates in respect of services that it has a duty to provide. This is balanced against budget commitments and pressures for the Council.
- 1.2 In accordance with the Council's legal obligation, it is proposed to consult with adult social care providers with regard to these proposals during February – March 2022. The Director of Commissioning and Procurement in consultation with the Director for Adult Health and Social Care will take account of consultation responses and issue variations to existing contracts reflective of the proposals in this report should no significant issue arise. Should the outcome of these consultations require consideration of significant change to the shape and financial consequence of these proposals (with due regard given to the available budget) a further report will be presented through the appropriate governance process.
- 1.3 These proposals and the associated financial modelling are based on information currently available about service utilisation and demand changes as a result of Covid 19.
- 1.4 The recommendations presented take account of the implications of the National Living Wage for the market and aim to represent a fair allocation of funding and to support the market across all service areas. It is considered that a balanced, reasoned and informed approach has been taken and that the proposals seek to support a sustainable, efficient and effective market within the available resources.

1.5 It is proposed to undertake a full review of costs of ASC pricing during 2022-2023 to determine sustainable rates for the longer term, particularly in the context of forthcoming changes by the Department of Health and Social Care (DHSC) to the arrangements for self-funders. DHSC has announced a new fund, the Market Sustainability and Fair Cost of Care Fund, which will be available in 2022-23 to support local authorities in paying a fair rate for care and preparing local markets for reform. The allocation to Nottingham City Council in 2022-23 is expected to be approximately £1m and this will be used to source a full review of local costs and a sustainable level funding.

2. **Background (including outcomes of consultation)**

2.1 Following its budget announcement in July 2015, the government introduced the National Living Wage (NLW), which replaced the National Minimum Wage as the statutory minimum wage payable to workers in the United Kingdom. The Council has a legal duty to consider fee rates for social care contracted services and in doing so, it must consider the implications of the NLW for care providers.

2.2 Every year officers undertake analysis of the potential impact of fee rates on adult social care providers meeting National Living Wage requirements as well as other pressures such as cost of living, pensions, profit and voids. This analysis also considers budget savings required across adult provision as a consequence of reductions in the funding the Council receives and other financial pressures.

2.3 Analysis takes place on a sector by sector basis across the social care budget against a backdrop of increased demand for social care provision arising from demographic pressures, policy change and increased difficulty in attracting workers into the care sector due to increased competition from other sectors. The Council's inflationary fee rate modelling is therefore key to support social care providers to meet NLW and other inflationary pressures, and to manage the social care market. This must be balanced against budget commitments and pressures for the Council.

3. **Other options considered in making recommendations**

3.1 Do nothing – the Council is contractually bound to review contract fee rates on an annual basis. Doing nothing would present a risk of legal challenge and for this reason, this option was rejected.

3.2 Offer different fee rate proposals. This option is not recommended as the proposals have resulted from significant work and modelling between finance and contracting, taking into account knowledge of the market and feedback from providers, and the overall budget pressures for Adult Social Care. The final proposals have taken account of the potential impact on service delivery and risk of market failure. Offering different fee rate proposals would place further pressure on the Adult Social Care budget and this is not a feasible option.

3.3 To undertake analysis of individual provider costs and offer fee rates based on factors such as wage rates paid, pension contributions, profit and void levels etc. This option would not be feasible at this time as it would be administratively burdensome due to variations in rates of pay and other costs across the sector.

4. Consideration of Risk

- 4.1 Affordability - The Council's financial pressures are significant and further savings are required in 2022/23, with cost pressures anticipated to continue. The analysis undertaken considered the wider budget position and these proposals are considered the fairest way to distribute the funding available across all adult social care provision.
- 4.2 Risk of market or provider failure. A number of market related factors have been considered including size of the market; any evidence of market failure or collapse; whether providers are managing to deliver and cover their costs under the current fee rates and whether pricing is equitable and supports an efficient, effective and sustainable market. The proposals take account of provider feedback on the costs of delivering services and financial pressures. During the Covid pandemic additional support has been provided to this market to assist with these pressures.
- 4.3 It is proposed to consult with service providers on these proposals during February – March 2022. Officers from Contracting and Finance will consider consultation responses and report the key themes and issues and any risks arising to the Director of Commissioning and Procurement in consultation with the Director for Adult Health and Social Care. Should the outcome of these consultations require consideration of significant changes to the proposals (with due regard given to the available budget) a further report will be submitted through the appropriate governance process.
- 4.4 Legal considerations of risk are contained within exempt appendix 3.

5. Finance colleague comments (including implications and value for money/VAT)

- 5.1 Finance comments are contained within exempt appendix 2.

6. Legal colleague comments

- 6.1 Legal comments are contained within exempt appendix 3.

7. Other relevant comments

7.1 Procurement colleague comments

There are no procurement implications arising from this decision. The commissioned services in question are contracted through open and compliant procurement processes, and the fee rates proposed were developed through a robust methodology which considered factors impacting on the provider market and which seeks to ensure fairness and consistency across all providers.

Julie Herrod, Lead Procurement Officer - 31 December 2021

8. Crime and Disorder Implications (If Applicable)

- 8.1 Not applicable.

9. Social value considerations (If Applicable)

9.1 Not applicable.

10. Regard to the NHS Constitution (If Applicable)

10.1 Not applicable.

11. Equality Impact Assessment (EIA)

11.1 An EIA will be undertaken following consultation with providers on the proposals and prior to final approval. The consultation will include specific questions about the potential impact of the proposed fees and mitigating actions that could be taken. Consultation responses will be reviewed, and risks identified will be analysed to assess the impact of the proposal on services as a whole, citizens within those services, and providers

12. Data Protection Impact Assessment (DPIA)

12.1 A DPIA is not required because this decision does not involve personal data. The data protection implications of the contracted services involved is addressed in the existing contractual arrangements.

13. Carbon Impact Assessment (CIA)

13.1 A CIA is not required because there are no carbon implications arising from this decision as it relates to the funding levels of existing contracted services.

14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

14.1 None.

15. Published documents referred to in this report

15.1 None.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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