

Wednesday, 17 April 2024

CABINET

A meeting of **Cabinet** will be held on

Thursday, 25 April 2024

commencing at **5.30 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor David Thomas (Chairman)

Councillor Billings	Councillor Jacqueline Thomas
Councillor Bye	Councillor Tranter
Councillor Chris Lewis	Councillor Tyerman

A Healthy, Happy and Prosperous Torbay

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, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

CABINET AGENDA

1. **Apologies**
To receive apologies for absence.
2. **Minutes** (Pages 4 - 23)
To confirm as a correct record the Minutes of the meeting of the Cabinet held on 19 March 2024.
3. **Disclosure of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**
To consider any other items the Chairman decides are urgent.
5. **Matters for Consideration**
6. **Report of the Children and Young People's Overview and Scrutiny Sub-Board - Schools Mental Health Programme** (Pages 24 - 26)
To consider the above report from the Children and Young People's Overview and Scrutiny Sub-Board.
7. **Proposed Devon & Torbay Council Combined Authority and Devolution Deal** (To Follow)
To consider the submitted report seeking approval for the proposed Devon & Torbay Combined County Authority and Devolution Deal.

8. **Commissioning of Integrated Sexual and Reproductive Health Services** (Pages 27 - 46)
To consider a report on the above.
9. **Governance and Commissioning Review of Local Authority Company - SWISCo** (Pages 47 - 71)
To consider a report on the above and the recommendations of the Overview and Scrutiny Board following their meeting held on 10 April 2024.
10. **Contact Award for Civil Enforcement System** (Pages 72 - 79)
To consider a report on the Award of Contract for Civil Enforcement System (Parking Notice and Permit Processing System).

(Note: this report contains an exempt Appendix.)
11. **The Provision of Independent Health Complaints Advocacy in Torbay** (Pages 80 - 88)
To consider a report on the Provision of Independent Health Complaints Advocacy in Torbay.

(Note: this report contains an exempt Appendix.)

Live Streaming and Hybrid Arrangements

To encourage more people to engage in our public meetings the Council is live streaming our Cabinet meetings on our YouTube channel in addition to recording the meetings and publishing the recording on our website. To watch the meeting live please visit <https://www.youtube.com/user/torbaycouncil>.

We are also using hybrid meeting arrangements to enable officers and Councillors who are not members of the Cabinet to either attend the meeting in person or to attend the meeting remotely via Zoom. Anyone attending the meeting remotely must use their raise hand function when they wish to speak and to declare any interests at the appropriate time. If anyone attending the meeting remotely loses connection the meeting will continue and they will have the option to follow the meeting via the YouTube live stream.

Minutes of the Cabinet

19 March 2024

-: Present :-

Councillor David Thomas (Chairman)

Councillors Billings, Bye, Chris Lewis, Jacqueline Thomas, Tranter and Tyerman

(Also in attendance: Councillors Douglas-Dunbar (virtual), Johns (virtual), Barbara Lewis (virtual), Long, Maddison (virtual) and Spacagna (virtual))

89. Minutes

The Minutes of the meeting of the Cabinet held on 2 and 13 February 2024 were confirmed as a correct record and signed by the Chairman.

90. Disclosure of Interests

Councillor Jackie Thomas, declared a non-pecuniary interest in Minute 100 as she had presided at two review panels prior to her appointment as the Cabinet Member for Tourism, Culture & Events and Corporate Services.

91. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions and recommendations to Council) are set out in the Record of Decisions appended to these Minutes.

92. Torbay Integrated Care Organisation S75 Agreement

93. Torbay Interagency Carers' Strategy 2024-27

94. Serious Violence Strategy

95. Human Resources Information System Procurement

96. Learning Management System - contract renewal

97. Highways Surveying and Associated Services Contract Approval

98. SWISCo Annual Report 2022/23 - Report of the Overview and Scrutiny Board

99. Review of Events, Culture and Tourism - Report of the Overview and Scrutiny Board

100. **Performance Monitoring 2023/2024 Quarter 3 - Report of the Overview and Scrutiny Board**
101. **Budget Monitoring 2023/24 - Quarter 3 Revenue and Capital Outturn Forecast - Report of the Overview and Scrutiny Board**

Chairman/woman

Record of Decisions

Torbay Integrated Care Organisation S75 Agreement

Decision Taker

Cabinet on 19 March 2024.

Decision

That Cabinet recommends to Council:

- 1) That Torbay Council and Torbay and South Devon Foundation NHS Trust, and NHS Devon ICB enter into a Section 75 for a new 5-year agreement for the integration of Health and Social Care on the basis of a year-on-year increased cost to the Council of;
 - a. £2.55m additional base budget in 2025/26
 - b. £2.55m additional base budget in 2026/27
 - c. £1.7m additional base budget in 2027/28
 - d. £1.7m additional base budget in 2028/29
 - e. £1.7m additional base budget in 2029/30
- 2) The Chief Executive be given delegated authority to sign the Section 75 agreement that will be supported by an updated Memorandum of Understanding (MoU), which includes the key principles and ways of working for all organisations that are part of this tripartite agreement. The development of this MoU will be during April 2024.

Reason for the Decision

The Integrated Care Organisation is governed by a Section 75 agreement, which expires in March 2025. A notice period of 12 months is a standard term within the contract and as such a new agreement needs to be in place 12 months in advance to provide the necessary legal protection to all parties. This requires a new agreement to be signed by the end of March 2024.

Implementation

The recommendations of the Cabinet will be considered at the Extraordinary meeting of Council being held on 20 March 2024.

Information

The Integrated Care Organisation was formed in October 2015, between Torbay and South Devon Health and Care Trust and Torbay Council to ensure adult residents receive seamless health and social care.

This innovative relationship was driven by a shared vision, values, and long-term commitment to improving the delivery of health and social care in Torbay. The integration encompasses preventative care, reducing hospital admissions, managing acute care, and facilitating independent living.

Looking ahead, the Council was seeking to make a new five-year commitment to the joint working arrangements through a new Section 75 agreement. Demonstrating the Council's ongoing dedication to the joint endeavour and the integrated delivery of adult social care and

the benefits it brings.

Whilst the wide-ranging benefits of integration were accepted, the health and care system in Torbay and nationally finds itself operating in challenging financial circumstances. The Integrated Care Organisation are forecasting a £12m deficit attributed to adult social care spend for this financial year, which could rise to as much as to £36m in five years.

In addressing these challenges and as part of the new agreement an extensive transformation programme that aims to improve financial sustainability whilst maintaining, and improving, the quality of care delivered in Torbay will be implemented.

At the meeting Councillor Tranter proposed and Councillor Tyerman seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

20 March 2024

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Torbay Interagency Carers' Strategy 2024-27

Decision Taker

Cabinet on 19 March 2024.

Decision

That the Torbay's Interagency Carers' Strategy 2023-27, as set out at Appendix 3 to the submitted report and the Cabinets response to the recommendations of the Overview and Scrutiny Board be approved.

Reason for the Decision

This Carers' Strategy promotes the importance of early identification and support of Carers in order to mitigate the negative impacts of caring and help Carers to thrive. It is essential that support for Carers is easy to access, and preventative in nature. Supporting Carers not only benefits the Carer, but also the person / people for whom they care, thus improving both parties' health and wellbeing whilst reducing inequalities.

Implementation

This decision will come into force and may be implemented on 1 April 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Torbay Interagency Carers Strategy brings together the work that Health and Care organisations in Torbay plan to undertake with Carers during 2024-2027. This ensures that organisations meet their legal obligations to Carers, work towards best practice / quality standards and that their work is joined up. It ensures that Carers are at the heart of their work, that Carers are aware of services and that these services meet Carers' needs.

The Strategy articulates how Torbay Council will deliver the Devon Wide Commitment to Carers, which is:

- embedding the principles set out here in all our ways of working and inviting all our partners to join us in doing so;
- adopting good employment principles and practices for those Carers who work or want to work for us, as promoted by Employers for Carers and invite all employers to do the same;
- using all the ways we have available to us to encourage awareness and support for Carers in communities and businesses.
- developing detailed action plans for our Devon Sustainability and Transformation Partnership and for our member organisations to ensure these commitments become a reality.

At the meeting Councillor Tranter proposed and Councillor Bye seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

There were no other options under consideration. The Strategy is a means of coordinating and prioritising partnership working to the benefit of Carers.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 March 2024

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Serious Violence Strategy

Decision Taker

Cabinet on 19 March 2024.

Decision

That the Serious Violence Strategy, as set out at appendix 1 to the submitted report, be approved.

Reason for the Decision

The Serious Violence Duty placed on specified authorities, including Councils to understand the profile and causes of serious violence locally and to implement a strategy and plan to tackle and reduce violence. By providing an agreed framework including principles and priorities to understand and reduce violence across Torbay will improve outcomes for individuals, families and communities as well as supporting Torbay to be and feel safer.

Implementation

This decision will come into force and may be implemented on 1 April 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Serious Violence Duty is a new Duty placed on specified authorities, including Councils to understand the profile and causes of serious violence locally and to implement a strategy and plan to tackle and reduce violence.

The Serious Violence Strategy is the overarching framework under which specified authorities will come together with other key stakeholders including businesses and communities to develop clear delivery plans aimed at developing and delivering an evidence-based response to reducing serious violence in Torbay.

At the meeting Councillor Tranter proposed and Councillor Tyerman seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 March 2024

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Human Resources Information System Procurement

Decision Taker

Cabinet on 19 March 2024.

Decision

That the Director of Corporate Services be given delegated authority to approve the contract for the Human Resources Information System identified through the procurement process to ensure a seamless transition for the payroll service.

Reason for the Decision

If the Council does not have a payroll supplier in place, the Council would not be able to pay Torbay Council employees, partners (arm length companies) and external customers which would impact on service delivery and discharging some of the Council's statutory functions.

Implementation

This decision will come into force and may be implemented on 1 April 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The current contract for the Payroll and HR System comes to an end on 26 December 2026. It is critical for service delivery that the Council has an appropriate supplier in place to deliver the payroll requirements. Therefore, subject to the outcome of a procurement exercise, delegated approval was sought to award the contract to the preferred supplier.

At the meeting Councillor Jackie Thomas proposed and Councillor Chris Lewis seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

No other options were considered.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 March 2024

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Learning Management System - contract renewal

Decision Taker

Cabinet on 19 March 2024.

Decision

To approve the cost of £80,190 for the renewal of the Learning Pool contract from 1 April 2024 to 31 March 2026.

Reason for the Decision

The Learning Management System ensures that the Council has a skilled workforce that can adequately deliver services.

Implementation

This decision will come into force and may be implemented on 1 April 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Learning Management System is used by Torbay Council staff and external users, such as Schools, Early Years providers, Health and other partners to provide statutory Childrens Services training and other mandatory training for all staff, ensuring that they receive the necessary training in regard to their health and safety, equality and diversity, safeguarding and information governance and security.

The Learning Management System also provides the platform for appraisals and staff development and is key in supporting staff learning and development activities and ensuring that the Council's workforce has access to the training that they need to support them in their job roles.

At the meeting Councillor Jackie Thomas proposed and Councillor Billings seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

The alternative option of extending the current contract by 1 year only with no option to extend has been considered however it is unlikely that the procurement process could be completed in this time. Therefore, a new contract for one year including the option to extend by a further year will allow adequate time for the procurement process to be completed.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 March 2024

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Highways Surveying and Associated Services Contract Approval

Decision Taker

Cabinet on 19 March 2024.

Decision

That the Director of Pride in Place be authorised to run a procurement process and subsequently award the contract, to the successful supplier, for the new Highways Condition Surveying and Associated services within the procurement timetable.

Reason for the Decision

The results of the survey would allow the Council to focus on areas of highest risk of failure, seek to remediate these sites using cost effective methods of repair or rejuvenation and also make the Council aware of sites which were in most need of work and seek to reduce the risk on these sites by bidding for funding opportunities.

