

SPECIAL POLICY & RESOURCES COMMITTEE ADDENDUM

4.00PM, WEDNESDAY, 27 MAY 2020

VIRTUAL MEETING - SKYPE

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ADDENDUM

ITEM		Page
	COVID-19	
6	COVID19 - FINANCIAL POSITION UPDATE Report of the Acting Chief Finance Officer.	5 - 10
7	ALLOCATION OF ASC FUNDING FOR COVID-19 AND COVID-19 HOSPITAL DISCHARGE SCHEME Report of the Executive Director for Health & Adult Social Care.	11 - 20
8	PERSONAL PROTECTIVE EQUIPMENT - COVID-19 ETHICAL AND PRIORITISATION FRAMEWORK	Withdrawn
9	APPROACH TO ONGOING PERSONAL PROTECTIVE EQUIPMENT EXPENDITURE Report of the Executive Director for Health & Adult Social Care.	21 - 44
10	REMOTE MEETINGS AND THE USE OF URGENCY POWERS Report of the Executive Lead Officer for Strategy, Governance & Law.	45 – 52
	A GROWING AND LEARNING CITY	
11	CAPACITY AND RESOURCES IN THE HOME TO SCHOOL TRANSPORT SERVICE Report of the Interim Director for Families, Children & Learning.	53 – 64

Subject: COVID-19 – Financial Position Statement
Date of Meeting: 27 May 2020
Report of: Acting Chief Finance Officer
Contact Officer: Name: James Hengeveld Tel: 01273 291242
Email: James.Hengeveld@brighton-hove.gov.uk
Ward(s) affected: All

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that information was awaited to provide the most up to date financial position.

1 PURPOSE OF REPORT AND POLICY CONTEXT

1.1 This report provides an interim Financial Position Statement to the Committee for information and noting. It follows updates provided to the committee on 19 March and 30 April 2020.

2 RECOMMENDATIONS:

It is recommended that the Policy & Resources Committee:

2.1 Notes the contents of the report.

3 CONTEXT/ BACKGROUND INFORMATION

3.1 The report to 30 April Policy & Resources Committee outlined the package of support currently announced by the government to support local authorities in meeting emergency response costs. There have been no further changes in direct funding support which is as follows:

- Emergency Response Funding: Two tranches totalling £16.205m (share of £3.2bn nationally).
- Hardship Fund: £2.330m (share of £0.5bn nationally).
- There is also £0.066m that can be claimed in respect of Rough Sleeper additional costs (share of £3.2m nationally).

3.2 As set out in detail in the previous update, the council's primary income and funding sources in 2020/21 for the majority of council services (excluding Schools, Housing Benefits and Council Housing) are as follows:

- Council Tax: £150m
- Fees & Charges for services: £110m
- Business Rates (locally retained share): £59m

- Government grant funding: £35m
- 3.3 With the exception of government grant funding, all of these income and taxation sources are now very uncertain. This is because taxation revenues are likely to be affected as a result of both individuals and businesses falling into hardship, therefore resulting in reduced Council Tax income through increased Council Tax Reduction applications, and reduced Business Rate revenues through insolvencies or closures. Fees & Charges are expected to be severely depressed by the economic situation, particularly the downturn in the important visitor economy, which underpins significant incomes such as parking, museums and the Brighton Centre, and other incomes linked to economic activity (e.g. planning fees).
- 3.4 The Ministry of Housing, Communities & Local Government (MHCLG) recently collected financial data from local authorities on 15 April to begin to understand the costs and income pressures facing local authorities. A second collection of this data was submitted on 15 May and provided further information which is being collated both by MHCLG and the Local Government Association (LGA).
- 3.5 Based on current experience (i.e. April and May) and projecting this through to June, the financial impact on the authority is predicted in the table below. The table also provides an estimate of the impact for the whole of 2020/21 as required by the MHCLG return, however, this must be regarded with some caution as noted below.

Cost or Income Loss	<i>Current Monthly Impact (Average)</i>	Projected Impact to end of June (April to June)	Projected Impact for whole of 2020/21
Emergency Response costs	£3.3m	£9.9m	£28.0m
Taxation Revenues	£2.2m	£6.8m	£10.1m
Fees & Charges	£4.9m	£14.7m	£29.7m
Totals	£10.4m	£31.4m	£67.8m
COVID-19 Government Funding		(£16.2m)	(£16.2m)
Potential Shortfall		£15.2m	£51.6m

- 3.6 The table shows that costs and losses to the end of June are expected to be circa £31.4m compared with government funding support of £16.2m. This does not include additional Council Tax Reduction costs, including the £150.00 additional discount, which are funded by the separate government Hardship Fund of £2.3m.
- 3.7 Estimating costs and losses for the whole of 2020/21 is very difficult. There are a range of factors that need to be considered including:
- Potential further government funding support for local authorities;
 - Potential further funding for Adult Social Care hospital discharges via the Clinical Commissioning Group (i.e. further NHS funding);
 - The time lines for easing distancing and the continuing impact of measures taken on businesses, visitor attractions, events and other activities;

- The general economic impact and how this translates into the impact on individuals and businesses over time and the resulting impact on taxation revenues;
 - Potential cost savings for the council through furlough and across other budget headings such as supplies and services.
- 3.8 The projections take a balanced view and assume significant easing of lockdown from August onward in line with MHCLG guidance and OBR (Office of Budget Responsibility) forecasting. However, increased Adult Social Care costs, due to increased provider costs and the ongoing PPE requirements, together with the impact on taxation losses, are expected to continue throughout most of 2020/21. This would suggest a potential in-year budget gap of over £50m which is clearly a serious and unprecedented financial situation for the authority.
- 3.9 Managing an in-year budget gap of this magnitude would be highly likely to require the use of the one-off Working Balance and other earmarked reserves if no further government funding is forthcoming. This is now a common picture presented by the majority of local authorities. It must be noted that using the Working Balance or earmarked reserves is only a short-term solution as these must normally be replenished in future years, thereby adding to savings requirements (budget gaps) in future years.

