

The Cabinet

**9th October 2019 at 3.30pm
at the Sandwell Council House, Oldbury**

Present: Councillor Crompton (Chair);
Councillors Ali, Hadley, Lloyd, Millard, Shaeen,
Taylor and Underhill.

Apology: Councillors Y Davies, L Giles and Singh.

In attendance: Councillors E M Giles, S Jones, Moore and Rollins.

114/19 **Minutes**

Resolved that the minutes of the meeting held on 18th September, 2019 be approved as a correct record.

115/19 **Childcare Sufficiency Report 2019/2020**

Consideration was given to nine recommendations arising from the Sandwell Childcare Sufficiency report 2019-2020 which detailed how the Council was meeting its duty to secure sufficient childcare as follows:-

1. To continue to support childcare providers to deliver high quality, sustainable provision.
2. Aim to improve the quality of the providers which were judged by Ofsted as Requires Improvement or Inadequate by working intensively with them and those that delivered early education funded places.
3. To extensively market and promote the Family Information Service Hub and the help available with childcare costs to families across Wednesbury.

The Cabinet – 9th October 2019

4. To work with schools and existing providers in Tividale and Wednesbury South ward to address the need for more holiday provisions.
5. To work with the school that has no access to out of school care: Hanbury in Greet's Green and Lyng ward (before school club).
6. There was a sufficiency of places for the two year old offer, however, in most areas there was a need to increase the take up of the free early learning for two year olds using a wide range of direct and indirect marketing as well as extensive outreach.
7. There was a sufficiency of places for the universal 15 hours entitlement, however, monitoring the take up of 15 hour places in the maintained sector (schools) may be necessary to gauge the impact of the take up of the two year old offer and 30 hours on school nursery provisions.
8. To monitor the termly take up of 30 hours for three and four year olds against the places available, prioritising the wards where the take up exceeded number of places: Bristnall, Great Barr with Yew Tree, Greet's Green and Lyng, Newton, Rowley and Wednesbury South and where the surplus places is minimal in Cradley Heath and Old Hill. Currently some neighbouring wards had capacity which could meet additional demand. Additional capacity could be achieved by encouraging existing and any new providers to offer funded places flexibly.
9. To prioritise the following wards identified as having more than one childcare gap: Greet's Green and Lyng and Wednesbury South to increase access to childcare in these wards.

The Childcare Act 2006 gave local authorities a key role in shaping the childcare market in their area. Working with providers from the private, voluntary, independent and maintained sectors, the local authority sought to create a strong, sustainable and diverse childcare market that met the needs of parents. It focused on sufficient, sustainable and flexible childcare that was responsive to parents' needs.

The Cabinet – 9th October 2019

The 2019-2020 Childcare Sufficiency Report had been developed based on the June 2018 Early Years and Childcare Statutory Guidance.

The nine recommendations would be used to formulate a Childcare Strategic Action Plan for 2019-2020 which would be monitored termly to assess the progress being made against the actions.

The report was accompanied by a presentation by the Lead Manager, Early Years Services.

Resolved:-

- (1) that the nine recommendations of the Sandwell Childcare Sufficiency report 2019-2020, as now submitted, be endorsed;
- (2) that the Director - Education, Skills and Employment develop and implement a Childcare Strategic Action Plan for 2019-2020 to be monitored based on the nine recommendations of the Childcare Sufficiency Report to meet the Council's obligations under the Childcare Act, 2006;
- (3) that it be noted that the Childcare Strategic Action Plan will be monitored by the Early Years Strategic Group and progress will be reported termly to the Director - Education, Skills and Employment Extended Divisional Management Team meeting.

116/19

Transfer of Dormant Trust Funds to Sandwell College

Approval was sought to bring a number of dormant trusts back into active use by transferring them to the most appropriate body, in line with the wishes of the Charity Commission. In May 2018, Cabinet agreed to transfer 21 dormant trusts to the Heart of England Community Foundation (see Minute No. 81/18). In July 2019, Cabinet agreed to transfer a further three trust funds to the Heart of England Community Foundation, one trust fund to the museum service and one trust fund to a local primary school (see Minute No. 87/19).