Implementation

This decision will come into force and may be implemented on 1 April 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Highway Condition Survey requires a contractor that meets all the required United Kingdom Pavement Management System certification required for feeding information back to the Department for Transport which allows the Council to be allocated extra funding as part of its status as a Level 3 Highway Authority and use an accredited and informed data standard to assess the condition of the highway.

The resulting award of this contract will allow the Council to remain compliant with current Department for Transport standards for reporting and to keep the Council's status as a Level 3 Highway Authority.

At the meeting Councillor Billings proposed and Councillor David Thomas seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

No alternative option was considered as the Council was required to report survey information via a dataset that meets United Kingdom Pavement Management System standard.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 March 2024

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

SWISCo Annual Report - Report of the Overview and Scrutiny Board

Decision Taker

Cabinet on 19 March 2024.

Decision

That the SWISCo Annual Report and Cabinet's response to the Overview and Scrutiny Boards recommendations in respect of the SWISCo Annual Report be approved as published.

Reason for the Decision

The Cabinet was required to respond to the findings of the Overview and Scrutiny Board.

Implementation

This decision will come into force and may be implemented on 1 April 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet received the SWISCo Annual Report and a report of the Overview and Scrutiny Board. In accordance with section D7 of Standing Orders in relation to Overview and Scrutiny as set out in the Constitution, the Cabinet was required to respond to the recommendations of the Overview and Scrutiny Board within two months. Subsequently the Cabinet prepared a response to the recommendations of the Overview and Scrutiny Board which was proposed by Councillor Billings and seconded by Councillor Chris Lewis and agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 March 2024

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Performance Monitoring 2023/2024 Quarter 3 - Report of the Overview and Scrutiny Board

Decision Taker

Cabinet on 19 March 2024.

Decision

That the Cabinet's response to the Performance Monitoring 2023/2024 Quarter 3 - Report of Overview and Scrutiny Board be approved as published.

Reason for the Decision

The Cabinet was required to respond to the findings of the Overview and Scrutiny Board.

Implementation

This decision will come into force and may be implemented on 1 April 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet received the Performance Monitoring 2023/2024 Quarter 3 – Report of the Overview and Scrutiny Board. In accordance with section D7 of Standing Orders in relation to Overview and Scrutiny as set out in the Constitution, the Cabinet was required to respond to the recommendations of the Overview and Scrutiny Board within two months. Subsequently the Cabinet prepared a response to the recommendations of the Overview and Scrutiny Board which was proposed by Councillor Jackie Thomas and seconded by Councillor Tyerman and agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 March 2024

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Budget Monitoring 2023/24 - Quarter 3 Revenue and Capital Outturn Forecast - Report of the Overview and Scrutiny Board

Decision Taker

Cabinet on 19 March 2024.

Decision

That the Cabinet's response to the Budget Monitoring 2023/24 – Quarter 3 Revenue and Capital Outturn Forecast - Report of Overview and Scrutiny Board be approved as published.

Reason for the Decision

The Cabinet was required to respond to the findings of the Overview and Scrutiny Board.

Implementation

This decision will come into force and may be implemented on 1 April 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet received the Budget Monitoring 2023/24 – Quarter 3 Revenue and Capital Outturn Forecast – Report of the Overview and Scrutiny Board. In accordance with section D7 of Standing Orders in relation to Overview and Scrutiny as set out in the Constitution, the Cabinet was required to respond to the recommendations of the Overview and Scrutiny Board within two months. Subsequently the Cabinet prepared a response to the recommendations of the Overview and Scrutiny Board which was proposed by Councillor Tyerman and seconded by Councillor Billings and agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 March 2024

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Schools Mental Health Programme – Report of the Children and Young People’s Overview and Scrutiny Sub-Board

Report to Cabinet on 17 April 2024

Background

1. The Children and Young People’s Overview and Scrutiny Sub-Board met on 19 February 2024 and The Cabinet Member for Children’s Services – Councillor Bye outlined the submitted report which provided an update on the school mental health programme and responded to the following:
 - how long was the funding guarantee to support the programme and what measures were place if the funding was withdrawn;
 - not all schools were able to join the programme, what was the reason for this and how were schools selected;
 - interventions were crucial to prevent children needing to be referred to formal Child and Adolescent Mental Health Services (CAMHS), what circumstances would a child not be accepted and what happens to those children (a written response would be provided to the Sub-Board);
 - were one to ones held in school outside of core time;
 - would it be possible for all schools to be covered by the programme and what timescale could this be achieved;
 - was there data from participants to measure if the programme was working;
 - what was the overall school population and how did the programme ensure it was supporting the most children;
 - what was the difference between settings and schools;
 - were the workshops held within schools and were other schools able to access these workshops; and
 - were other approaches used in addition to cognitive behaviour therapy (CBT).

Members acknowledged the positive work being supported through the school mental health programme and welcomed the impact this was having such as children talking about becoming mental health ambassadors in schools to help their peers and providing resources and videos that could be used across all schools.

2. The Sub-Board reflected and debated the information provided to them, both in writing and orally and formed the following recommendation to the Cabinet. On being put to the vote, the motion was declared carried unanimously.
3. That the Cabinet be recommended to request the Director of Children's Services to promote the work in schools around mental health programmes and support to families and carers.

Cabinet Response to the recommendations of the Children and Young People's Overview and Scrutiny Sub-Board – Schools Mental Health Programme

Recommendation 1:

That the Cabinet be recommended to request the Director of Children's Services to promote the work in schools around mental health programmes and support to families and carers.

Response:

We are promoting the Mental Health Support Team (MHST) through a variety of activity. In conjunction with Child and Family Health Devon, we promote the service through: a one to one weekly drop in service, workshops, group work and assemblies providing discrete support; the provision of a Reflective Space (enabling staff to make use of advice and guidance from an emotional and mental health practitioner), staff training and development and partnership forums, such as the TSCP Wider Partnership Forum.

We are also communicating the work of MHST through our family hub website and also our SEND newsletter as well as through our parent carer panels.

Meeting: Cabinet **Date:** 25 April 2024

Wards affected: All

Report Title: Commissioning of integrated sexual and reproductive health services

When does the decision need to be implemented? 15 February 2024

Cabinet Member Contact Details: Cllr Hayley Tranter, Cabinet Member for Adult Social Care and Public Health and Inequalities, hayley.tranter@torbay.gov.uk

Director Contact Details: Dr Lincoln Sargeant, Director of Public Health, Lincoln.sargeant@torbay.gov.uk

1. Purpose of Report

- 1.1 The proposal is to re procure Integrated Sexual and Reproductive Health services in Torbay. The current contract expires on 30th June 2025, and hence it is a requirement that a new contract commences from 1st July 2025 due to the following two conditions:
1. Open access sexual and reproductive health services are a mandated function of the public health ring-fenced grant.
 2. Current procurement legislation requires that this contract be subject to a legally compliant procurement process.
- 1.2 Currently services are co-commissioned with Devon County Council, and the intention is to continue this approach. There is not expected to be any additional budget requirements from the current financial envelope. All funding is contained and resourced via the ring-fenced Public Health grant and therefore does not directly affect the wider Authority revenue grant.
- 1.3 The decision required is two-fold:
- That the Director for Public Health has delegated authority to award the contract the selected provider as a result of a compliant procurement process.

- That this decision will be on the basis that through the procurement procedure none of the specification, the budget nor the procurement processes proposed are materially different from what is outlined in this report. If any of these do change materially, an updated report will be submitted for reconsideration before the Director for Public Health awards the contract.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver local ambitions for Torbay by working to enable all residents to have good access to high quality preventative, place based, clinical and digital sexual and reproductive health services.
- 2.2 This proposal supports increased self-management of contraception, testing, and treatment. This approach, combined with clinical services in specialist and community settings will support residents of Torbay to have improved choices and outcomes.
- 2.2 By improving access to routine and specialist contraceptive care, STI (Sexually Transmitted Infections) testing and prevention interventions, services can address persistent sexual and reproductive health inequalities in Torbay. Improved access empowers and supports families and individuals to prevent unintended conceptions, transmission of infections and take control of their health and wellbeing.
- 2.3 By jointly working with Devon County Council, the economies of scale, standards of delivery and range of services able to be delivered at scale make the service more economically viable and sustainable.
- 2.4 The proposed approach will address improvements in the delivery of services to all residents, but with regard to the following themes:
- Community and People
 - Pride in Place
 - Economic Growth
- 2.5 Improving sexual and reproductive health improves outcomes for communities and people, does in turn ensure that planning for place (such as housing and population predictions) and economic growth and skills are also positively impacted.

- 2.6 The reasons for the decision are that by delegating authority to award the contract to the Director of Public Health, this will facilitate a timely and efficient joint procurement process. The award will only be made on the provision that through the procurement procedure none of the specification, the budget nor the procurement processes proposed are materially different from what is outlined in this report. If any of these do change materially, an updated report will be submitted for reconsideration before the Director for Public Health awards the contract.

3. Recommendation(s) / Proposed Decision

- 3.1 That, subject to none of the specification, the budget nor the procurement processes proposed being materially different from what is outlined in the submitted report, the Director for Public Health be given delegated authority to award the contract for integrated sexual and reproductive health services to the successful provider, upon conclusion of the procurement process and in consultation with the Cabinet Member for Adult and Community Services, Public Health and Inequalities.

Appendices

Appendix 1: Consultation summary 2024

Background Documents

Sexual Health Needs Assessment 2022: [Sexual and Reproductive Health Needs Assessment - Torbay Council](#)

[Market Engagement Event - CP2395-23 – Sexual Health & Reproductive Health Service](#)

Supporting Information

1. Introduction

- 1.1 Sexual and reproductive health services are currently provided by a range of providers, including NHS (National Health Service) Trusts and VCSE (Voluntary, Community and Social Enterprise) and independent organisations.
- 1.2 Services provided currently include:
- Open access STI testing and treatment.
 - Specialist and routine contraception
 - Psychosexual counselling
 - Long Acting – Reversible Contraception (LARC) within GP (General Practice) settings
 - EHC (Emergency Hormonal Contraception) and Chlamydia screening within pharmacy settings
 - Community prevention and workforce training including limited crisis support for people living with HIV (Human Immunodeficiency Virus)
 - Condom distribution for 13–24-year-olds
- 1.3 Changes being proposed do not materially change the types of services being delivered but will seek to organise, deliver, and develop them in new ways to keep pace with changing expectations, and reflect the current and future needs and behaviours of the resident population.
- 1.4 The proposed developments will be addressed within a new specification, but will include:
- A universal digital offer to enable self-care, self-management, and digital prevention.
 - Incorporating existing local authority commissioned sexual health services delivered within general practices and pharmacies.
 - Increasing emphasis on digital access and local place-based delivery to reduce burden on specialist services.
 - Increased clinical leadership and workforce development.
- 1.5 A proposed change is to no longer fund crisis support explicitly for people living with HIV. It has been a contracted expectation within the current contract to no longer continue with this element of service delivery in any future version of these services going forward.
- 1.6 Within the lifetime of the current contract, the Local Authority have been working with the current provider to build strategies to mitigate this. The current provider has been supported

to secure sources of alternative funding and has developed the training offer to the wider health and social care workforce to address stigma and raise awareness of HIV so that service users feel enabled to approach and discuss their HIV status with these services and therefore receive the necessary support without the need for crisis management provision.

1.7 Within the new specification, it is anticipated that any new provider will continue to develop networks, pathways, professional development, skills, and standards of care to support people living with HIV and contribute to a reduction in the impact of stigma and discrimination.

2. Options under consideration

2.1 Options considered are limited given the mandated nature of service provision and available budget.

2.2 Three models were considered and after consultation with the public, including groups with poorer sexual health outcomes, other local authorities, the provider market, and national best practice. A subsequent model has been developed and been presented and broadly accepted by the provider market. For further details of this, please see Appendix 1 (summary of consultations and phase 1).