Business Rates Expanded Reliefs

- 3.10 On 11 March, the Budget announcement identified that businesses in the retail, hospitality and leisure sectors, with a rateable value of less than £51,000, would pay no business rates for the whole of 2020/21. On 17 March, the government announced it would go further by removing the £51,000 rateable value threshold. This relief was further widened to include estate and letting agents, and bingo halls. This additional relief was applied to ratepayer's accounts on 15 April and currently benefits 2,889 business properties at a value of £62.455m.
- 3.11 On the 18 March the chancellor announced that nurseries would be eligible for a business rates holiday for 2020/21. There are 48 eligible business premises receiving a total relief of £0.808m. This will also be funded by Section 31 grant.

COVID-19 Business Rate Reliefs and Discounts	No. Businesses	Value £m
Existing Retail Discount increased to 100%	1,650	7.415
Extended retail Relief (no previous entitlement)	1,239	55.040
Nurseries business rates holiday	48	0.808
Total	2,937	63.263

- 3.12 The council is entitled to 49% of the total cost to replace the lost revenue from awarding the expanded reliefs and discounts and is funded by government Section 31 grants.

Business Grants Processing

- 3.13 The Government announced there would be support for small businesses and businesses in the retail, hospitality and leisure sectors in the form of two grant funding schemes, the Small Business Grant Fund (SBGF) and the Retail, Hospitality and Leisure Grant Fund (RHLG). Detailed guidance issued on 24

March sets out the eligibility criteria that billing authorities must use to pay grants to eligible businesses and the expectation that these will be paid as soon as possible in early April. The government has provided the funding in advance of the grants being awarded and £82.884m was received on the 1 April 2020 based on the government’s high-level estimate. Local eligibility is estimated to be considerably lower than this as detailed in the table below.

- 3.14 The initial estimate of eligible businesses for each of the 3 categories of Business Grant is as follows and is subject to change as eligibility is checked and verified. The table also shows the number and value of eligible grants processed and paid to date:

TABLE TO BE UPDATED PRIOR TO RELEASE

COVID-19 BUSINESS GRANTS – ESTIMATED ELIGIBILITY AND AMOUNTS PAID								
	Small Business Grant Fund (SBGF)		Retail, Hospitality and Leisure Grant (RHLG)		Retail, Hospitality and Leisure Grant (RHLG)		TOTALS	
Category	(£10k per business)		(£10k per hereditament)		(£25k per hereditament)		Number	Value
Eligible Number/Value	3,726	£37.260m	598	£5.980m	1,212	£30.300m	5,536	£73.540m
Paid Number/Value	2,722	£27.220m	465	£4.650m	1,085	£27.125m	4,272	£58.995m

Note that there are currently estimated to be approximately 800 eligible businesses that have not yet claimed their business grant following invitation by letter and email.

Other COVID-19 Government Support

- 3.15 Since the last update, there have been a number of additional announcements of government support that can impact directly or indirectly on the council but are primarily aimed at supporting business. These include:

- Announcement of a Discretionary Fund based on 5% of the projected spend on the original scheme. For Brighton & Hove City Council this is expected to be circa £3.7m. The funding for this is to come from the under-utilised element of the original scheme.
- Extension of the Furlough Job Retention Scheme to September with a maximum salary claim of £7,500 over the period July to September. The council continues to explore the possibility of furloughing staff unable to work in service areas primarily funded by income from fees & charges.
- Additional funding of £600 million, nationally, for Care Homes has been announced. This funding will be distributed via local authorities. The council’s confirmed share is £2.745m. Government guidelines require 75% of the initial funding received to be passed to care homes with the remaining 25% to be used to fund infection control measures based on need. To avoid ‘double funding’, consideration needs to be given to how this funding will interact with current Adult Social Care supplier relief proposals and the procurement of PPE, currently undertaken by the council on behalf of care homes in the city.

Cashflow

- 3.16 On 16 April the government announced it will defer Business Rates payments to government and make early payments of certain social care grants to local authorities. Section 31 grants to cover the loss of retail relief will also commence in May. The impact of these measures will be to improve cashflow by approximately £20m over the next 5 months which will help offset the reduced cashflow arising from income losses. With these revised government measures in place, the council should avoid the need to borrow to support cashflow until the end of August at the earliest.

4 MONITORING THE FINANCIAL POSITION

- 4.1 The government (MHCLG) have already set up 3 different monitoring processes via their DELTA on-line portal. These capture Business Rate Reliefs, Business Grants and general financial implications. The information to be captured by the latter is collected monthly and the first submission was provided on 15 April 2020. The latest submission was provided on 15 May 2020. It captures all spend against the emergency funds, estimated losses of income and taxation, expected cash flow requirements and provides 'free text' fields for local authorities to raise other matters if required. A concerning development in the latest return relates to questions regarding the level of reserves that authorities hold. This would appear to fundamentally misunderstand why local authorities hold reserves and may also indicate that government is looking to alternatives to providing further funding.
- 4.2 Locally, financial updates will be provided to either the cross-party Leaders' Group and to Policy & Resources Committees subject to the scheduling of meetings. From July onward, these updates will be incorporated in the council's standard Targeted Budget Management (TBM) information reports, with COVID-19 information being separately identifiable within the reports.