The Cabinet – 9th October 2019

A further 18 dormant trusts were linked to former higher education colleges (such as Oldbury Technical College, Warley College of Education, Chance Technical College), which were part of the Council. Approval was now sought to transfer these funds to Sandwell College, the successor body to these colleges.

Resolved:-

- (1) that in respect of the following registered charities, the Council close the charity and notify the Charity Commission that the charities have closed:

Chance Technical College Prize Fund (registered charity 529060)

Harry Garratt Memorial Award (509969)

H.W.Coultas Prize 529059

John Arthur Kendrick 529011

Savage V.C. Memorial 529061

W.W. Hackett Prize 527105

Chance Scholarship Fund/Warley College of Technology 527566

- (2) that the investments linked to the following trusts be sold and the proceeds transferred to the cash funds linked to those trusts:

Warley College Prize

W.W. Hackett Prize

- (3) that the funds associated with the following 18 trust funds be merged into a single balance called "Sandwell College Trust Fund" to be held on the Council's balance sheet on behalf of the college until such a time that they formally request the balance:

Charles Southern (WBCCT)

Chance Technical College Prize Fund

Harry Garratt Memorial Award

H. W. Coultas Prize

Inco Prize Fund

John Arthur Kendrick

John Lees Memorial

Lees Memorial

National Foundry College

The Cabinet – 9th October 2019

R. Lloyd Whiteley
Rylands Memorial
Savage V. C Memorial
Warley College Prize
W.W. Hackett Prize
Tarmac Prize Fund
Harold Harman Prize
Albert Malin
Chance Scholarship/ Warley College of Technology

- (4) that the Director - Education Skills and Employment, in conjunction with the Director of Law and Governance and Monitoring Officer, negotiate and agree the details of the transfer of the funds to Sandwell College for the benefit of Sandwell students.

117/19

Stronger Sandwell: A Strengths-Based Approach to Improving Health and Wellbeing

The Cabinet considered a new strategic approach to improving health and wellbeing.

Stronger Sandwell was a programme of work that aimed to improve health and wellbeing across our community. It was a strengths-based approach that focused on what was strong in a community rather than on what was wrong.

Sandwell had a number of notable strengths including green spaces and the extensive canal network. However, Sandwell's key strength was its people, including their skills, experience and enthusiasm. This strength was most notably evident in the work of the hundreds of voluntary and community sector groups that currently operated in Sandwell.

The aim of Stronger Sandwell was to harness these strengths to improve health and wellbeing across the area. Specifically, to support the development of health improvement opportunities run by local people for local people. These may help people become more physically active, eat more healthily, learn a new skill, share a hobby, get advice or simply meet new people.

The Cabinet – 9th October 2019

This approach differed from the traditional, deficit-based approach to community health improvement, in which external providers were commissioned to deliver health interventions to local people.

Instead, Stronger Sandwell made the local community its own primary source of health improvement, and as such, worked with local people. By doing so, it would promote better health and well-being in a way that was sustainable and at a greater scale than ever before.

As a strengths-based approach, the Stronger Sandwell initiative would look for alternatives to the competitive tender based commissioning that was characteristic of more traditional, deficit-based approaches.

Therefore, Stronger Sandwell would primarily use grants or other non-competitive contract arrangements where it was legally able to do so, and which did not conflict with the Council's internal requirements and/or procurement legislation. This would enable strategic partnerships offering greater flexibility in response to changing needs. Smaller, locally embedded groups could fully participate, forming the 'critical mass' of partners required to deliver the scale and sustainability the council needed.

As well as the development of local opportunities to get active, there would be a focus on making access to these opportunities as easy as possible. In particular, there would be a renewed focus on provision for those living with disabilities or poor mobility. For example, the existing Wheels for All disability cycling programme would be extended as would the Agewell Community Exercise programme.