3. Financial Opportunities and Implications

3.1 There are no implications upon the revenue budget for Torbay Council. The proposed budget for this service is within the current Public Health Ring Fenced Grant and has been planned for within the existing resource.

3.2 The service is being redesigned with a budget for Torbay of £7.202M over 5 years and if over the maximum contract term of 10 years will be £14.404M. This proposal has no annual inflationary or other increases built within the financial model.

3.3 This 'flat cash' approach has the potential to limit the scale and scope of possible significant changes over the lifetime of the contract. It has however been tested with the market with no clear and obvious concerns raised by potential bidders and is therefore considered to be adequate to propose to the market.

4. Legal Implications

4.1 There are no known legal implications other than a failure to award the contract without due justification which could result in a challenge to the procurement process by the successful bidder.

5. Engagement and Consultation

- 5.1 In Appendix 1, a report details the 'listening phase' across Devon and Torbay. This included eight separate listening, engagement and consultation exercises aimed at understanding the needs and views of the public and targeted groups.
- 5.2 Targeted groups included adults with learning disabilities, vulnerable women, young adults, LGBTQ+ populations and groups, adult women and trans / on binary adults using contraception. Further details are in Appendix 1.
- 5.3 Through the consultation and engagement phase, a significant amount of feedback, insights and ideas were received. The issues matter to residents of Torbay, and we heard that addressing and improving the following areas would support the local population's reproductive and sexual health and wellbeing. Themes emerging from this engagement and consultation were:
- a) Knowledge of sexual and reproductive health
 - b) Knowledge and perception of services
 - c) Inclusivity
 - d) Patient choices
 - e) Workforce
 - f) Booking / getting appointments
 - g) Location and travel
 - h) Opening hours
 - i) Advice and guidance

6. Purchasing or Hiring of Goods and/or Services

- 6.1 The procurement process will be led by Devon County Council. Torbay's Commercial and Procurement team will be directly engaged in the development and sign off of the procurement documents and process used.
- 6.2 The contract falls under the requirements of the Healthcare Services (Provider Selection Regime) Regulations and will be procured in accordance with the requirements of the Regulations.
- 6.3 Social value will be built into the invitation to tender for which the supplier is required to submit proposals on their social value commitments to Torbay.

- 6.4 The tender submission will be assessed by Torbay Council officers and social value will form an essential and proportionate element of the award criteria.
- 6.5 The monitoring of Social Value commitments will be undertaken as part of the central contract monitoring process in Torbay through the Procurement, Contract management and Commissioning team.

7. Tackling Climate Change

- 7.1 Addressing climate change will be addressed within this proposed procurement through the social value framework and bidder submission.
- 7.2 By improving digital and place-based access, it is anticipated that this will have a positive impact in terms of reducing the need to travel as far within Torbay to have some sexual and reproductive health needs met.

8. Associated Risks

- 8.1 Risks of failure to agree to award the contract centre on the significant risk of increased poor sexual and reproductive health outcomes to sexually active populations in Torbay. This includes increases in rates of teenage conceptions, unintended conceptions, and STIs (Sexually Transmitted Infections), including HIV (Human Immunodeficiency Virus) incidence.
- 8.2 There is a risk that Torbay Council comes under significant scrutiny from the Office of Health Improvement and Disparities should the proposal in this paper not be agreed and therefore a mandated public health function is withdrawn with no legitimate or justifiable reasons for doing so.
- 8.3 Finally, there is a risk of legal challenge if the procurement is not concluded effectively, and the potential bidders decide that there are grounds for challenging the decision to not award.

9. Equality Impacts - Identify the impacts on different groups

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe
Age	<ul style="list-style-type: none"> • 18 per cent of Torbay residents are under 18 years old. • 55 per cent of Torbay residents are aged between 18 to 64 years old. • 27 per cent of Torbay residents are aged 65 and older. 	<p>The impact of this proposal will support improved access to sexual and reproductive health services to young people aged 13+.</p> <p>Place based and digital services will have an anticipated positive impact on this group.</p>		
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>This proposal has both a positive and negative impact on carers.</p> <p>In terms of a positive benefit, improved access and engagement will improve services and outcomes for residents.</p> <p>Not continuing to provide crisis support for people living with HIV will likely have a negative impact in terms of access to carers of people living with HIV from a specialist organisation able to advocate and address issues specific to HIV,</p>	<p>Within the lifetime of the current contract, the Local Authority have been working with the current provider to anticipate and actively mitigate this. The provider has been supported to seek alternative funding and has developed the training offer to the wider health and social</p>	

		including stigma associated with HIV status.	care workforce to address stigma and support disclosure. Services for adults, including an advocacy service and a carers service are available through services commissioned Adult Social Care. These services are open to all adults, including those living with HIV. Adult Social Care representatives and for a are being approached to embed HIV awareness.	
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	<p>This proposal has both a positive and negative impact on people with a disability. In terms of a positive benefit, improved access and engagement will improve services and outcomes for residents.</p> <p>Not continuing to provide crisis support for people living with HIV will likely have a negative impact in terms of access to a specialist organisation able to advocate and address issues specific to HIV, including stigma associated with HIV status.</p>	<p>Within the lifetime of the current contract, the Local Authority have been working with the current provider to anticipate and actively mitigate this.</p> <p>The provider has been supported to seek alternative funding and has developed the training offer to the wider health and social care workforce to address stigma and support disclosure.</p>	

			<p>Services for adults, including an advocacy service are available through services commissioned Adult Social Care. These services are open to all adults, including those living with HIV. Adult Social Care representatives and for a are being approached to embed HIV awareness.</p>	
<p>Gender reassignment</p> <p>Page 36</p>	<p>In the 2021 Census, 0.4% of Torbay’s community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.</p>	<p>The impact of this proposal will support improved access to sexual and reproductive health services to Trans, non-binary and populations undergoing gender reassignment. Place based and digital services, as well as community engagement will have an anticipated positive impact on this group.</p>		
<p>Marriage and civil partnership</p>	<p>Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.</p>	<p>The proposals neither have a specific positive or negative impact based on this characteristic</p>		
<p>Pregnancy and maternity</p>	<p>Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000)</p>	<p>The impact of this proposal will improve access to contraception and STI testing services for females and other residents assigned female at birth.</p>		

	<p>than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.</p>	<p>1/3 of births are unplanned or ambivalent nationally, and Torbay has historically high rates of termination across all ages as well as persistently high teenage conception rates.</p> <p>By improving community place based and digital services available, it is anticipated that this will directly contribute to improved maternity and pregnancy outcomes.</p>		
<p>Race</p> <p>Page 37</p>	<p>In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.</p>	<p>The impact of this proposal will support improved access to sexual and reproductive health services to minority ethnic groups in Torbay, particularly those at increased risk of poorer sexual health outcomes.</p> <p>Place based and digital services, as well as community engagement will have an anticipated positive impact on this group.</p>		
<p>Religion and belief</p>	<p>64.8% of Torbay residents who stated that they have a religion in the 2021 census.</p>	<p>The proposals neither have a specific positive or negative impact based on this characteristic</p>		
<p>Sex</p>	<p>51.3% of Torbay's population are female and 48.7% are male</p>	<p>The proposals neither have a specific positive or negative impact based on this characteristic</p>		
<p>Sexual orientation</p>	<p>In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to</p>	<p>The impact of this proposal will support improved access to sexual and reproductive health services to all groups, particularly Gay and bisexual men who have sex with men and other groups in Torbay, particularly those at</p>		

	describe their sexual orientation.	increased risk of poorer sexual health outcomes. Place based and digital services, as well as community engagement will have an anticipated positive impact on this group.		
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	The proposals neither have a specific positive or negative impact based on this characteristic		
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		By supporting timely and accessible contraception services, it is anticipated that this will enable and empower individuals and families to plan conception and family sizes. Improved access to STI testing and condoms will also directly support residents living with increased risks of poorer sexual health outcomes in Torbay. Place based and digital services, as well as community engagement will have an anticipated positive impact on this group.		
Public Health impacts (Including impacts on		Provision of integrated sexual and reproductive health services has a		

<p>the general health of the population of Torbay)</p>		<p>positive impact on the health and wellbeing of all residents.</p> <p>By reducing the community burden of sexually transmitted infections and unintended conceptions, a broad range of health and social outcomes are directly improved and maintained.</p> <p>Provision of integrated sexual and reproductive health services also ensures that where there may be infections or contraceptive need, these needs can be met in a confidential and timely manner by clinical and community-based professionals.</p>		
<p>Human Rights impacts</p>		<p>Sexual and reproductive rights are a key part of a human rights framework, including the right to life, to be free from torture, the right to health, right to privacy, education, and prohibition of discrimination.</p>		

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

- 11.1 Potential fragmentation of other health service provision where there may be interdependencies on this contract. For example, where staff are working across multiple contracts and are subject to TUPE conditions. If the incumbent provider is unsuccessful or does not bid, this may have an impact on services such as HIV clinical treatment and care. This has been mitigated in part by engaging with NHS Devon ICB and NHS England partners.
- 11.2 The proposed model will include Primary Care services currently delivered by GPs and pharmacies. This will result in those health providers becoming sub-commissioned partners, which may result in amendments or adaptations to service provision and or contractual terms that they are required to abide by.

Devon and Torbay integrated sexual and reproductive health services procurement Summary of phase one.

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Glossary

Digital services	Service users should have the option of accessing services without the need for seeing a practitioner and/or attending a clinic.
Sexual health system	Refers to other sexual and reproductive health services commissioned by Torbay and Devon County Council that are expected to work collaboratively in providing a seamless and efficient service for residents in Devon and Torbay
Sexual health network	Refers to other reproductive and sexual health services such as abortion services and relevant services provided in primary care commissioned by the Integrated Care Board and NHS England. It also refers to associated services with sexual health linkages such as school nursing, maternity, and gynaecology services.
Self-sampling	Individual takes the sample which is then sent to a laboratory for processing and is provided with a result by a healthcare worker.
Self-testing	Individual takes the samples, undertakes the HIV test, and interprets result autonomously without any interaction with a healthcare worker.
EHC	Emergency hormonal contraception

HIV	Human immunodeficiency virus
ICB	Integrated Care Board
ISHS	Integrated sexual health service.
LARC	Long-acting reversible contraception
LGBTQ	Lesbian, gay, bisexual, transgender, questioning
MSM	Men who have sex with men.
NHSE	NHS England
SRH	Sexual and reproductive health services
STI	Sexually transmitted infection

Principles and process

This paper summarises the sexual and reproductive health services first phase of procurement 'listening.' The phases are:

1. Listening	March – December 2023
2. Specification development	February – May 2024
3. Tender launch	July 2024

The contract is due to begin, (*after current extensions have expired*) by 1st July 2025. A national as well as local election is expected within 12 - 24 months, which, alongside the time needed to mobilise any potential new provider imply that the timescales above have little room for major changes or delays.

The principles of this procurement approach have been set by starting with listening. The discussions and next steps are invited to be further considered using the following principles.

- Consultations have taken place with the Devon and Torbay public about what they need and want to improve their sexual health and wellbeing.
- We are looking to address sexual and reproductive health through a Public Health lens, including prioritising prevention, 'upstreaming' interventions and approaches which empower, address inequality, protect and prevent health harms and morbidities.
- Acknowledges changing sexual norms, increasing lifetime numbers of sexual partners, sexual behaviours and changing sexual patterns¹. Services must respond and adapt to the current and future demands of the sexually active population.

¹ [Changes in sexual attitudes and lifestyles in Britain through the life course and over time: findings from the National Surveys of Sexual Attitudes and Lifestyles \(Natsal\) - The Lancet](#)

Facilitators and barriers to sexual and reproductive health and wellbeing for Devon and Torbay residents – findings from listening to residents.