5 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 In the current crisis the council's response must be largely driven by government instruction and guidance. However, this does not always come with clear instructions and the financial mechanisms and funding are not certain for all aspects of the emergency response. The council must therefore balance longer term financial impacts and uncertainty with providing support to individuals and businesses to help them through the crisis and must also consider the long term implications for the sustainability and recovery of the city as an economy, visitor destination and place of residence.

6 COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 No specific consultation has been undertaken in relation to this report, however, the council is working closely with all public sector partners in the city to ensure co-ordinated responses and action where appropriate.

7 CONCLUSION

- 7.1 The report indicates the progress in distributing or utilising government emergency response funding and support to businesses to date. The report also highlights the challenging balancing act for the council in determining the financial support to provide now versus the current and longer term financial impacts of the pandemic on the council and the city.

8 FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 The financial implications are set out in the body of the report. The key point to note is that it is not possible quantify all of the costs, losses and exceptional expenses that the authority will experience during this immediate crisis and throughout 2020/21. It is therefore not currently possible to say whether or not the government emergency funding streams, including any future announcements, will be sufficient to defray these financial impacts. Should these funds be insufficient, members are advised that the council will need to call on its working balance and other earmarked reserves. Note, the council does not hold 'unallocated' reserves or 'financial smoothing reserves' held by some authorities
- 8.2 The situation is being kept under constant review and it is expected that a full report on the implications for the 2020/21 budget, and beyond, will be brought to the July Policy & Resources Committee. However, this is dependent on further government funding announcements and guidelines, and the level of clarity surrounding the relaxation of lockdown measures.

Finance Officer Consulted: James Hengeveld

Date: 18/05/20

Legal Implications:

- 8.3 There are no legal implications arising from the recommendations in this report, which is for information and noting. Decision making in relation to expenditure continues to be required to be undertaken in accordance with the delegations set out in the Council's constitution.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 18/05/20

Equalities Implications:

- 8.4 There are no direct equalities implications arising from this report. The COVID-19 outbreak affects all areas of society. Government are making specific provisions to 'shield' those expected to be most affected. The council will monitor impacts on protected characteristic equality groups as the crisis develops and ensure evidence is fed into the relevant emergency response 'cells'.

Sustainability Implications:

- 8.5 The impact on sustainability is not quantifiable at this stage.

SUPPORTING DOCUMENTATION

Appendices:

None

Background Documents

None

Subject:	Allocation of ASC funding for Covid-19 and Covid-19 Hospital Discharge Scheme		
Date of Meeting:	27 May 2020		
Report of:	Executive Director Health & Adult Social Care		
Contact Officer:	Name:	Robert Persey	Tel: 01273 295130
	Email:	Rob.Persey@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B (4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that information regarding the recently announced Care Home funding was awaited.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 In response to the Covid-19 pandemic the government announced additional funding to local authorities to help them meet the increased demand for adult social care and other costs and losses related to the emergency, for example, accommodating rough sleepers and homeless people. The additional funding to date totals £16.205m . A further announcement was made last week concerning support for Care Homes which resulted in an allocation of £2.745m for Brighton & Hove City Council, specific guidance on how this can be allocated is still to be released.
- 1.2 This government funding is to help the authority respond to coronavirus pressures across all the services they deliver. This includes increasing support for the adult social care workforce and for services helping the most vulnerable, including homeless people.
- 1.3 This Emergency Response funding has been made available to stabilise the adult social care market during the crisis. The expectation is that the support will be provided through: temporary additional funding where this is necessary; advance payments and support 'in kind'. The Council has already acted to support the market in several practical ways; the introduction of payment to domiciliary care providers on planned hours rather than actuals delivered and the supply and distribution of Personal Protective Equipment (PPE) being just two.
- 1.4 However the Adult Social Care market, and care homes in particular, continue to face significant pressures on a daily basis. This report outlines the proposals for the financial support available to care providers in Brighton & Hove to make sure essential services continue and that the local adult care market is supported and financially resilient in the face of the current unprecedented challenge.

- 1.5 Additionally, the NHS have received additional Covid-19 related funding to support hospital discharge which includes funding of adult social care packages during the Covid pandemic. This additional funding for hospital discharge will be pooled and managed by way of a Deed of Variation to the existing Better Care Fund Section 75 Partnership Agreement between the Council and Brighton & Hove CCG. At the time of drafting this paper the additional funding for hospital discharges was in the sum of just in excess of £0.5m.

