

Public Document Pack

Executive Member Decisions

Friday, 8th December, 2023
10.00 am

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Date Published: 8 December 2023
Denise Park, Chief Executive

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Adults Social Care & Health
LEAD OFFICERS:	Strategic Director of Adults and Health
DATE:	08 December 2023

PORTFOLIO/S AFFECTED:	Adult Social Care
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WARD/S AFFECTED:	All wards
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SUBJECT: Mini Competition for Crisis Response and Planned Nights - Domiciliary Care
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1. EXECUTIVE SUMMARY

- Blackburn with Darwen Council commissions domiciliary care services. Domiciliary care is for individuals who have care and support needs, and who require additional support to remain independent within their own home. Domiciliary care tasks can include personal care and other associated services necessary to help an individual to maintain an acceptable level of health, hygiene, dignity, safety and ease in their home.
- The contracting arrangements for domiciliary care include three elements; general domiciliary care framework, crisis provision and overnight care.
- The general domiciliary care framework was implemented following a competitive tendering exercise and the framework runs from 19th Dec 2022 until 30th September 2025 (with an option to extend for a further year). This framework includes ten providers, which are divided into tier 1 and tier 2 providers. The tier allocated was based on scoring in the original tender, and any provider whose CQC rating drop below 'good' is automatically moved to tier 2.
- The next phase is to arrange a mini competition, offering the tier 1 providers the option to bid for a contract for domiciliary care crisis provision and a contract for domiciliary care overnight provision (as two separate contracts).
- This paper makes recommendations in relation to this.

2. RECOMMENDATIONS

The Executive Member agrees to support the following recommendations:

- i) To undertake a mini competition exercise from the Tier 1 providers on the General Domiciliary Care Framework for two contracts:
 - a. domiciliary care crisis provision
 - b. domiciliary care overnight provision

- ii) Crisis Response provision and Planned Nights will be paid at the standard framework rate (£19.46 in 2023-24, subject to uplift in 2024-25) and will be funded on a block arrangement.
- iii) The contract term will be aligned with the general domiciliary care framework and is expected to be awarded for the period 1st April 2024 – 30th September 2025 (with an option to extend for a further year).
- iv) In relation to domiciliary care crisis provision the model and commissioned capacity will replicate the offer which is currently in place; 7am – 1.30 pm and 4.30 pm until 10pm with two runs each with two carers on each run.
- v) In relation to domiciliary care overnight provision there is an opportunity for efficiency and the commissioned capacity will reduce from two runs overnight to one run from 23:00-06:00 with two carers. The same service offer will be in place across the borough, and the criteria for accessing this will be stringently applied going forwards.

The Executive Member notes that in relation to recommendation (v) above:

- this will generate a financial efficiency of circa £113,000 per annum. The funding source for domiciliary care overnight provision is the hospital discharge grant.
- For individuals who require 24/7 care there are a number of commissioned services available including residential/ nursing homes, supported housing and extra care. A personal budget is also be a suitable option for some service users. Domiciliary care overnight provision will remain in-place for existing service users, and new service users will be offered the service only in exceptional circumstances.

The Executive Member will be briefed on the outcome of the mini-competition exercise prior to contract award.

3. BACKGROUND

Blackburn with Darwen Council commissions domiciliary care services. Domiciliary care is for individuals who have care and support needs, and who require additional support to remain independent within their own home. Domiciliary care tasks can include personal care and other associated services necessary to help an individual to maintain an acceptable level of health, hygiene, dignity, safety and ease in their home.

4. KEY ISSUES & RISKS

The contracting arrangements for domiciliary care include three elements; general domiciliary care framework, crisis provision and overnight care.

The general domiciliary care framework was implemented following a competitive tendering exercise and the framework runs from 19th Dec 2022 until 30th September 2025 (with an option to extend for a further year). This framework includes ten providers, which are divided into tier 1 and tier 2 providers. The tier allocation was based on scoring in the original tender, and any provider whose CQC rating drops below 'good' is automatically moved to tier 2.

The next phase is to arrange a mini competition, offering the tier 1 providers the option to bid for a contract for domiciliary care crisis provision and a contract for domiciliary care overnight provision (as two separate contracts).

The current commissioned provision for the additional two areas is as follows:

- a. **domiciliary care crisis provision** – one provider operating from 7am – 1.30 pm and 4.30 pm until 10pm, delivering two runs.
- b. **domiciliary care overnight provision** – two providers; one provider operates from 23:00-07:00 and one provider operates from 23:00-06:00.

Both services operate on a block hours arrangement and both services operate at all times with two carers.

A review of the current provision has been undertaken, and this has concluded that there is an opportunity to generate an efficiency in relation to the domiciliary care overnight provision. Therefore this paper recommends reducing from the current two runs to a single run which operates 23:00-06:00. For individuals who require 24/7 care there are a number of commissioned services available including residential/ nursing homes, supported housing and extra care. A personal budget is also a suitable option for some service users. Domiciliary care overnight provision will remain in place for existing service users, and new service users will be offered the service only in exceptional circumstances.