A series of exercises have been conducted since Summer 2022 with the aim of listening and understanding the facilitators and barriers to sexual and reproductive health and wellbeing of populations resident in Torbay and Devon.

This is a summary of findings from the following listening and engagement exercises: (see appendixes for full details)

1. Devon and Torbay population general consultation (4th September – 23rd October 2023 for 6 weeks) 265 responses received.
2. Focus group conversations (using consultation as basis) with adults with disabilities, women with complex needs, young people, public health nurse,
3. Social Insight Marketing 'Gen Z' insight report – Devon – Ruth Dale
4. Social Change behavioural insight – Devon – *final report pending*.
5. Devon and Torbay contraceptive survey (summer and winter 2022)
6. West Devon young people focus group – Devon – 2023
7. The Eddystone Trust, insights with target groups (care experienced young people, men who have with men but do not identify as gay or bisexual, women engaged in prostitution and swingers)
8. Devon Sexual Health – condom insights with young people - 2022

The findings were broad and represent engagement with hundreds of residents in all geographies and from key population groups. Eight key themes were generated, summarised, and are presented below. Full copies of the findings are in the appendixes.

Booking / getting appointments:

Represented a challenge for many, often referring to lack of knowledge about where to go, or if they did know, problems getting through the phone line. Appointments and booking were challenging for working people / commitments and often mentioned.

Challenges in booking appointments was also suggested by disabled and learning-disabled populations. A range of access required, from bookings to walk in to closed quiet clinics. Some struggle to use phone lines as they were not understood if relying on verbal skills.

Some young people prefer a walk-in system that connects with education and public transport times.

One example indicated they did not want a personal appointment as less chance of hurt and misgendering. Other respondents expressed preference to have services delivered to their door (STI testing and treatment) and either not wanting or needing an appointment.

MORE AND DIVERSE WAYS TO GET ADVICE, INFORMATION, OR AN APPOINTMENT.

Location and Travel:

Location was more important than the type of establishment and expressed strongly by a range of respondents. Wanting local nearby services led to a preference for GPs and pharmacies by many

respondents. Challenges are highlighted in rural areas, and those with poor public transport connections. Services need to connect to local bus times or transport links.

For young people, when services are too far away, they cannot travel due to rurality and cost challenges.

LOCATIONS MATTER, LOCAL MATTERS

Opening times

There was a strong preference for flexible availability of services, including evening and weekends – particularly 4-8pm for women seeking contraception. A general lack of information about opening times, on-line or in-person options were mentioned, suggesting there are barriers to planning when, where or how to get an appointment. Other respondents cited difficulties in getting appointments due to them being booked up and only available during working hours.

NEED FOR EVENING AND WEEKEND APPOINTMENTS.

Advice and guidance / knowledge about sexual and reproductive health:

Multiple groups and individuals stressed the need for better public information and health promotion about STIs, types of contraception and safer relationships, when to test, how to navigate safer sex and relationships. Knowledge about contraception choices came through most surveys and groups.

Some insight reports highlighted significant knowledge gaps about sexual and reproductive health, but a strong awareness of medications and hormones. This had an impact on risk beliefs and behaviours, meaning that some populations are lacking opportunities and motivations to develop safer sex behaviours.

Some people wanted advice about several types of contraception and felt they are kept on the pill longer than necessary as there is insufficient time to discuss alternative options (in GP practices).

People with a learning disability find some of the forms difficult to use (C-card specific), and website accessibility can sometimes exclude people with a learning difficulty.

Information is challenging to understand for people whose have low literacy levels, or whose first language is not English. Furthermore, framing of appropriate sexual health information for diverse groups e.g., young gay men, young lesbian women, - LGBTQ relationship and sex education was reported as poor in some schools, meaning some young people are seeking accurate information online. It was reported that messages from health professionals are more likely to resonate well with many groups.

WHILST PEOPLE ARE COMMITTED TO TAKING CARE OF THEIR SEXUAL HEALTH, THEY ARE NOT NECESSARILY CONVINCED THEY NEED TO

Knowledge and perception of services:

We heard a lot about population knowledge or perception of sexual health services. Two key areas stood out:

- The person not the place is important.
- Attitude and inclusivity are important.

There were many mentions about balancing 'local' services with confidentiality and privacy. There was also staunch support for the competency of specialist sexual health staff and experienced professionals in primary care. Some expressed a lack of confidence in some GPs, while others were in praise of GPs and practice nurses. Fear of being judged (due to identity, ability, presenting sexual history) was mentioned in many listening exercises, as well as embarrassment and shame. Many respondents value anonymity and find in-person appointments a barrier in itself.

RESPONDENTS VALUE NON-JUDGEMENTAL, SKILLED, AND AVAILABLE PROFESSIONALS.

Inclusivity:

There were calls for trans-inclusive clinics, women's health clinics, some for older adults, not just 'young people,' for working people (e.g., 9-5pm). Also, to work better for people with disabilities, by developing trust and relationships. Residents would like any service (and all services) to be sensitive to assumed mobility, communication skills and money and time to get to a service. Some explicitly asked for safe environments for people who have experienced trauma.

SENSITIVITY AND INCLUSIVITY STILL MATTER TO PEOPLE.

Patient choices:

Respondents need a range of options which are easily accessible, highly advertised and delivered in diverse ways to access those services e.g. online and face to face)

These included:

- Visibility of a booking schedule to make your own choice of an appointment.
- Drop in.
- Face to face
- On-line – no interaction
- Services by post
- Self-testing and self-sampling
- Location, setting, provider.
- Access time – evenings and weekends
- Integrated women's service/health hub – one stop shop
- User design content for advice and guidance
- The idea of online services is appealing because people can access them more privately and anonymously, reducing embarrassment and the risk of stigma.

PEOPLE WANT A RANGE OF OPTIONS WHICH ARE EASILY ACCESSIBLE, HIGHLY ADVERTISED, AND DIFFERENT WAYS TO ACCESS THOSE SERVICES.

Workforce:

Strong response asking for experts and SRH clinics.

Some highlighted a lack of GP knowledge in primary care about contraception, and often being given limited contraception choices.

RESPONDENTS VALUE A REGULAR FITTING, EXPERIENCED PROFESSIONAL, WHO CAN HAVE HOLISTIC CONVERSATION AND INCORPORATE ALL ELEMENTS OF SRH INCLUDING HEALTHY RELATIONSHIPS.

Meeting: Cabinet **Date:** 25th April 2024

Wards affected: All Wards

Report Title: Governance and Commissioning Review of Local Authority Company - SWISCo

When does the decision need to be implemented? 25th April 2024 and 1st April 2025

Cabinet Member Contact Details: Councillor Adam Billings, Cabinet Member for Pride In Place and Parking

Director Contact Details: Alan Denby, Director of Pride In Place alan.denby@torbay.gov.uk

1. Purpose of Report

- 1.1 This report presents the findings and recommendations of a review of the Councils governance and commissioning arrangements in relation to the Councils wholly owned and controlled company SWISCo.

2. Reason for Proposal and its benefits

- 2.1 The recommendations in this report will help us to deliver the Councils Corporate and Community Plan 2023 – 2043 priorities of Community and People, Pride in Place and Economic Growth, with a particular emphasis on delivering the Pride in Place ambitions of:
- Draw investment into our towns and breathe life into our town centres,
 - Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors
 - Ensure the effective operation of SWISCo to have resources to reinvest in Torbay
 - Protect and enhance our lived, built and natural environments, including our green spaces

3. Recommendation(s) / Proposed Decision

- 3.1 That the Cabinet approves the adoption and implementation with immediate effect of the recommendations as set out in Appendix 1 of the Governance and Commissioning Review of SWISCo (Section 7, 1-12.)
- 3.2 That the Cabinet approves the extension of the commissioning of SWISCo, as a wholly owned company of the Council to carry out the works specified in SWISCo Commissioning Agreements for a further 5 year period between 1st April 2025 and 31st March 2030.
- 3.3 To delegate authority to the Cabinet Member for Pride in Place and Parking, the section 151 officer and the Director of Pride in Place to approve any revisions to the Councils commissioning agreement with SWISCo to the 31st March 2030.

Appendices

Appendix 1: Governance and Commissioning Review of the Councils Local Authority Trading Company SWISCo

Background Documents

[SWISCo Business Plan 2021-2023](#)

[SWISCo Annual Report 23/24](#)

[Overview and Scrutiny Board Comments on Annual Report](#)

Supporting Information

1. Introduction

- 1.1 This report summarises the findings of a review of the Council's Governance and Commissioning of SWISCo, a trading company wholly owned and controlled by Torbay Council.
- 1.2 Torbay Council established SWISCo in 2020 as a wholly owned company of Torbay Council.
- 1.3 The commissioning agreement of SWISCo spanning the five-year period 2020 to 2025 sets out that both parties shall undertake a review at the end of years 2, 5 and 10 of this agreement to ensure that governance arrangements and commissioning processes are robust and effective and provide sufficient direction for the management of SWISCo.
- 1.4 The commissioning agreement also specifies that a review must be carried out on or before 31st March 2024 to inform any extension of the agreement for a further 5 years.
- 1.5 It is not the purpose of this review to scrutinise SWISCo's annual business plan or performance against the Commissioning Agreement or Service Level Agreements pertaining to specific services delivered by SWISCo on behalf of the Council. However, it is expected that this review will inform how the business planning and performance management frameworks operate to ensure that the Council manages this effectively.
- 1.6 It is the purpose of this review to provide recommendations relating to the Governance and Commissioning of SWISCo as a wholly owned company of the Council and to make a recommendation on any extension to the commissioning agreement from 1st April 2025 for a further 5 years.

2. Options under consideration

- 2.1 The report in Appendix 1 sets out a range of findings and recommendations in relation to how the council governs and commissions SWISCo. The recommendations are based on best practise guidance and take into account consequences of not adopting these recommendations.

3. Recommendations from Overview and Scrutiny 10 April 2024

- 3.1 That the Cabinet be recommended to approve the recommendations set out in the submitted report on the Governance and Commissioning Review of Local Authority Company – SWISCo subject to the following:

- 3.1.1 that the Business Plan be included as part of the SWISCo Annual Report to Overview and Scrutiny;
 - 3.1.2 to include as part of the Value for Money document, climate change and biodiversity to help demonstrate the ways we consider Value for Money for SWISCo; and
 - 3.1.3 to ensure that the risk element and typos referred to are picked up in the final report to Cabinet.
- 3.2 In response to these recommendations Section 7, recommendation 7 of the Governance and Commission Review of Local Authority company document has been updated to reflect the inclusion of business risks and a draft Business Plan in the Annual SWISCo Performance report and the inclusion of social and environmental factors in the Value for Money statement.

4. Financial Opportunities and Implications

- 4.1 There are no direct financial requests within this report.
- 4.2 The recommendations in this report are intended to safeguard and maximise the Councils return on its financial contributions to SWISCo in relation to the delivery of key services on behalf of the Council and to support the Council in delivering its corporate and community objectives and improve the execution of service delivery in terms of efficiency and effectiveness of the services.
- 4.3 Members are asked to consider the Councils financial commitment to extend the commissioning agreement with SWISCo for a further 5 years to deliver key services and ensure inclusion of this within the Councils Mid Term Financial Plan.

5. Legal Implications

- 5.1 If the recommendations in this report are adopted by Cabinet the Commissioning Agreement, Articles of Association and Terms of Reference for Boards and Panels will be amended, at which point appropriate legal advice will be sought to ensure these legally compliant.
- 5.2 Advice will also be sought from the Councils Governance Team to ensure that changes are appropriately implemented into the Councils governance structures and if appropriate within the Councils constitution.