2. RECOMMENDATIONS:

That Policy & Resources Committee: -

- 2.1 Notes the current projected Covid-19 related expenditure / loss of income exceeds the funding currently being made available by government. This is explained in more detail in the Covid-19 Financial Position update for Policy & Resources Committee.
- 2.2 Agrees to Option 1 as set out at paragraphs 4.3 – 4.7 of the report and the establishment of a consistent, claim-based approach across all adult social care providers to meet identified additional Covid-19 related costs on a case by case basis by an individual provider of adult social care services.
- 2.3 Authorises the Executive Director Health and Adult Social Care to take all steps necessary to agree and execute a Deed of Variation to the Better Care Fund Section 75 Partnership Agreement (the Agreement) between the Council and the Brighton & Hove CCG to extend the Agreement to March 2021 and to include the new NHS Covid-19 related hospital discharge funding as set out at paragraph 3.16-3.19 of the report. For assurance purposes, a full report on the 2020/2021 Better Care Fund, including details of these additional pooled funding arrangements for hospital discharge will be presented to the September 2020 meeting of the Health and Wellbeing Board.
- 2.4 Requests the Executive Director of HASC to provide an update report to July P&R Committee prior to bringing a full report to the Health and Wellbeing Board in September 2020.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Since the outset of the Covid-19 Pandemic the Government has announced nationally £3.2 billion of additional funding to local authorities to cover additional costs across council services with an expectation this would focus upon supporting additional adult social care costs incurred. A further £600 million was announced last week more specifically targeted toward supporting care homes. For Brighton and Hove City Council this equates to £16.205m plus an additional £2.75 million last week for care home support.
- 3.2 The additional temporary adults social care funding announced by the Government to recognise the cost pressures caused by Covid-19 may cover issues such as higher dependency levels, higher staff sickness absence rates, higher costs due to greater volatility of support packages, and PPE costs. The support is initially for a 3 month period with effect from 1st April 2020 with the expectation that it will be extended further if significant issues persist. It is also

expected that this extra temporary funding will end when the Covid-19 emergency finishes or is scaled down significantly.

- 3.3 The Council is in daily contact with adult social care providers, both domiciliary care and care homes. Through this frequent contact the Council will monitor the impact on provider costs and also take steps to consider the most efficient and effective way of making any additional support available. The national guidance indicates that any temporary increase in funding is conditional on providers continuing to accept new service users (where it is safe to do so and committing to work collaboratively locally).
- 3.4 Within the city we have a broad range of adult social care provision. We have 9 framework providers across three geographical areas in domiciliary care with a further 23 that can be called down from a Dynamic Purchasing System. With respect to care homes we have 58 older peoples' homes, both nursing and residential and a further 30 or so specialist homes for Learning Disability or Physical Disability and Sensory Impairment. Our market is characterised by a large proportion of smaller homes under 30 rooms occupancy and many in single home ownership. Additional to this we have a range of Shared Lives and Supported Living Schemes.

Support offered by the Council to date

- 3.5 The Council issued a supplier relief letter to all contractors on 24th March 2020 which outlined the Council's support offer where a contractor maybe facing specific challenges affecting their ongoing viability. The Council has been working with Government and is able to offer some supplier relief (support) on a case by case basis according to the nature of the services, goods or works being provided, the challenges being faced, the contracted terms and the constraints of any statutory requirements.
- 3.6 There is specific support for businesses contracted to provide adult social care that was put in place immediately, through use of the Covid19 Emergency Response funding, as per the national guidance. This is outlined below, with the financial commitment to date being stated later in the report under Financial Considerations, and includes:
- Paying in advance and for planned care, with no reconciliation, for the domiciliary care framework contractors;
 - Providing additional no-cost PPE to contracted providers in Brighton & Hove;
 - Agreeing spot purchased care and nursing home placements at fee levels above published rates to support hospital discharge and system flow;
 - Responding on a case by case basis to contracted service providers of day services and support services where business viability and financial stability concerns are raised.
- 3.7 There were steps taken in March 2020, at the onset of the pandemic, to ensure that domiciliary care providers on the Council's framework were supported to manage any potential staffing and financial volatility by moving to advanced payments and payment on planned hours. This offer has also been confirmed to include any new packages that are taken on during the pandemic. This action taken by the Council has provided financial assurance to the domiciliary care

market helping ensure that there has been continuity of service and the ability to arrange new packages of care for both hospital discharges and from the community. This financial support which in effect means that providers are being paid on their planned hours rather than actuals delivered for the domiciliary care market payable from April 1st, 2020 represents on average a 15% increase. For the 3-month period up to the end of June 2020 the additional estimated cost to the council equates to £0.273m which will be budgeted from the Covid-19 Emergency Response funds received.

- 3.8 In support of the need for effective hospital flow and discharge at this time, ensuring available capacity in hospitals to treat Covid19 patients, there has also been enhanced funding for ongoing residential care and nursing home placement activity. Since March 19th this has been through the agreement of spot purchased fee increases, in recognition of the additional cost pressures for providers at this time. Early analysis indicates these have been at around 19% above usual costs in nursing home placements and around 25% in residential care homes. Many homes continue not to take admissions, particularly where there is no negative Covid-19 test result for the individual. Working with system partners in the local health and care economy the Council is leading on the preparation of a Care Home Support Plan which will explore all the issues and the Council's current and planned response in more detail. This will be completed by 29th May 2020.
- 3.9 The Council took the decision to support the Adult Social Care provider market with additional PPE supplies to optimise the safety of service users and the workforce. This has been additional to the supply chains that many providers had in place previously which became unreliable and over and above what is being supplied through local resilience forums that are charged with providing the emergency supplies when other routes have failed. In the region of £600k this is a significant monthly cost to the Council but the need for providers to look after the safety of their workforce and the care needs of our most vulnerable residents is paramount. Most residential and nursing care homes and other providers are benefitting from this provision which has been provided to date on a no cost basis. A separate report details this activity and the financial benefit of this support for providers.
- 3.10 There are ongoing individual discussions with providers of day services and support services for people with a learning disability and / or physical disability who are facing urgent or uncertain financial pressures. On a case by case basis, support is being offered through open book and transparent review of related expenditure and costs. This has resulted, in some cases, with continuation of payments for planned services rather than actual. The exception is where staff may have been furloughed and the council is seeking recognition and reconciliation of this source of alternative income.
- 3.11 In addition to these specific investments to support providers, there has been a system-wide response to prevent, and respond to, crises in care homes which will be evidenced and documented in the forthcoming care home resilience plan. This includes several practical supportive measures for care homes and domiciliary care regarding Infection Prevention and Control.