The Stronger Sandwell approach to health checks would transform a programme that was widely viewed as cost-ineffective and as widening health inequalities. It would root the programme back into the local community and harness the ability of the voluntary sector to support cardiovascular disease prevention where it was most needed.

There were several other areas of work that could benefit from a move away from a deficit-based focus on commissioning external providers and towards voluntary sector partnership and investment.

These included all health improvement campaign work, as well as preventative work on mental health, smoking cessation, community safety, child development and social isolation.

The Cabinet – 9th October 2019

The report was accompanied by a presentation by the Director – Public Health.

The Chair of the Economy, Skills, Transport and Environment, in the absence of the Vice Chair for Health and Adult Social Care Scrutiny Board, sought clarity on:

- what checks and balances would be in place to ensure the physical activity contracts were monitored, particularly given the loosening of the procurement rules;
- would there be any measure of outcomes to ensure value for money.

In response, the Cabinet Member for Living Healthy Lives confirmed that:-

- all work would be undertaken in line with the Council's standing orders and procurement rules;
- work would be evaluated for physical activity by undertaking follow up assessments on those referred to community based programmes and by looking at the effects on mental wellbeing and social contact. Data would be monitored on levels of physical activity in our population. The health check programme would be monitored via the Health Diagnostics system already installed in local general practices.

Resolved:-

- (1) that the Stronger Sandwell approach to improving health and wellbeing including the focus on greater investment in the voluntary and community sector be endorsed;
- (2) that the Director - Public Health terminate the current contract with My Time Active for physical activity support, giving 6 months' notice;
- (3) that the Director - Public Health not renew or extend the current contract with Sports and Leisure Management Ltd for health check delivery, and instead to allow it to expire on 31st July 2020;

The Cabinet – 9th October 2019

- (4) that the Director - Public Health award contracts for an initial period of two years to local General Practices for the delivery of Health Checks up to a total cumulative maximum value of £320,000 per annum (£640,000 over two years);
- (5) that the Director – Law and Governance and Monitoring Officer award a contract to Health Diagnostics for a health checks IT management system for a period of two years for a maximum value of £80,000 per annum (£160,000 in total) on terms to be agreed by the Director - Public Health;
- (6) that any exemption be made to the Council's Procurement and Contract Procedure Rules to waive the requirement for the advertisement of a health checks IT system on the Council's portal, and instead allow the direct award of a two-year contract to Health Diagnostics for the maintenance of the existing health checks IT system, to be aligned to the period that the new delivery model of health checks commences at a maximum value of £80,000 per annum.

118/19

Exemption from Procurement and Contract Procedure Rules for Post-16 High Needs Education Provision

It was reported that from 1st September 2014, major changes to services for young people with special educational needs and disabilities (SEND) were introduced as part of a national programme of support for young people with additional needs set out in the Children and Families Act 2014. They extended the special educational needs system from birth to 25 years and placed new legal duties on councils, schools, health services and other agencies to ensure that young people with SEND, and their families, get the support they required.

The Cabinet – 9th October 2019

In order to address any public procurement issues arising from the commissioning of these services, the Council would issue an Official Journal of the European Union (OJEU) contract notice stating that we procure provision through the Education, Health and Care Plan (EHCP); which providers we use; how providers were selected in relation to individual learners and how providers could apply to become an EFSA provider and apply to be included on the section 41 list.

Local authorities must ensure that young people and parents/guardians were involved in discussions and decisions about their individual support and about local provision.

Specifically, local authorities must ensure the young person or parents/guardians were fully included in the EHC needs assessment process from the start, were fully aware of their opportunities to offer views/information and were consulted about the content of the plan.

On 30th August 2017, the Cabinet approved that, for the purposes of satisfying Section 38 (Preparation of an Education, Health and Care Plan by local authorities) of the Children and Families Act 2014, any necessary exemptions to the Council's Procurement and Contract Procedure Rules be made to enable the Council to enter into individual contracts with Education and Skills Funding Agency approved institutions and independent specialist institutions named in the approved list under Section 41 of the Act, up to a maximum of the level of grant awarded to the Council in any particular academic year (see Minute No. 146/17). Approval was now sought to a three year exemption to the Council's Procurement and Contract procedure Rules.