6. Engagement and Consultation

- 6.1 The Governance and Commissioning Review has been completed in consultation with internal stakeholders as listed in the report, the Managing Director of SWISCo, the SWISCo Shareholder Panel and include consideration of the comments of the Overview and Scrutiny Board (10th January 2024).

7. Purchasing or Hiring of Goods and/or Services

- 7.1 SWISCo as a wholly owned company of the council is commissioned in line with teckal exemptions through the mechanism of a commissioning agreement which is monitored by the Councils Lead Commissioner for council wholly owned companies.
- 7.2 If the recommendations in this report are adopted by Cabinet the SWISCo commissioning agreement will be extended in line with procurement regulations, the councils contracts and procurement protocols and the councils financial regulations, taking into account specific arrangements for procurement under Teckal exemptions and in consultation with the Councils Procurement Team.

8. Equality Impacts - Identify the potential positive and negative impacts on specific groups

- 8.1 The recommendations in this report will ensure that the Councils Governance and Commissioning arrangements relating to SWISCo are strengthened to maximise the return on investment into the key services delivered on behalf of the Council and enable SWISCo to achieve the council and the company's objectives with improved direction, clarity of expectation and appropriate quality controls over the delivery of key services. Overall, all this strengthening of arrangements is likely to have a positive benefit for all residents in Torbay through SWISCo's continued execution of service improvements and efficiencies.

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Positive Impact		
People with caring Responsibilities	Positive Impact		
People with a disability	Positive Impact		
Women or men	Positive Impact		

People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)	Positive Impact		
Religion or belief (including lack of belief)	Positive Impact		
People who are lesbian, gay or bisexual	Positive Impact		
People who are transgendered	Positive Impact		
People who are in a marriage or civil partnership	Positive Impact		
Women who are pregnant / on maternity leave	Positive Impact		
Socio-economic impacts (Including impact on child poverty issues and deprivation)	Positive Impact		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Positive Impact		

9. Cumulative Council Impact

9.1 There is no identified cumulative impact of this decision and any other decision or activity being carried out by the Council.

10. Cumulative Community Impacts

10.1 There is no identified cumulative impact of this decision and any other decision or activity carried out by the Council on the wider community.

Governance and Commissioning Review of Local Authority Trading Company SWISCo

Author: Lisa Tuck, Lead Commissioner of Torbay Council Local
Authority Companies

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1 Introduction

This report summarises the findings of a review of the Council's Governance and Commissioning of SWISCo, a trading company wholly owned and controlled by Torbay Council.

Torbay Council established SWISCo in 2020 as a wholly owned company of Torbay Council.

The commissioning agreement of SWISCo spanning the five-year period 2020 to 2025 sets out that both parties shall undertake a review at the end of years 2, 5 and 10 of this agreement to ensure that governance arrangements and commissioning processes are robust and effective and provide sufficient direction for the management of SWISCo.

The commissioning agreement also specifies that a review must be conducted on or before 31st March 2024 to inform any extension of the agreement for a further 5 years.

It is not the purpose of this review to scrutinise SWISCo's annual business plan or performance against the Commissioning Agreement or Service Level Agreements pertaining to specific services delivered by SWISCo on behalf of the Council. However, it is expected that this review will inform how the business planning and performance management frameworks operate to ensure that the Council manages this relationship effectively.

It is the purpose of this review to provide recommendations relating to the Governance and Commissioning of SWISCo as a wholly owned company of the Council and to make a recommendation on any extension to the commissioning agreement from 1st April 2025 for a further 5 years.

2 Review Methodology

2.1 Tests

The review is informed by two key guidance documents "Local Authority Owned Company Good Practise Guide 2022" (Chartered Institute of Public Finance and Accountancy) and "Local Authority Company Review Guidance Toolkit 2023" (Local Partnerships).

The guidance outlines a range of tests to establish whether the council has sufficient control to ensure that its investment is protected, appropriate returns on investment are being obtained and that the wholly owned company continues to meet its original purpose and is aligned with the strategic objectives of the Council. This report summarises the findings of these tests.

The best practise review guidance states that "The governance arrangements for council-owned entities should seek to ensure that:

- the entity should have sufficient freedoms to achieve its objectives
- the council should have sufficient control to ensure that its investment is protected, appropriate returns on investment (in relation to the purpose set out in the articles of

association of the company) can be obtained and that the activities of the entity are aligned with the values and strategic objectives of the council

- the entity continues to be relevant and required (in its existing form) and if not, appropriate steps are taken (for example, amending constitutional documents, changing form, or terminating the vehicle)”

2.2 Review Group

The following officers of the Council have provided input into the review

- Divisional Director, Economy, Environment and Infrastructure
- Director of Pride in Place
- Managing Director, SWISCo
- Commercial Business Partner (Pride in Place), Commercial Services
- Head of Commercial Services
- Finance Supervisor (SWISCo Lead), Financial Services
- Head of Governance Support

3 Purpose and Alignment with Council Objectives

3.1 Tests

- What problem does the company solve and is this company still relevant and required (in its existing form)?
- Does the company’s business plan contribute to the authority’s strategic objectives?
- Are activities being undertaken in line with SWISCo’s vision statement?
- Are SWISCo objectives reviewed by the Council annually?

3.2 What problem does the company solve is the company still relevant and required (in its existing form)?

The original purpose of establishing SWISCo as a wholly owned company of the Council is identified in the company’s Articles of Association as follows:

The objects of the Company are to operate the services and operations of and to help improve the economy, efficiency and effectiveness of the execution of non-hazardous waste services, cleaning services and other related business support services and any other operation or service ...which is within the capability and capacity of the Company, for the benefit of the Shareholder.

The Commissioning Agreement defines the objectives of SWISCo as:

To deliver the services of interest to the Torbay community in respect of parks and green infrastructure, waste and recycling and to deliver an essential part of the Council's objectives (Appendix A sets out the commissioned services in more detail).

SWISCo was established to deliver essential services and activities on behalf of Torbay Council, the budget available for the delivery of the services is established at the beginning of each fiscal year, and a commissioning fee is paid to SWISCo to deliver these services, to provide a break-even position at year-end. The Articles of Association do not specify that the financial purpose of SWISCo should be anything other than a break-even position, and do not specify the company should seek to make surpluses to be paid as dividends to the Shareholder or reinvested into the business. The financial strategy for SWISCo adopted by the Council (confirmed by the Council's finance team) has been to seek a break-even outturn at the end of each fiscal year. Any change to the financial purpose of SWISCo would require an amendment to the company's Articles of Association.

It is important to note there are additional objectives outlined in the Commissioning Agreement as follows:

- General activities to increase and safeguard employment in Torbay
- Increase in turnover and surpluses from commercial activities to support the provision of the Commissioned Services
- Delivery against an agreed maintenance programme for the Council's fleet and licenced assets
- Effective maintenance of the Council sites/buildings, which SWISCo occupy under a lease
- Effective provision of Health & Safety requirements and Risk Management for SWISCo employees and associated assets

The company was established to deliver key services on behalf of the Council and to support the Council in delivering its corporate and community objectives and to improve the execution of service delivery in terms of efficiency and effectiveness of the services from the point it was established. The objective regarding increasing turnover and surpluses from commercial activities to support the provision of commissioned services conflicts with the adopted breakeven strategy of SWISCo and its Articles of Association.

It is clear from the annual review reports, feedback from customers, community groups and members, and the significant reduction in recorded complaints against the services (baselined from the year prior to its establishment) that the company has improved the execution of the services on behalf of Torbay Council.

It is also clear from the financial outturn reports of SWISCo (summarised in Appendix B) that the operating profit/loss of the Company has achieved a least a break-even position over the previous two fiscal years.

It can be concluded that SWISCo is achieving the financial purpose for which it was established.

Local Authorities have seen a significant decrease in the amount of Government Grants to deliver statutory and key services to the public, this has led to the need for Councils to consider alternative income streams and diversification. In addition, the increase in demand from a growing population and community needs and expectations increase the financial demands on Local Authorities. Over

recent years the Covid-19 pandemic, cost of living crisis, inflation, increased energy costs and costs of business are increasing the pressure on Local Government finances.

When setting fees and charges for services Local Authorities may only set these at a rate that will cover the costs of the provision of those services. As such a Local Authority is limited in attracting commercial income to cover its expenses or to close gaps where required expenditure exceeds income.

A wholly owned company of the Council with the potential to generate commercial income to support budget challenges is therefore still relevant, where this is the objective of the company.

3.3 Recommendations

The Financial Purpose of SWISCo should be reviewed by the Shareholders, and a clear purpose and mission statement established and reflected consistently in the Articles of Association, Commissioning Agreement and Company Business Plan including financial targets for service delivery and commercial trading to provide a clear basis for future formal reviews.

3.4 Does the company's business plan contribute to the authority's strategic objectives? Are activities being undertaken in line with SWISCo's vision statement? Are SWISCo objectives reviewed by the Council annually?

The current SWISCo Business Plan spans 2021 to 2023. The current business plan is aligned with the Council's strategic priorities (as set in 2021).

The company's Business Plan (2024 – 2026) is under development and will consider any findings and recommendations of this review and the priorities and objectives of Torbay Council's new Corporate and Community Plan 2023-2043.

As detailed in this report there are variations within the Articles of Association and Commissioning Agreement of the purpose of SWISCo and a lack of a clear vision statement from the perspective of Torbay Council as Shareholders. This is addressed in the recommendations of this report.

The current SWISCo Business Plan does include an employee focussed Mission Statement for everyone in the Company to "Make Torbay the best place to live, work and play" and sixteen strategic objectives in support of the Council's Corporate Plan priorities, these are detailed in Appendix C.

SWISCo Business Plan objectives are reviewed on at least an annual basis by the Shareholder Panel. The objectives have not been amended since first developed in 2021, however, the SWISCo Board and Shareholder Panel minutes provide evidence of oversight of the delivery of the objectives and provision of direction on their delivery.

The SWISCo Business Plan 2021 – 2023 supports, and is aligned with, the Council's strategic objectives as outlined in the Council's Community and Corporate Plan 2020-2024.

In the absence of a Vision or Purpose Statement, it is not possible to assess whether the Business Plan reflects the Vision or Purpose Statement. However, it can be concluded from SWISCo's annual report to the Council and minutes of Board and Shareholder meetings that activities are being delivered in line with SWISCo Business Plan objectives which align with the Council's Corporate and Community Plan objectives and the purpose set out in the Commissioning Agreement.

This review recommends that Purpose and Vision statements for SWISCo be incorporated into SWISCo's business plan to provide a clear test in future reviews.

The Council, through the authority it delegates to the Shareholder Panel, reviews SWISCo objectives at least annually.

3.5 Recommendations

The Directors of the SWISCo Board and Shareholder Panel should ensure the SWISCo Business Plan is aligned with the Councils' Corporate and Community Plan 2023-2043 and Annual Business Plans before ratification.

An Annual Review of the objectives within the SWISCo Business Plan to ensure alignment with the council's Corporate objectives should be programmed each year as part of the SWISCo Annual Performance Reporting processes.

4 Governance Arrangements

4.1 Tests

- Is the membership of the Shareholder Panel and Board membership in line with best practise?
- Is there a clear decision-making structure?
- Are roles clearly defined?
- Are conflicts of interest managed effectively?
- Are key governance documents in place such as articles of association, shareholder's agreement, members' agreement, or any financial agreements?
- Does the entity have sufficient freedoms to achieve its objectives?
- Does the council have sufficient control to ensure public funds are protected, returns on investment can be obtained and activities are aligned to council objectives? Is there an opportunity for Scrutiny of SWISCo's performance?
- Does the Shareholder agreement provide the Council with sufficient oversight and influence over the day-to-day activities of SWISCo to meet the Teckal tests?

4.2 Is the membership of the Shareholder Panel and Board membership in line with best practise? Is there a clear decision-making structure? Are roles clearly defined? Are conflicts of interest managed effectively? Are key governance documents in place such as articles of association, shareholder's agreement, members' agreement, any financial agreements?