Proposals for support to independent providers going forward

3.12 The Council does have to have regard to the range of calls on the Covid-19 funding which has been made available by Government alongside the need to carefully monitor the additional costs being incurred to support adult social care providers.

3.13 The Council wants to be transparent about the commitments to date on the Covid-19 funding received in relation to Adult Social Care. The position statement below shows the areas of related expenditure and commitments, including those mentioned above:

- Approximately £3m costs to accommodate rough sleepers from April to June which includes accommodation, food and security
- Estimated £10m projected ongoing costs in 2020/21 from additional demand predominately from hospital discharges, after cessation of NHS England funding
- £0.273m for domiciliary providers as paying on planned hours from April to June
- Estimated £1m loss of fee payer income

3.14 These need to be viewed alongside other impacts and budget pressures of the Covid-19 pandemic for the council which include significant reductions in other council income streams. The details of the wider financial impact are set out in the Covid-19 Financial Position Update reports to Policy & Resources Committee.

Variation and Extension of existing Section 75 Better Care Fund Agreement

3.15 The existing Better Care Fund Section 75 Partnership Agreement between the Council and Brighton & Hove CCG currently covers the following programme areas: -

- Increasing System Capacity
- Integrated Discharge Planning
- Protecting Social Care
- Supporting Recovery and Independence
- Person Centred Integrated Care
- Dementia Planning

3.16 The Agreement sets out the pooled fund contributions from each area in respect of each of the programmes and a governance framework for the commissioning and delivery of the Better Care Fund and the management of budget and expenditure.

3.17 An additional scheme relating to Covid-19 hospital discharge is proposed to be added to the Agreement with the following aims:

- To facilitate the prompt discharge of those patients clinically suitable for discharge thereby maintaining capacity in acute and community hospitals for the care of patients with Covid-19 who require hospitalisation;
- To facilitate the rapid mobilisation of care and support packages;

- To implement the revised funding model for care and support packages.

3.18 A Deed of Variation to the Section 75 Agreement is proposed, setting out the detailed arrangements for the Covid-19 Hospital Discharge Scheme. This will reflect the Government's discharge requirements guidance to reduce pressure on those hospitals providing acute services. The Council will be the Lead Commissioner for this service and a pooled budget will be established into which the funding for this Service will be paid. The Deed of Variation is also proposed to extend the Section 75 Agreement to 31 March 2021.

4. ANALYSIS & CONSIDERATION OF OPTIONS TO SUPPORT THE ADULT SOCIAL CARE MARKET

4.1 The councils across England have taken a very mixed approach to supporting their local markets ranging from no specific additional funding up to blanket percentage increases. The nature of the market is different from area to area and equally the emergency financial impacts on unitary authorities are very different from those of a county council. Whilst we have presented a blanket uplift below as a costed option it is not the recommended option.

4.2 There is an immediate wish to ensure that the Council responds across care groups and according to the costs incurred, especially in relation to staffing turnover and replacement due to absence where providers have been adversely and significantly affected. As the market is made up of a variety of organisations of different sizes with different financial opportunities and risks, we consider that in the short term, until the 30th June 2020, the following Option 1 is preferred:

Option 1.

4.3 A consistent, claim-based approach across all adult social care providers to meet identified additional Covid-19 related costs on a case by case basis by for an individual provider. This proposal does not apply to domiciliary care providers who through action taken already with respect to paying against planned hours are demonstrating a sustainable position at the current time.

4.4 Indicatively, the anticipated cost would be almost £0.400m up to the end of June 2020 assuming a payment equivalent of £30 per client per week per local authority placement in a care home (residential and nursing provision). This scenario is based on some soft market intelligence undertaken. This takes account of the higher fees paid for placement activity since 19th March and therefore these placements are excluded as Covid-19 related costs are assumed within the higher fee included.

4.5 This will allow for the actual expenditure review of additional Covid-19 related spending alongside the needs of individual suppliers. Providers will be asked to ensure that they maintain clear expenditure records to evidence this as part of the communication of this decision, which will also enable the Council to indicate that any offer of continuing support may be conditional on the recipient agreeing to open-book accounting.

- 4.6 A simple and straightforward process will be developed for claiming and award with a consistent approach across HASC and FCL established. This most likely will entail establishing a cross directorate panel.
- 4.7 The proposals are in line with national guidance and are aimed at ensuring market resilience at a critical time for the sector which is central to the achievement of the Council's objectives for those in later life or with long term needs. They are developed following review of market activity and response to date to the Covid-19 pandemic.