5. POLICY IMPLICATIONS

The Care Act 2014 sets out when the local authority has a responsibility to meet someone's care and support needs. The provision of domiciliary care is one important service offer that the local authority accesses to meet eligible assessed needs. Domiciliary care crisis provision and domiciliary care overnight provision are enhancements to the existing general domiciliary care framework, which provide additional support to enable people to remain independent at home.

The Care Act 2014 also sets out the law around market development in adult social care. In relation to this, the local authority must facilitate a diverse, sustainable high-quality market for their whole local population.

6. FINANCIAL IMPLICATIONS

As domiciliary care crisis provision and domiciliary care overnight provision are already commissioned services, the budget for this mini competition is already within planned spend and is funded from both core portfolio commissioning budget and Hospital Discharge grant.

Based on the current domiciliary care rate of £19.46 (which will be subject to uplift in 2024-25) the contracts are expected to be as follows:

- a. domiciliary care crisis provision - £340,000 per annum or £510,000 for the contract term (1st April 2024 – 30th September 2025)
- b. domiciliary care overnight provision – circa £100,000 per annum or £150,000 for the contract term (1st April 2024 – 30th September 2025)

The recommendations within this paper are anticipated to generate an efficiency saving of circa £113,000 per annum. As the funding source for domiciliary care overnight provision is the discharge grant, alternative utilisation of the grant is required to deliver efficiencies within the Commissioning budget.

7. LEGAL IMPLICATIONS

Section 5 of the Care Act 2014 requires local authorities to promote the efficient and effective operation of a market in services for meeting care and support needs in their area. This proposal will assist the Council's efforts to ensure that there is a stable market to provide for the care needs of the local community. This includes the need to ensure that providers can remain viable, and can attract and retain staff to provide the care to the required standard.

Current contractual arrangements are in place until 31st March 2024. A successful mini competition exercise will avoid the potential need for a waiver.

Adult Social Care is regulated by the Care Quality Commission and the provision of services to support service users to maintain independence at home is part of the Care Quality Commission assessment framework.

The procurement of the framework and the mini-competition will be in accordance with the Public Contracts Regulations 2015.

8. RESOURCE IMPLICATIONS

The resource implications of implementing these proposals will be absorbed by the Strategic Commissioning – People team with regards to contractual changes.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

Consultation has happened via 1) Task and Finish Group which included representation from commissioning, contracting, social care and reablement teams 2) Adults and Health Governance process via Strategic Commissioning Board and Senior Policy Team 3) current providers including assessment of activity, demand and cost effectiveness and 4) engagement with other local authorities across the northwest via the ADASS network to understand service provision and specifications elsewhere.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

The recommendations are made further to governance via the Adults & Health Directorate, and following advice from the Head of Legal and Procurement.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
CONTACT OFFICER:	Elizabeth Fleming
DATE:	29-11-2023
BACKGROUND PAPER:	N/A

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Finance and Governance
LEAD OFFICERS:	Director, Chief Executive
DATE:	08 December 2023

PORTFOLIO/S AFFECTED:	Finance and Governance
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WARD/S AFFECTED:	(All Wards);
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SUBJECT:	Equal Pay Audit
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1. PURPOSE

To provide an overview of the equal pay challenge facing Local Authorities and to agree a plan of action, along with appropriate resources, to undertake Equal Pay Audits in relation to Council staff in compliance with Equal Pay obligations.

2. RECOMMENDATIONS

That the Executive Member:

- Approve the establishment of a dedicated project team for up to 12 months.
- Approve the action plan outlined below.
- Agree a supplementary revenue estimate of £164,000 to meet the cost of works outlined in the report. This would be funded by way of a contribution from the Invest to Save Reserve.
- Subject to the outcome of the Equal Pay Audit(s), note that there may be additional financial implications for the Council which, whilst unquantifiable at this stage, may give rise to a need for a further report to be considered on this matter.

3. BACKGROUND

Context

There have been three recent cases where Local Authorities have had equal pay challenges as a result of the application of the job evaluation schemes and comparator grading appeals. The Employer has the burden to prove inequality is not related to a protected characteristic and employees or their representatives can bring claims during employment, or within 6 months from the end of employment, and claims can be backdated up to 6 years.

To mitigate against equal pay claims, Councils should use a recognised job evaluation scheme, and monitor the findings of the annual Equality Watch report, including any gender pay gap.

The Council uses two recognised job evaluation schemes; Green Book Scheme (posts up to grade J) and Hay scheme (for posts grade I and above.)

It is worth noting that the Local Authority is ultimately the Employer for community schools, roles in these schools can also be used as a comparator.