There should be evidence that the council and senior management recognise the importance of establishing appropriate and proportionate governance arrangements for the oversight of entities. The process for appointing shareholders should be set out in the Councils constitution.

The findings within this report are tested against the draft Local Operating Policy and Best Practise guidance for Local Authority wholly owned companies.

Best practise guidance states that an informal Shareholder Advisory Board or Panel may be established, the panel would not have decision making power and decisions would remain with the person or body delegated authority to exercise the shareholder function. Guidance also states that those advising the shareholder should not also be involved in advising the company or making company decisions. Therefore, members of the wholly owned company shareholder panel should not also be members of the Wholly Owned Company Board.

Although key governance documents are in place to guide governance of the SWISCo Board and Shareholder Panel they are not sufficiently detailed and do not sufficiently clarify roles of members, decision making requirements or define processes to manage conflicts of interest.

Best practise recommends that a Shareholder Agreement and Management Agreements are in place. This is advised within the draft Local Operating Policy of Wholly Owned Companies and should be established and adopted for SWISCo.

The Wholly Owned Company Guidance states that the Council should have a clear framework for overseeing its wholly owned companies to ensure public funds are protected, returns on investment can be obtained and activities are aligned to council objectives. This should also include an opportunity for Overview and Scrutiny of SWISCo's performance. This framework is set out in the draft Local Operating Policy for Wholly Owned Companies.

The Council should undertake a regular assessment of how the business supports its policies and strategies.

4.3 Recommendations

The terms of reference of the SWISCo Shareholder Panel and SWISCo Board should be reviewed (in line with the Councils draft Operating Policy for Wholly Owned Companies) to provide detail on roles, responsibilities and decision-making authority and where necessary membership should be amended to reflect the Councils draft Local Operating Policy for Wholly Owned Companies.

The Shareholder terms of reference should include:

- A clearly designated council shareholder role (or function)
- The role of the shareholder
- A list of reserved matters (to be updated as required and reflect changes as they arise)
- Formal periodic shareholder, Board Chair and Managing Director meetings to inform company Board meetings.

A Shareholder Agreement and Management Agreement should be developed and adopted as part of the governance of SWISCo as a wholly owned company of Torbay Council.

4.4 Does the entity have sufficient freedoms to achieve its objectives? Does the council have sufficient control to ensure public funds are protected, returns on investment can be obtained and activities are aligned to council objectives? Is there an opportunity for Scrutiny of SWISCo's performance? Does the Shareholder agreement provide the Council with sufficient oversight and influence over the day-to-day activities of SWISCo to meet the Teckal tests?

The SWISCo Board and Shareholder Panel meet regularly with standard agendas that meet the requirements of best practise protocols including management of the business plan, financial reporting, performance management and risk management. These meetings provide sufficient oversight of the Council for the day to day activities of SWISCo while still enabling the company to have freedoms in the way in which it delivers its business functions and day to day activities.

The use of the Teckal exemption is complex and subject to challenge, therefore the council and the wholly owned company must ensure that the company is functioning within its Teckal parameters. For a wholly owned company of the Council to be Teckal compliant there are two key tests:

- the control test
- the functional test

The local authority must control all shares in the company and must also exercise effective day-to-day control over its affairs; in other words, the same as the relationship between the council and one of its internal directorates.

The Teckal parameters require the company to deliver at least 80% of its activities (turnover) for its Local Authority owners. Changes to EU procurement regulations meant that 20% of trading can be outside the Teckal contract, this is calculated on a 3 year turnover basis which allows for variations to be smoothed over. There is evidence that this is monitored by the SWISCo Board, Shareholder Panel and the Councils finance representatives and Section 151 officer on an annual basis.

It is recognised that the balance between adopting an approach of treating the company as a department of the organisation, enable sufficient freedoms to the company to achieve its objectives and ensuring robust oversight by the Council to protect its investment can be difficult to achieve.

To achieve this the commissioning agreement and the individual service level agreements relating to each service delivered by the company play a vital role in setting clear definitions of the objectives the Council is seeking the company to achieve, specifications for standards and quality, key performance indicators and monitoring frameworks.

Clear expectations set by the Council and detailed within the agreement will enable the company freedoms and control over how it achieves these through its day-to-day activities, reporting achievements in line with formal monitoring framework, and reporting achievements and risks outside of the agreement by exception.

The Council has adopted a 'intelligent client' approach, designating a senior officer of the Council (known as the Lead Commissioner) the task of ensuring the Council gains desired outcomes from the Company, providing challenge where required, holding it to account using performance data and ensuring there is clarity on a day to day basis of the Councils expectations for delivery and assessment of value for money and quality.

Further to this, as a way of establishing clear processes that supports the company to have sufficient freedoms to achieve its objectives while ensuring the Council maintains sufficient control over its day to day activities a process has been established between the Council's designated Lead Commissioner and SWISCo to agree programmes of works to be carried out in the public realm (Parks and Open Spaces and Highways). Programmes of works are now submitted to the Lead Commissioner and agreed in advance of each quarter. This will ensure the Council has oversight of the works, assess cumulative impacts and ensure co-ordination with the Councils Governance and Communications team to communicate works and engage with the community where appropriate. The new process has been instituted by the commissioner and enables SWISCo officers to have sufficient freedom over the delivery of these works on a reporting by exception or change basis while also ensuring the Council is properly engaged.

It can also be evidenced that the Council demonstrates day to day control of SWISCo activities through the inclusion of the managing director of SWISCo in Council Senior Leadership Team meetings and incorporating reporting against SWISCo operations with the Corporate Performance, Budget and Risk Management processes in line with best practise guidance to 'manage operations of the wholly owned company as a department of the Council'.

The format of the SWISCo Annual Report submitted to the Council by SWISCo is sufficient in term of a description of key achievements, deliverables and outcomes and is presented in a style expected of a trading company. However, the report provided in Autumn 2023 does not contain all suggestions recommended by the best practise guidance to provide the Council with information to inform its decision making and scrutiny of the wholly owned company.

Therefore, the Council will be prescriptive for future editions of the annual report accepting that SWISCo may want to provide a summary document for the public domain.

4.5 Recommendations

The content of future Annual Review Reports provided by SWISCo to the Council should include content in line with best practise guidance:

- A description of the use of its resources
- A value for money statement (including consideration of social and climate change/ environmental factors)
- A description of key achievements, deliverables, and outcomes.
- A list of Key Performance Indicators, targets and performance data
- A summary of key risks
- A forward plan, strategy and investment plan
- A draft business plan

5 Commissioning Agreement and Performance Management

5.1 Tests

- Are the current service contracts fit for purpose and reflective of good practise guidance?
- Are KPIs robust and included in the commissioning agreement or supporting documents?
- Are their effective arrangements in place for monitoring performance?
- Are KPIs clearly linked to the Councils objectives?
- How well are risks managed, are they owned, recorded, reported and mitigated?
- Do Commissioning arrangements provide an adequate framework for performance management and ensuring value for money.
- Do commissioning arrangements provide an adequate framework for monitoring compliance with commissioning agreement expectations?

5.2 Are the current service contracts fit for purpose and reflective of best practise guidance?

The current Commissioning Agreement between the Council and SWISCo took effect from 1 July 2020 and remains effective until 31 March 2025, with an extension to 31 March 2030 by mutual agreement.

Best practise guidance states that the council should have commercial agreements which set out the specification for delivery of activities, any assistance provided to the company and the terms for that assistance.

The Councils Commissioning agreement and suite of accompanying Service Level Agreements sets out the basic requirements of service delivery and support services to be provided to the company, along with arrangements for payment of the commissioning fee for cyclical works and arrangements for commissioning additional works outside of this contract. The agreement also sets out a pathway for dispute resolution stating the Memorandum and Articles of Association of SWISCo prevail over the Commissioning Agreement. The agreement also sets out the variation processes where any significant alteration to Commissioned Services is required.

As mentioned in the previous section the commissioning agreement should set clear definitions of the objectives the Council is seeking the company to achieve, specifications for standards and quality and key performance indicators to effectively assess the achievement of the Councils objectives.

The current commissioning agreement and suite of SLAs were designed to provide the overall scope of the services and activities to be delivered by SWISCo. The Council considers they should be strengthened across all areas including service standards and expectations for service delivery and Key Performance Indicators to ensure these are sufficient to provide the Council with a detailed framework to manage performance. The Commissioning agreement should also outline expected levels and methods of engagement and communication with the community and Members. This work commenced in September 2023 with the expectation of a revised commissioning agreement to be in place by 1st April 2024.

Where a council department commissions SWISCO outside of the annual commissioning fee, these departments are required to monitor performance and delivery of goods or services as agreed with SWISCO on a day-to-day basis. Best practise guidance suggests there should be evidence of a consistent approach across the council in commissioning the company. At the time of the review an exercise is being undertaken to create a standardised form for use across the council by officers commissioning services outside of the scope of the commissioning agreement to ensure the scope of the work is clearly defined, value for money is tested and performance monitoring is defined.

The current commissioning agreement includes four service level agreements Parks and Green Infrastructure; Highways, Fleet and Transport Services; Waste and Recycling Services and Business Commercial and Support Services as outlined in Appendix A.

The Council provides Support Services to SWISCO delivered in accordance with service agreements. SWISCO assesses its Support Service requirements annually. This covers the event that the Council is no longer able to provide the services or is unable to provide a level of services compatible with SWISCO's changing requirements, in which case SWISCO may obtain services from alternative providers with appropriate regard to obtaining best value. With the financial terms between the Parties being adjusted accordingly.

The Commissioning Agreement includes 'Support Service Agreements' as listed below.

- a) Information Communication Technology
- b) Financial Services
- c) Procurement
- d) Payroll, including Pensions
- e) Legal
- f) Internal Audit
- g) HR
- h) Information Compliance
- i) Communications
- j) Health, Safety & Environment (HS&E)
- k) Administrative Support

The costs of these services are calculated by the Head of Finance of the Council and are agreed with SWISCO as part of the annual budget setting process. Where it is assessed by the SWISCO Board and agreed with the Shareholder Panel that the Council is unable to provide a level of services compatible with SWISCO's changing requirements, adjusting the annual commissioning fee to enable SWISCO to purchase these services from an alternative provider or provide these services directly through SWISCO employees this would place a budget pressure on the Council and require a redistribution of the resource currently providing these services to SWISCO. This situation could create a conflict of interest between the Council and SWISCO which has the potential to hinder the ability of SWISCO to achieve its objectives in the most effective and efficient way. The commissioning agreement should be revised to establish a process for SWISCO to submit a business case for any changes to the support services provided by the Council.

The Commissioning Agreement states that both SWISCo and the Council will monitor the Performance of the Commissioned Services provided in accordance with the SWISCo Business Plan, objectives, SMART Action Plans and the Service Performance Agreements and will focus on the:

- a) Overall delivery of Commissioned Services against budget
- b) Delivery of commissioned services
- c) General activities to increase and safeguard employment in Torbay
- d) Increase in turnover and surpluses from commercial activities to support the provision of the Commissioned Services
- e) Delivery against an agreed maintenance programme for the Council's fleet and licenced assets
- f) Effective maintenance of the Council sites/buildings, which SWISCo occupy under a lease
- g) Effective provision of Health & Safety requirements and Risk Management for SWISCo employees and associated assets

There is evidence that the quarterly performance reports submitted by SWISCo to the Board and Shareholder Panel are structured to ensure inclusion of the above performance criteria.

The Councils Lead Commissioner and Managing Director meet regularly to discuss delivery of the strategic outcomes required by the Council. These meetings should be strengthened to include performance monitoring of and compliance with the commissioning agreement and to identify and record early issues with delivery of core requirements and service standards and escalating risks.