Option 2:

- 4.8 Apply an uplift of 5% or 10% payable to all care home providers offered for the 3 months April, May and June 2020, the cost would be **£0.564m and £1.128m** respectively for these scenarios based on current activity.
- 4.9 The table below shows the range of scenarios and options for blanket approaches to uplifts in the care and nursing home market, split by Directorates with HASC expenditure covering people who are older, with mental health needs and those with physical disabilities, and FCL expenditure relating to adults with a learning disability. It should be noted this only covers care homes and not other care types such as supported living, direct payments and shared lives.

HASC (£'000)	3 months	6 months	9 months	12 months
£30 per week	316	632	948	1,264
5% uplift	431	862	1,293	1,724
10% uplift	862	1,724	2,586	3,448

FCL (£'000)	3 months	6 months	9 months	12 months
£30 per week	57	114	171	228
5% uplift	133	266	399	532
10% uplift	266	532	798	1,064

Overall (£'000)	3 months	6 months	9 months	12 months
£30 per week	373	746	1,119	1,492
5% uplift	564	1,128	1,692	2,256
10% uplift	1,128	2,256	3,384	4,512

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The recommendations take account of the statement made by LGA/ADASS and the Direction that has been issued by the Government. They have also been influenced by provider representations and the approaches, either implemented or under consideration, of other local authorities in the South East.

6. CONCLUSION

- 6.1 A claim-based approach to any Covid related additional, evidenced, costs by the independent providers of adult social care, who may be particularly affected

during this pandemic, will support the council to monitor the impact and support the ongoing viability and stability of the market.

- 6.2 The incorporation of the Covid-19 Hospital Discharge Scheme into the existing Better Care Fund s75 Partnership Agreement for the period 2020-2021 will provide the appropriate framework to deliver the scheme in accordance with national guidance.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The overall projected financial implications of Covid-19 to the council are set out in a separate report to Policy & Resources Committee.
- 7.2 With regard to adult social care a range of costings for care homes have been provided in the body of this report and range from £0.373m to £1.128m for a 3-month period, April to June. The report also identifies prior agreement for domiciliary care providers to be paid on planned hours which equates to an additional cost of £0.273m. The cost figures in this paragraph do not include any additional payments for supported living, direct payments, shared lives and community support. Any arrangements for these care types would need to be subject to separate consideration.
- 7.3 It should also be noted that the most recent government announcement of additional funding totalling £2.745m for Brighton gives a requirement to directly pass 75% of this funding to care home providers. This will result in a payment of just over £2m to this sector.

Finance Officer Consulted: Sophie Warburton / Steve Williams Date 19/05/20

Legal Implications:

- 7.4 The recommendations set out in the report are consistent with the Council's powers and duties under the Coronavirus Act, relevant Regulations and national Guidance.
- 7.5 The power to pool budgets between the Council and the CCG is set out in the NHS Act 2006 and requires a formal Section 75 Agreement. The Deed of Variation will reflect the new funding and arrangements for the Covid-19 Hospital Discharge Scheme and will extend the Agreement to March 2021.

Lawyer Consulted: Liz Culbert Date: 15 May 2020

Equalities Implications:

- 7.6 By definition care homes provide support to particular groups of people, and it is these groups (elderly people, people living with Learning Disabilities, and people with complex health conditions) who will be impacted by any issues with care provided in care home settings. The proposals in the report are intended to ensure that support is fairly distributed and targeted where need is greatest. Information on Learning Disability placements is included below:

Learning Disabilities:

Number of in-city Providers we commission by service area:

Supported Living Providers	Residential Care Providers	Day Provision Providers	Shared Lives Providers	Community Support Providers
20	11	5	2	7

Number of actual in-city Homes we commission placements from:

Supported Living Homes	Residential Care Homes
48	19

Sustainability Implications:

7.7 There are no adverse sustainability implications arising from this report.

Brexit Implications:

7.8 None

SUPPORTING DOCUMENTS

Appendices - None

Subject:	Approach to ongoing Personal Protective Equipment expenditure		
Date of Meeting:	27 May 2020		
Report of:	Executive Director for Health & Adult Social Care		
Contact Officer:	Name:	Michelle Jenkins/Rima Desai	Tel: 07795 336271/07825387322
	Email:	Michelle.jenkins@brighton-hove.gov.uk, rима.desai@brighton-hove.gov.uk	
Ward(s) affected:	(All Wards);		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that information regarding the recently announced Care Home funding was awaited.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 Access to Personal Protective Equipment (PPE) across a range of council services and accessible to those many provider organisations supporting some of our most vulnerable residents and communities is vital in the City's response to COVID-19.
- 1.2 This paper sets out the current requirements and arrangements for the provision of PPE in the City, as the Council reacted quickly to the Covid-19 crisis initially ensuring that vital supplies are delivered to front line services where needed most and also identifies possible future requirements and arrangements for the provision of PPE, including projected costs, as we potentially move toward a medium-term Business as Usual scenario.

2. RECOMMENDATIONS:

- 2.1 To note the current estimated monthly council expenditure on PPE and approach to purchasing and distribution to maintain this vital supply chain.
- 2.2 Given the likelihood of the current crisis response in relation to PPE may become 'business as usual' for the next 12 to 18 months with varied degree of demand and supply context which needs fast response, to delegate authority to the Executive Director of Health and Adult Social Care to procure necessary PPE following consultation with the s151 officer.
- 2.3 To agree the Executive Director of HASC to provide update reports to each of the forthcoming P&R Committee meetings, acknowledging the fast-moving policy

and operational environment and the broad impact of PPE provision on the humanitarian, economic and social recovery of the city.