Resolved:-

- (1) that the Council enter into individual contracts with Education and Skills Funding Agency approved institutions and independent specialist institutions named in the approved list under Section 41 of the Act, for a three year period;
- (2) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed.

119/19

Appointment of EBS System Supplier and Implementation Partner

Approval was sought to the continued use of the Oracle platform to deliver the Council's e-business suite (EBS), but with a move to a cloud-based solution and to make a direct award, using Regulation 32 of the Public Contracts Regulations 2015, to Oracle for the provision of Oracle Fusion Electronic Resource Planning system on a SaaS basis and to Inoapps for the provision of an Implementation Partner service to assist the Council to transition to Oracle Fusion.

The main business system currently used by the Council was Oracle E-Business Suite (EBS), which provided a range of key functions that supported various service areas, including Finance, Human Resources, Payroll, and Procurement.

The current version of EBS used by the Council would become unsupported from 31st December 2021. Remaining on unsupported software was an unacceptable risk to the Council due to the loss of service updates and support patches which were required to ensure that the software operated effectively and in accordance with appropriate legislation. In particular, the loss of support to the payroll module presented a particularly high risk for the Council.

The Council needed to purchase and implement a replacement e-business suite before the end of support date so that business could continue securely and without interruption.

The Council did not have the capacity or relevant expertise to be able to transition from the current EBS to new software. In order to move to a new EBS, the Council would need to secure the services of an implementation partner to provide technical resources and support.

The findings of an options appraisal on the replacement of EBS had shown that many of the Council's critical business systems were reliant on EBS including payroll, payment of suppliers, financial management, procurement, human resources and absence management, etc. The option appraisal recommended that the Council should continue to use Oracle as its EBS supplier, through a SaaS arrangement. The option appraisal concluded that a move away from the Oracle platform would present a major risk to the Council.

The Cabinet – 9th October 2019

In addition, the Council would require significant investment (mainly budget and staff time) to implement an alternative platform.

A risk appraisal had been undertaken which highlighted a number of action to mitigate those risks identified.

Resolved:-

- (1) that appointment of Oracle Corporation UK Limited (referred throughout as “Oracle”) for provision of Oracle Fusion (Software as a Service) be approved on a contract term for 5 years, with an option to extend for a further 2 years, at a sum of £700,000 per annum;
- (2) that the appointment of Inoapps as implementation partner to assist the Council to transition to Oracle Fusion be approved at a sum of £1,200,000;
- (3) that the Director – Law and Governance and Monitoring Officer, on behalf of the Council and in consultation with the Chief Executive and Executive Director – Resources, award the contract for the provision of Oracle Fusion SaaS to Oracle and to award the contract to deliver the implementation of the software to Inoapps;
- (4) that in connection with Recommendation (1), (2) and (3) above, the Chief Executive and Director – Law and Governance and Monitoring Officer make any non-material amendments to the contracts and related documents;
- (5) that in connection with Recommendation (1), (2) and (3) above, any necessary exemptions be made to the Council’s Procurement and Contract Procedure Rules to enable the course of action to proceed;
- (6) that following action points identified within the appraisal report be implemented to reduce any risk to the Council:
 - that any ongoing revenue implications arising from this procurement be identified and be met from existing resources within the Resources Directorate, including any unplanned additional costs that may arise;

The Cabinet – 9th October 2019

- ensure that the user numbers agreed within the contract are assessed against any planned organisation/service reviews to ensure that they are reasonable and that any reductions within the contract term would not significantly impact on the reasonableness of the price agreed.

120/19 Minutes of the Cabinet Petitions Committee held on 7th August, 2019

The minutes of the meeting of the Cabinet Petitions Committee, held on 7th August 2019, were noted.

(The meeting ended at 4.11pm)

<p>Contact Officer: Suky Suthi-Nagra Democratic Services Unit 0121 569 3479</p>