There is evidence that the SWISCo Board and Shareholder Panel are sighted on risks and mitigation plans on at least a quarterly basis. As with other departments of the Council SWISCo risks are included in the Councils Strategic and Corporate Risk Framework which ensure they are owned, recorded, mitigated and tracked, with processes in place to escalate and deescalate risks. The Councils Strategic and Corporate Risks are reported to Members through the Councils Governance Framework. The Council's Lead Commissioner for SWISCo services is alerted on a day-to-day basis of any new or escalating risks as they arise for mitigation to be planned on a timely basis.

5.3 Recommendations

The current Commissioning Agreement should be reviewed and amended by 1st April 2024 to ensure the document and service level agreements contain

- Clear definitions of the objectives the Council is seeking the company to achieve
- Specifications for standards and quality for each service area
- Key Performance Indicators that are adequate to assess performance against the agreement
- Protocols for performance monitoring of day to day activities
- Communication and ways of working protocols
- Fair processes for SWISCo to submit a business case for any changes to the support services provided by the Council.

Standardised forms are used by Council officers commissioning works from SWISCo outside the scope of the Commissioning Agreement and/or used to clarify expectation of works included in the Commissioning agreement by providing additional detail.

Outcomes of performance review meetings between the Lead Commissioner and Managing Director of SWISCo are recorded and these should include recording of new and/or escalating risks.

Performance Dashboards should be shared in a format agreed with Council's Lead Commissioner to be agreed annually by the Lead Commissioner, the Managing Director of SWISCo and the Chair of the SWISCo Board.

6 Finance

6.1 Tests

- Has SWISCo achieved the desired and expected financial objectives over the last 3 years?
- Have financial targets been met for both trading and council service delivery?
- Are budget monitoring processes fit for purpose and effective, are reports received in a timely way?
- Are financial regulations and procedures relevant to SWISCo followed consistently?
- Are procurement regulations and procedures relevant to SWISCo followed consistently?

6.2 Has SWISCo achieved the desired and expected financial objectives over the last 3 years? Have financial targets been met for both trading and council service delivery? Are budget monitoring processes fit for purpose and effective, are reports received in a timely way?

Referring to section The Financial Strategy for SWISCo adopted by the Council (confirmed by the Councils finance team) has been to seek a break-even outturn at the end of each fiscal year. It is also clear from the financial outturn reports of SWISCo (summarised in Appendix B) that the operating profit/loss of the Company has achieved a least a break-even position over the previous two fiscal years and financial targets have been met.

If the Council intends to alter the financial purpose of SWISCo, for example in order to achieve surpluses with dividends to be paid to the shareholders or to be reinvested directly back to improve the efficiency and effectiveness of commissioned services to deliver the Councils Corporate Objectives, these financial objectives should be clarified by the Council and financial targets set to reflect this over the course of the commissioning agreement period.

The SWISCo Board, Shareholder Panel and financial reporting to s151 officer are provided with quarterly performance monitoring and financial data. SWISCo financial performance and outturn projections and future investment requirements are reviewed and incorporated into the Councils Financial Reporting and Monitoring Framework and midterm financial plan.

6.3 Recommendations

See 3.2.1 The Financial Strategy of SWISCo should be reviewed by the Shareholders, and a clear purpose and mission statement established and reflected consistently in the Articles of Association,

Commissioning Agreement and Company Business Plan including financial targets for service delivery and commercial trading to provide a clear basis for future formal reviews.

7 Summary of Recommendations of the Review

This section of the report summarises the recommendations from all sections of the report:

1. The Financial Strategy of SWISCo should be reviewed by the Shareholders, and a clear purpose and mission statement established and reflected consistently in the Articles of Association, Commissioning Agreement and Company Business Plan including financial targets for service delivery and commercial trading to provide a clear basis for future formal reviews.
2. The Directors of the SWISCo Board and Shareholder Panel should ensure the SWISCo Business Plan is aligned with the Councils' Corporate and Community Plan 2023-2043 and Annual Business Plans before ratification.
3. An Annual Review of the objectives within the SWISCo Business Plan to ensure alignment with the Councils Corporate objectives should be programmed each year as part of the SWISCo Annual Performance Reporting processes and include appraisal by the Councils Overview and Scrutiny Board and Cabinet.
4. The terms of reference of the SWISCo Shareholder Panel and SWISCo Board should be reviewed (in line with the Councils draft Operating Policy for Wholly Owned Companies) to provide detail on roles, responsibilities and decision-making authority and where necessary membership should be amended to reflect the Councils draft Local Operating Policy for Wholly Owned Companies.
5. The Shareholder terms of reference should include:
 - A clearly designated council shareholder role (or function)
 - The role of the shareholder
 - A list of reserved matters (to be updated as required and reflect changes as they arise)
 - Formal periodic shareholder, Board Chair and Managing Director meetings to inform company Board meetings.
6. A Shareholder Agreement and Management Agreement should be developed and adopted as part of the governance of SWISCo as a wholly owned company of Torbay Council.
7. The content of future Annual Review Reports provided by SWISCo to the Council should include content in line with best practise guidance:
 - A description of the use of its resources
 - A value for money statement (including consideration of social and climate change/environmental factors)
 - A description of key achievements, deliverables, and outcomes.
 - A list of Key Performance Indicators, targets and performance data
 - A summary of key risks
 - A forward plan, strategy and investment plan

- A draft business plan
8. The current Commissioning Agreement should be reviewed and amended by 1st April 2024 to ensure the document and service level agreements contain:
 - Clear definitions of the objectives the Council is seeking the company to achieve
 - Specifications for standards and quality for each service area
 - Key Performance Indicators that are adequate to assess performance against the agreement
 - Protocols for performance monitoring of day to day activities
 - Communication and ways of working protocols
 - Fair processes for SWISCo to submit a business case for any changes to the support services provided by the Council.
 9. Standardised forms are used by Council officers commissioning works from SWISCo outside the scope of the Commissioning Agreement and/or used to clarify expectation of works included in the Commissioning agreement by providing additional detail.
 10. Outcomes of performance review meetings between the Lead Commissioner and Managing Director of SWISCo are recorded and these should include recording of new and/or escalating risks.
 11. Performance Dashboards should be shared in a format agreed with Council's Lead Commissioner to be agreed annually by the Lead Commissioner, the Managing Director of SWISCo and the Chair of the SWISCo Board.
 12. Audits should be scheduled annually to give assurance of consistent compliance with financial and procurement regulations across SWISCo services and activities.

8 Recommendation - Extension of the Commissioning Agreement

This section of the report will provide an officer recommendation regarding extending the Commissioning Agreement with SWISCo for a further 5 years.

As a result of this review, it can be concluded that SWISCo continues to deliver against its purpose of delivering improvements and innovative solutions to services that were failing, to build strong working relationships amongst colleagues who share a similar remit, to deliver key services on behalf of the Council and to support the Council in delivering its corporate and community objectives.

It is clear from the annual review reports, feedback from customers, community groups and members, and the significant reduction in recorded complaints against the services) that the company has improved the execution of the commissioned services on behalf of Torbay Council.

With the adoption of the recommendations within this report it is the recommendation that

- **The Commissioning Agreement between the Torbay Council and SWISCo is extended from 1st April 2025 for a further 5 years to 31st March 2030.**

Appendix A

The Agreement details the services to be provided as follows:

- a) Parks & Green Infrastructure Services
 - i) Commissioned Services
 - ii) Parks & Ground Maintenance
 - iii) Environmental Quality
 - iv) Green Infrastructure
 - v) Community Liaison

- b) Highways Fleet & Transport Services
 - i) Commissioned Services
 - ii) Traffic & Development
 - iii) Transport & Fleet
 - iv) Highways Operations
 - v) Highways Assets

- c) Waste & Recycling Services
 - i) Commissioned Services
 - ii) W&R Strategy & Performance
 - iii) W&R Collections
 - iv) Waste Disposal & Recycling Processing

- d) Business Commercial & Support Services
 - i) Commissioned Services
 - ii) Customer Services
 - iii) Projects Innovation & Systems

Appendix B

Note: The Statutory Accounts are distorted by things outside of SWISCO's control, such as pension valuations and accounting for leasing. Therefore, it is pertinent to consider primarily the operating profit/loss line below.

	20/21 (9 month period)	21/22	22/23
Income	(11.76)	(18.58)	(21.37)
Expenditure	11.78	18.08	21.03
Operating Profit/(Loss)	(0.02)	0.50	0.34
Net Profit/(Loss) after ITDA	(0.21)	0.27	0.02
Actuarial (gains)/Losses recognised in pension scheme		(2.5)	0.2
Taxation		0	0
Total (Profit) or loss		(1.8)	0.8
Statutory Assets	6.72	6.75	7.09
Statutory Liabilities	(20.05)	(18.28)	(7.04)
Total Statutory Net Assets/(Liabilities)	(13.33)	(11.53)	0.05

Appendix C

STRATEGIC OBJECTIVES

By March 2023 we will...



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Meeting: Cabinet **Date:** 25 April 2024

Wards affected: All Wards

Report Title: Award of Contract for Civil Enforcement System (Parking Notice and Permit Processing System)

When does the decision need to be implemented? Contract Award will be made upon conclusion of the call-in period.

Cabinet Member Contact Details: Cllr Adam Billings, Cabinet Member for Pride in Place and Parking, adam.billings@torbay.gov.uk

Director/Divisional Director Contact Details: Alan Denby, Director of Pride in Place, alan.denby@torbay.gov.uk

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval to award the Civil Enforcement System contract which enables the Council to issue parking penalty charge notices and permits. This system ensures parking penalty charge notices are issued to vehicles parking in contravention, an appeals service and recovery of unpaid penalty charge notices in line with legislation. The system also provides a permit module to issue all parking permits to park in either car parks or on street. The value of the contract exceeds £50,000. The new contract will be higher than the existing, further detail is set out below in financial implications and Exempt Appendix 1.
- 1.2 The current contract ends on the 31 March 2025. It is critical for service delivery that the Council has this system in place, which has been appropriately procured.

2. Reason for Proposal and its benefits

- 2.1 The reason for this proposal is to ensure that the Council can continue to issue parking penalty charge notices and permits within Torbay. To continue with this service is to meet the objectives of parking enforcement which include:-
 - The integration of traffic management policies with effective on street enforcement

- Provide dedicated on street enforcement
- Be responsive to changing priorities, local factors and demand
- Provide parking exemptions or dispensations as appropriate

3. Recommendation(s) / Proposed Decision

1. That the Contract for Civil Enforcement System (Parking Notice and Permit Processing System) be awarded to the successful Applicant as set out in Exempt Appendix 1.

Appendices

Appendix 1: Except – Preferred Supplier and Tender Details.

Background Documents

None

1. Introduction

- 1.1 The Council have a requirement under Section 8 of the Traffic Management Act 2004 to enforce parking restrictions across Torbay.
- 1.2 Torbay Council enforce everywhere within a Special Enforcement Area (SEA) this includes on-street and off-street parking within Torbay.
- 1.3 An IT system is required to be able to issue parking penalty charge notices, (PCNs) ensure the system follows the legal process to make representations and appeal the issuing of the penalty charge and ensure recovery of unpaid penalty charge notices. Torbay issued 37,149 Penalty Charge Notices (PCN) in the year 22/23.
- 1.4 An IT system is used to manage the different types of permits to be used in car parks and on street in controlled parking areas, etc. Several permit types are virtual permits.
- 1.5 The current contract offers a system which manages the PCN process and the issuing of parking permits.
- 1.6 The current contract for this system is due to expire on 31 March 2025, due to the requirement of an implementation period in the event of a new supplier being awarded a new contract, a formal procurement process was commenced in January 2024.
- 1.7 The decision was made following a request for information to the market that the most effective procurement process would be a further competition from the ESPO Parking framework.
- 1.8 The procurement process was completed in March 2024 with the identification of the Council's preferred supplier as the most economically advantageous tender.