3. CONTEXT/ BACKGROUND INFORMATION

Current PPE requirements

- 3.1 The Council has always historically procured PPE to support the delivery of essential services across a number of service areas ranging from environmental services for our staff working in City Clean and our city's parks through to social care providing support to staff working in our care homes or visiting vulnerable people in their own homes.
- 3.2 Those external providers of services, primarily care homes and domiciliary care agencies, whether commissioned by the Council or delivering support to the self-funder market have always relied previously on their own independently sourced procurement supply chains.
- 3.3 The Covid-19 crisis placed unprecedented demand for PPE across all service areas and this, as has been subject to widespread national reporting, outstripped available supplies. In response to this the Council reacted quickly to try to secure supplies that would continue to meet the needs of our own services and support the wider market also, working closely with the Sussex Resilience Forum and their emergency drops which have continued to be delivered to the city.

PPE distribution arrangements

- 3.4 Local Authorities have been tasked with distributing national emergency PPE stock to those that require it in the local area. National stock issued by the Ministry for Housing, Communities and Local Government (MHCLG) is delivered to Local Authorities through the Local Resilience Forum (LRF) to meet the needs of health and social care providers and public service organisations who have been unable to obtain PPE through their normal supply chain and wholesalers. Should the LRF and Local Authorities be unable to meet this demand care providers and public services organisations will refer to the National Supply Disruption Line (NSDR).
- 3.5 The Sussex Resilience Forum (SRF), Brighton & Hove City Council (BHCC), East Sussex County Council (ESCC) and West Sussex County Council (WSSC) are working together to distribute MHCLG stocks throughout Sussex.
- 3.6 Services currently requiring PPE through the Local Authority supply route include the following:
 - Adult Social Care (care homes, personal assistants, domiciliary care)
 - Local Authority services including Adults and Children social care
 - General Practitioner, Pharmacists, Emergency Dentists and other Primary Care
 - Residential Special schools
 - Funeral Services and mortuaries
 - Mental Health Community Services
 - Hospices and Palliative Care

- Individual carers (paid or unpaid)
- 3.7 There has currently not been a requirement for the Local Authority to distribute supply to NHS Acute Trusts, Ambulance Trusts, Police or prisons.
- 3.8 A BHCC Distribution Team has been put in place, to receive LRF and BHCC procured PPE stock, to receive PPE request and to arrange distribution of the PPE. Distribution is only undertaken where there is a clear and urgent need., and where and organisation has been unable to obtain PPE through their usual suppliers. Between the period 6th April to 15th May 2020, the team has processed 722 requests supporting 291 different services, individuals and organisations - full details of this are included in Appendix 1. Sussex Search & Rescue organisation has been extremely generous in their support in delivering PPE where needed with no cost implications to the council.

Supply and procurement arrangements

- 3.9 The MHCLG provides the SRF with 35% of the total quantity of PPE required to sustain Sussex's care providers and public service organisations for 1 week in line with PPE requirements stated in Public Health England's Table 4. Nationally PPE availability is a critical issue, and the MJHCLG have acknowledged that they are unable to consistently provide this. Care providers and public service organisations have not always been able to consistently procure PPE through their usual channels or wholesale providers.
- 3.10 BHCC are procuring PPE for use by BHCC staff, the government PPE Plan requires employers to do this. As the stock supplied via the SRF is not enough to cover the requirements by all the required areas, BHCC is also using its own procured PPE stock for use by Personal Assistants, and non CQC registered providers such as homelessness services, and at times for CQC registered providers, primary care providers and funeral directors in emergency situations in order to reduce the risk of infection spread.
- 3.11 Between the period 6th April 2020 to 15th May 2020, the amount of PPE items distributed is as follows – please see appendix 1 for further details.
- BHCC staff – 256k
 - Care sector – 305k
 - Commissioned or partner organisation – 72k
 - Personal assistants – 34k
 - Total = 668k

Current costs to Council

- 3.12 The BHCC Procurement Team has been requested to procure PPE, at a cost of £624,000 per month on a rolling basis as necessary to meet PPE requirements. The Procurement Team are working to reduce this figure by negotiating with suppliers; this is more achievable when placing large orders for items such as face masks. Market prices are constantly fluctuating so this estimate is based on the cost of items at this current time but there is no guarantee that pricing will be held or for how long depending on when and how quickly the council is able to procure. These costs may also increase if BHCC are required to support other organisations when they start to open such as schools and nurseries.

3.13 The current requested weekly ask from the procurement team is as below:

1. Masks – 50,000
2. Gloves – 120,0000
3. Aprons – 50,000
4. Eye protection – 10,000
5. FFP3/2 – 2000
6. 50ml hand sanitizers - 2000
7. 100ml hand sanitizers - 2000
8. Surface wipes pack of 200 – 1000
9. Hand washing liquid 500ml = 2000
10. Full apron = 5000
11. Clinical waste bags – 10,000

Additional specific items are being purchased by services as needed and they are aware to seek help from procurement colleagues if any difficulty in sourcing.