4. KEY ISSUES

Equal pay audits (EPAs) are a voluntary self-assessment tool that identifies any risk with regards to pay structures and remuneration. EPAs deal with pay differences for individuals who carry out work of equal value. The Equality & Human Rights Commission (EHRC) has produced a 5-step model for undertaking EPAs, and recommends that EPAs should be undertaken on a regular basis.

The Council is required to publish an annual Equality Watch report, which includes the publishing of any gender pay gap, but does not necessarily analyse in more depth any discrepancies that would be identified in an Equal Pay Audit (EPA). An EPA would identify any inequalities and propose actions to address these where required.

5. ACTION PLAN

Job Evaluation

- Short term (up to 3 months)
 - Ensure all current roles have up-to-date profile, have been evaluated and have a recognised JE score that links to the Council grading structure.
 - Review all roles receiving an honoraria, to ensure they have been correctly evaluated and there are no equality implications relating to the honoraria payment.
 - Review the arrangements for applying honoraria and maximum timescales for these to be in place.
 - Produce guidance for managers on information required for the evaluation of roles, which includes the review of roles above, below and peers and timescales for JE to be completed.
 - Consider an embargo on the creation of new roles, whilst the project commences.
- Medium term (3 – 6 months)
 - Review the local conventions of the Green Book scheme to ensure they are still fit for purpose.
 - Provide annual refresher training for both JE schemes, widening the panel to finance & resources colleagues.
 - Undertake a full review of all Hay roles, and consideration of more generic roles at senior management level.
 - Categorise roles in job families to support JE.
- Longer term
 - Consider the application of Hay at grades I and Below
 - Develop generic roles in job families, to include career pathways.

Equal Pay Audit

- Short term (3 months)
 - Review task & finish arrangements and identify any risk and take action where required.
 - Review honoraria arrangements, ensuring they link to established evaluated roles, and take actions where required.
 - Review market supplements, in line with policy.
- Medium term (3 – 6 months)
 - Purchase pay modelling software to support EPA
 - Scope out EPA and carry out for priority area.

- Longer term (annually)
 - Introduce annual EPAs that feed into the annual Equality Watch report from January 2025.
 - Introduce an annual review of individual service areas that are predominately dominated by employees with a particular protected characteristic; and to review working arrangements and hours worked, to ensure there are no pay differentials.

6. POLICY IMPLICATIONS

This supports and compliments the work we undertake as part of the Public Sector Equality Duty (PSED) under the Equality Act 2010.

7. FINANCIAL IMPLICATIONS

The risk of any equal pay challenge can be significant as individuals can bring claims within 6 months of leaving employment, and successful claims can be backdated up to 6 years. There are no known challenges at present and hence no claims.

A dedicated team of 4 full time equivalent staff will be required for 12 months to implement the recommendations, as well as additional resources for job evaluation training and pay modelling software, at a cost of £164,035 within the proposed timescales. Details of this are set out below:-

Job Title	Grade	Full Time Equivalent	Cost
Lead HR Consultant	H	1.0	£53,209
2 x HR Advisors	E	2.0	£71,866
Finance/Audit Officer	F	0.5	£19,835
TU Representative	E	0.5	£17,025
Modelling Software and Refresher Training by Korn Ferry (Hay) and Pilat (Green Book Scheme)			£20,000
Total Cost			£164,035

Subject to the completion of the work outlined in this report, and regular Equal Pay Audits that are proposed, it is possible that there may be additional costs arising from the need to comply with Equal Pay obligations. Any decisions in relation to these, will be considered in the context of the Council's normal decision making process.

8. LEGAL IMPLICATIONS

As above

9. RESOURCE IMPLICATIONS

As per the resources outlined in the financial implications above.

10. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision.

11. CONSULTATIONS

Consultation has commenced with full-time Trade Union officers who are supportive of the approach and further discussions are ongoing.

12. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

13. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	3
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CONTACT OFFICER:	Anisa E Patel, Nathan Richards, Mandy Singh
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DATE:	23.11.2023
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BACKGROUND PAPER:	N/A
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EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Public Health, Prevention & Wellbeing
LEAD OFFICERS:	Strategic Director of Environment & Operations
DATE:	08 December 2023

PORTFOLIO/S AFFECTED:	Public Health, Prevention & Wellbeing
WARD/S AFFECTED:	(All Wards);

SUBJECT: Increase in fees and charges across Leisure Services

1. EXECUTIVE SUMMARY

The costs of operating the Council's three leisure centres has increased significantly in the past 12 months due to the spiralling costs of utilities and inflationary pressures on the cost of goods and services, including equipment, cleaning products and pool chemicals.

The Council reviews fees and charges on an annual basis for those services which can make a charge. Fees and Charges for leisure activities are usually reviewed and increased each year. This report sets out the proposed increases in fees and charges to be implemented with effect from 1 January 2024.