2. Options under consideration

- 2.1 Option 1 would be to award the contract to the preferred supplier, identified following a compliant procurement exercise, as the applicant who submitted the most economically advantageous tender. The contract would be for an initial period of three years with three optional extensions of 12 months each.
- 2.2 Option 2 is not to award the contract, allow the current contract to expire and the Council will have no method to enforce parking restrictions across Torbay or to issue permits.

- 2.3 The current contract has no further extensions and there is no option to direct award the contract to the incumbent provider as this would be in breach of the Public Contract Regulations 2015.

3. Financial Opportunities and Implications

3.1 Opportunities as follows:

- This system will allow further efficiencies both in how PCNs are issued including more look up functionality and in the back-office system for dealing with representations and recovering unpaid penalty charge notices.
- It is likely once the system has been fully in use for a few months further permits can become virtual which will save on postage for reminder letters and the use of paper permits.
- Further digital methods to contact other departments within the Council direct to advise where there are issues which require further inspection or repair seen by the Civil Enforcement Officers.
- The reporting suite assists Torbay to provide more intelligence led enforcement when completing deployment plans. This will enable the authority to dedicate resources to areas of known non-compliance.
- The system has the functionality to also issue Fixed Penalty Notices.

Implications

- The cost of the new contract is higher than the existing contract (see Appendix 1). This is a standalone contract and is not shared with other authorities. The existing contract was shared with three other authorities with Torbay as the Lead. Whilst financially the service will cost more Torbay will see less time spent managing and monitoring the contract as Torbay acted on behalf of all the authorities. A benefit to is the system can be set up specifically to Torbay's requirements which will ensure the most efficient way of working. This could not be fully accomplished with a shared contract.
- The implementation and new equipment costs will be funded from a reserve fund specifically set up for updating and re-procuring a notice and permit processing system. Annually an amount is allocated to this reserve fund to support when a new system or equipment is required.
- If this system is not approved, on the 1st April 2025 uncollected debt for outstanding penalty charge notices will also cease for all preceding years. For the years 22/23

and 23/24 from the 1st April 2024 – 20th February 2025 this amounted to £211,187.00.

4. Legal Implications

4.1 There are no known legal implications.

5. Engagement and Consultation

5.1 Key internal departments were involved within the procurement process and contributed to the evaluation process.

6. Purchasing or Hiring of Goods and/or Services

6.1 Social Value was built into the tender opportunity and the Council has secured social value commitments which will benefit the local community.

6.2 The delivery of these commitments will be managed through the contract.

7. Tackling Climate Change

7.1 The award of this contract continues with the use of electronic/virtual methods to appeal and to obtain permits where appropriate.

7.2 Where legislation allows electronic methods are used to be able to appeal the issuing of the notice.

8. Associated Risks

8.1 If approval is not granted the existing contract will cease on the 31st March 2025 and the Council will have no method to enforce parking restrictions across Torbay or to issue permits. Once this is in the public domain the risks are as follows:-

- Road safety issues especially outside of schools.
- Traffic management issues with vehicles parking inappropriately and stopping or hindering traffic flow.
- Non-compliant parking which may increase the risk of road traffic incidences across the bay including collisions.
- Loss of parking income from pay and display areas.
- Loss of revenue from car parks
- Loss of permit income.
- Increased difficulties for the authority to provide other statutory services i.e. street cleansing, waste management etc.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact
People with caring Responsibilities			There is no differential impact
People with a disability			There is no differential impact
Women or men			There is no differential impact
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact
Religion or belief (including lack of belief)			There is no differential impact
People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None

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Meeting: Cabinet **Date:** 25 April 2024

Wards affected: All

Report Title: The Provision of Independent Health Complaints Advocacy in Torbay

When does the decision need to be implemented? Immediately, for new contract commencement on 1 July 2024.

Cabinet Member Contact Details: Cllr Hayley Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities, hayley.tranter@torbay.gov.uk

Director/Divisional Director Contact Details: Joanna Williams, Director of Adult and Community Services, Joanna.williams@torbay.gov.uk

1. Purpose of Report

- 1.1 The purpose of this report is to seek Cabinet approval to award a contract for the delivery of the statutory Independent Health NHS Complaints Advocacy (IHCA) service, so that the new contract can start on the 1 July 2024.
- 1.2 This is to replace the existing contract with our current supplier, which ends on the 30 June 2024.
- 1.3 This follows an open procurement process led by Devon County Council (DCC), for the provision of this service in both Devon and Torbay, together with other statutory adult social care advocacy services that DCC have previously commissioned in partnership with Torbay and South Devon NHS Foundation Trust (TSDFT) and will continue to do so via this joint arrangement.

2. Reason for Proposal and its benefits

- 2.1 The IHCA service supports people who want to make a complaint about NHS funded care or treatment. Each local authority must commission local NHS complaints advocacy, as there are statutory functions that have to be delivered. This falls under the Health and Social Care Act 2012 and is funded out of the Local Reform and Community Voices Grant.

- 2.2 The Adult Social Care Commissioning team (Torbay Council) has until now commissioned and contracted an IHCA service, separate from other adult social care statutory advocacy services currently provided in the local authority area. In Torbay, these other advocacy services are contract managed by TSDFT, via a joint commissioning and contract arrangement led by DCC.
- 2.3 With the Integrated Care System (ICS) for Devon formally coming into being from July 2022, health and care commissioners across Devon, Plymouth and Torbay are increasingly looking at opportunities to jointly commission and contract services where appropriate.
- 2.4 Through discussions with DCC and TSDFT colleagues we indicated an opportunity for the IHCA service for Torbay to be commissioned jointly with them in the future, alongside other statutory adult advocacy services.
- 2.5 Completion of a joint competitive tendering process with DCC and TSDFT has resulted in a recommendation to award a contract (subject to approval by the parallel governance mechanisms in each commissioning organisation) for the provision of the IHCA service, to the preferred supplier named in the accompanying publicly exempt Appendix 1.
- 2.6 The proposed contract will commence on 1 July 2024 for an initial duration of two years and nine months, with the option to extend for a further three periods of 12 months (until 31 March 2030 at the latest). Total indicative budget for the Torbay IHCA element of the contract (for the notional period up until 31 March 2030) is circa £149,000 (£26k pa).

3. Recommendation(s) / Proposed Decision

- 3.1 That the contract for Independent Health NHS Complaints Advocacy be awarded to the preferred supplier named in Exempt Appendix 1 to the submitted report.

Appendices

Exempt Appendix 1 – Preferred Supplier

1. Introduction

- 1.1 IHCA is a free, independent, and impartial service funded by local authorities (see above). It can guide anyone who wishes to complain about their (or another person's) NHS care and treatment through the process of contacting the appropriate NHS organisation. The NHS complaints advocacy service can support anyone who needs to navigate the complaints process. There are no specific eligibility criteria. Wherever possible, they will facilitate self-advocacy in line with the empowering model of advocacy.
- 1.2 NHS complaints advocates have the training to support people with specific needs or protected characteristics, or where they need to work alongside another organisation. For example, historical service data suggests that people with a mental health condition, learning disability or autistic people, benefit from support to help navigate the NHS complaints process. In addition, many people with a learning disability have greater health needs than the general population.
- 1.3 The IHCA advocacy service will provide high quality issue-based advocacy that encourages a culture of independence and supports people to express their own views, wishes, concerns, have their rights upheld, promote their health and wellbeing, and safeguards vulnerable adults.
- 1.4 The overall purpose of the IHCS service is to:
- Increase people's knowledge of their rights;
 - Support people to be empowered to make informed choices and decisions about their care and treatment and to take greater control over their lives;
 - Support people to speak for themselves and get their voices heard;
 - Support people to seek resolution of issues requiring advocacy support;
 - Enable people that use advocacy to express what is important to them through employing alternative forms of communication when appropriate; and
 - Represent the views and best interests of individuals when they are unable to do this for themselves.
- 1.5 The service is available to all Torbay residents and covers all NHS services including:
- Hospital trusts;
 - GP surgeries;
 - Mental health services;
 - Dentists;
 - Ambulance services; and
 - Pharmacies.
- 1.6 By making a complaint people can get answers to questions, and where appropriate an apology or an explanation, and agreed actions to put things right. By using the advocacy service people's experiences can be acknowledged by the NHS, which in turn can bring about improvements in services.

2. Options under consideration

- 2.1 Historically we have commissioned and contracted this service as a single council.
- 2.2 However, given the relatively small size of the current contract and that TSDFT already have an arrangement with DCC for the commissioning and contract management of other statutory advocacy services, it is proposed to include IHCA within this wider service. This is in line with some other contracts within health and care, such as the Local Healthwatch service, where we jointly commission this with other partners within the ICS for Devon.

3. Financial Opportunities and Implications

- 3.1 The proposed contract will commence on 1 July 2024 for an initial duration of two years and nine months, with the option to extend for a further three periods of 12 months (until 31 March 2030 at the latest). Total indicative budget for the Torbay IHCA element of the contract (for the notional period up until 31 March 2030) is circa £149,000 (£26k pa).
- 3.2 Apart from any normal inflation uplifts that may be applied during the lifetime of the contract, the proposal is cost neutral.

4. Legal Implications

- 4.1 Each local authority must commission local NHS complaints advocacy, as there are statutory functions that have to be delivered. This falls under the Health and Social Care Act 2012.

5. Engagement and Consultation

- 5.1 The recommissioned contract was developed in partnership with both commissioners and operational adult social care services managers, considering case studies, performance monitoring data and service user feedback from service users, gathered by regular contract monitoring reports and meetings.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Via DCC, this provision is being procured under Part 2, Chapter 3, Section 7 of the Public Contracts Regulations 2015 (PCR 2015) – Social and Other Specific Services (also known as ‘the light touch regime’) and this procurement does not follow, in particular, any of the defined procedures of the PCR 2015 (even if there are similarities) but does seek to adhere to the best practice procurement principles of Openness, Transparency, Fairness and Non Discrimination.
- 6.2 A Tender Notice under Light Touch Regime was published on 14th November 2023. A Tender advertisement was also placed in Contracts Finder. The Invitation to Tender was issued via www.supplyingthesouthwest.org.uk on the 14th of November 2023.

- 6.3 This recommissioned contract will maintain existing support which requires maintenance of current employment levels, so the impact will be neutral. Local providers have had the chance to bid for this contract and even if the service had been awarded to a national provider, advocates must be locally based in order to carry out case visits, so the impact on local business will be neutral.

7. Tackling Climate Change

- 7.1 The proposal will have a neutral impact on tackling climate change.

8. Associated Risks

- 8.1 If the proposal is not implemented, we will be in breach of our statutory requirements to ensure the people of Torbay have access to an IHCA service.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			The IHCA service supports all residents of Torbay (or their family/carers/friends) who needs to navigate the NHS complaints process. There are no specific eligibility criteria. As this recommissioning is maintaining existing provision, the impact will be neutral.
People with caring Responsibilities			See above.
People with a disability			See above. Also, historical service data suggests that people with a mental health condition, learning disability or autistic people, benefit from support to help navigate the NHS complaints process. Many people with a learning disability have greater health needs than the general population.
Women or men			See above.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			See above.
Religion or belief (including lack of belief)			See above.
People who are lesbian, gay or bisexual			See above.

People who are transgendered			See above.
People who are in a marriage or civil partnership			See above.
Women who are pregnant / on maternity leave			See above.
Socio-economic impacts (Including impact on child poverty issues and deprivation)			See above. IHCA advocacy must be offered to all people who are eligible for a service due to the circumstances they find themselves in, and socio-economic factors must not affect the level of support offered because eligibility is purely needs-based and not subject to any financial assessment.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	See above. Also, by helping people articulate their experiences of the NHS, the IHCA service can contribute to service improvements that will have a positive impact on the general health of the population.		

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.

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