2. RECOMMENDATIONS

That the Executive Member:

- Approves the proposed increases in fees and charges for the leisure activities detailed within the report, to be implemented from 1 January 2024.
- Notes that separate meetings will be held with clubs that book the outdoor pitches and athletics facilities to discuss the proposed increases in fees and charges for club bookings.

3. BACKGROUND

The cost of operating the Council's Leisure Centres has increased significantly in the past twelve months. The main budget pressure has arisen due to the spiralling costs of utilities, the centres have also had to contend with inflationary pressures on the cost of goods and services, including equipment, cleaning products and pool chemicals.

The financial pressure on publically operated leisure centres and in particular swimming pools has been recognised by Government. In the 2023 Spring Budget, the Chancellor announced the Swimming Pool Support Fund (SPSF), making available £20 million support available for public swimming pool providers to alleviate immediate cost pressures by providing revenue support.

The Council did submit a bid to the SPSF for revenue support, but was unsuccessful.

Fees and charges income makes a valuable contribution to the running costs of Leisure services, enabling these important, but non-statutory services, to be sustained and provided.

The Council normally reviews fees and charges on an annual basis and any increases have taken place on 1 January each year for the majority of services.

When considering increases fees and charges for leisure services, we must take into account the elasticity of demand and whether the price of a service results in a reduced demand for it. Whilst the majority of Council services are unaffected by market factors, many leisure activities are price sensitive and the leisure centres operate in a competitive market with a number of other leisure providers across the Borough.

The following increases in fees and charges is proposed for the range of leisure activities listed below:

Activity	2023 Charges	2024 proposed charges	Percentage increase
Casual Swim (adult)	£4.75	£4.95	4.21%
Casual Swim (junior)	£2.90	£3.00	3.45%
Family Swim	£12.80	£13.30	3.91%
Swimming lesson (adult)	£8.00	£8.50	6.25%
Swimming lesson (junior)	£6.30	£6.60	4.76%
Badminton (adult)	£10.60	£11.00	3.77%
Badminton (Junior/60+)	£8.20	£8.50	3.66%
Sports Hall hire, block booking	£41.00	£43.50	6.10%
Sports Hall hire, casual booking	£52.50	£56.00	6.67%
Anytime membership – 12 months	£27.50	£27.50	0.0%
Anytime Flexi – 3 months	£32.95	£32.95	0.0%
Anytime annual – 12 months	£275.00	£275.00	0.0%
Anytime Student flexi – 3 months	£24.50	£20.00	-18.36%
Fitness gym (adult)	£6.85	£7.30	6.57%
Fitness gym (60+)	£3.80	£4.00	5.26%
Fitness classes	£6.85	£7.30	6.57%
Table Tennis (adult)	£6.90	£7.40	7.25%
Table tennis (junior)	£4.20	£4.50	7.14%
Indoor Bowling (adult)	£4.10	£4.30	4.88%
Indoor bowling (60+)	£2.90	£3.00	3.45%

In addition to the aforementioned leisure activities, the Council will continue to provide over 100 hours a week of re:refresh sessions across the three leisure facilities which cost just £1.00 to access. A re:refresh membership card is available free of charge to anyone who lives and/or is educated or employed within the Borough.

Health and Fitness membership fees have not been increased as the majority of memberships are purchased when promotions take place at various times throughout the year. The student membership has been reduced to £20.00 per month to enable us to complete with other fitness operators in the Borough.

The cost of the memberships will continue to be benchmarked against other competitors and other local authorities to ensure that BwD Leisure provides a competitive alternative to other gyms and leisure providers.

4. KEY ISSUES & RISKS

The cost of delivering leisure services has increased significantly due to the spiralling cost of utilities and inflationary pressures on goods and services budgets.

The Council normally reviews fees and charges on an annual basis. In recent years, any increases have taken place on 1 January, for the majority of services.

The aforementioned increases in fees and charges should not deter customers for continuing with their chosen leisure activity.

5. POLICY IMPLICATIONS

The increase in charges for leisure activities and the additional income generated aligns with the Council's Corporate Plan and the supporting mission to tackle the budget challenge.

6. FINANCIAL IMPLICATIONS

The increases in fees and charges for leisure activities will generate an additional £125,000 income in 2024/25 if we can maintain the same level of attendances achieved in 2023/24.

7. LEGAL IMPLICATIONS

The Council has a legal right to increase fees and charges for leisure activities to re-coup some of the costs directly associated with providing this important but non-statutory service.

8. RESOURCE IMPLICATIONS

None – this is an existing service and all resources to deliver the services are in place.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered.

The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION: 1

CONTACT OFFICER: Joanne Byrne/Martin Eden/Paul Taylor

DATE:	20-11-23
BACKGROUND PAPER:	None.