Possible future demand and supply routes

- 3.14 The government is developing a supply chain to take orders directly from health and social care providers and dispatch directly to them. It is detailed on the Coronavirus adult social care plan (published 15 Apr 2020) that this will be a new web-based system for procuring PPE which will be integrated with NHS Supply Chain's central PPE logistic operations (Clipper Service) and shipped directly to providers via Royal Mail.
- 3.15 Once this is in place it is the expectation that the supply line via the SRF will stop. However, it is currently unclear when this new procurement and delivery process will start, and which organisations will be able to use it. It is likely that this will be the supply route for all CQC registered providers and for Primary Health Care, as well as Acute Health Trusts.
- 3.16 Other services, organisations or individuals who require PPE may need to establish alternative routes to get PPE stocks, such as via the Local Authority, or procure directly from the market.
- 3.17 Government plans are for are for schools to prepare to begin to open for more children from 1 June. (*Ref: Our Plan to Rebuild: The UK Governments COVID-19 recovery strategy, May 2020*), with guidance that there is a requirement for schools to hold a supply a PPE should a child start to display COVID19 symptoms, though in the event of schools reopening further PPE requirements may be agreed.
- 3.18 The full Risk Register for the PPE cell is included in Appendix 2 along with other key documents. The key risk for this cell is a combination of uncertainty in relation to supply and uncertainty in relation to potential demand – both these elements change on a daily basis. Without adequate PPE, key services may need to stop.

Potential PPE costs

- 3.19 There continues to be uncertainty as to when the new Clipper supply and delivery service will be fully operational, and which services and organisations it will supply to. However, based on likely predictions the following future arrangements may be in place.
1. Clipper Service – supplying all PPE requirements to NHS Trusts, Primary Care and CQC registered providers. Organisations will order and pay via this service for their required PPE.
 2. Local Authorities – purchase and supply PPE for Council staff, and Personal Assistants and carers through Direct Payment arrangements and carer's assessments
 3. Other organisations such as non CQC registered organisations, and Ofsted inspected organisations to procure PPE directly from suppliers or make arrangements through the Local Authority.
- 3.20 The current estimated need for PPE per week including 25% contingency stock is less than the ask from procurement colleagues for some items as detailed above. However, we are continuing to procure the higher amounts to take account of any future spike in COVID19 cases which could result in a sudden uplift in PPE requirements. The PPE distribution team is moving to the Brighton Centre with effect from 22nd May. This will provide an opportunity to source and store more items to reduce dependency on the market situation and accommodate any future demand. The consideration for any charging policy for PPE will also need to be undertaken once the clarity on national supply emerges along with the likely demand.

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 An option of continuing service delivery with reduced PPE would create risk regarding infection control and would be dismissed on Health & Safety grounds. There are no other reliable sources of PPE currently through government or local sources.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The PPE team will liaise with the Equalities & Third Sector team to explore ways to ensure that community groups are aware of how to access PPE. PPE item gets regularly discussed at the weekly union meeting in relation to Covid 19 response. Ethical Framework as included in Appendix 2 has been developed in consultation with union colleagues.

6 CONCLUSION

- 6.1 Given the uncertainty of the demand which changes on a daily basis and national supply, the recommendations outlined in this report are believed to be the right one to ensure no service disruption because of the lack of PPE.

7 FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The council has committed £1.58m to date to maintain the supply of PPE and meeting the demand up to mid-June 2020. The estimated monthly cost is currently £0.624m although this will change as council services restart, supplies from Clipper become clearer and any further government or Public Health announcements that change requirements. The recommendations delegate authority to continue procurement to the end of September when a further update report will be presented reflecting any changes in demand and requirements and this could commit the council to over £2m more than currently spent and these costs will be reflected in the councils' overall financial position. The council has been awarded £16.2m COVID-19 Emergency Response Funds by government to meet emergency expenses. However, the Covid 19 Financial Position Update report elsewhere on this agenda highlights the significant full year impact of increased costs, including ongoing PPE requirements, and reduced income and this funding only covers these financial pressures in part. As noted in the report, the government recently announced ringfenced social care funding to local authorities to tackle the spread of Covid-19 in care homes. This resulted in an allocation of £2.745m for Brighton & Hove City Council. A proportion of this funding may be applicable to the supply of PPE to care homes alongside Covid-19 Emergency Response funds and reduce the council's overall commitment.

Finance Officer Consulted: James Hengeveld Date: 19/05/20

Legal Implications:

- 7.2 The proposals to procure PPE as set out in the report are in accordance with the Council's responsibilities under the Coronavirus Act, Regulations and National Guidance. The urgent procurement of PPE may require agreement to waive Contract Standing Orders and legal and procurement officer advice will be required in relation to these procurements.

Lawyer Consulted: Elizabeth Culbert Date: 18/05/20

Equalities Implications:

- 7.3 The PPE management team will work closely with the Community Hub to explore if support could be provided to those individuals needing PPE but don't have digital access.

Sustainability Implications:

- 7.4 We are combining orders wherever possible for multiple weeks to reduce the number of deliveries/collections needed.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 - PPE management information
2. Appendix 2 - PPE master document which includes all current guidance and templates

Appendix 1 – PPE management information

1. PPE Stock Allocations between 6th April and 15th May - Summary

PPE Stock Allocations between 6th April to 15th May			
Category		Number of services	Number of allocations
Total	BHCC Staff	75	215
	Care Sector	112	345
	Commissioned or Partner	49	107
	Personal Assistant	55	55
Grand Total		291	722

2. PPE Stock Allocations between 6th April and 15th May – Detail

w/c	Allocated To	Hand Sanitiser 50ml	Hand Sanitiser 100ml	Hard Surface Wipes 200	Face Masks IIR	Face Masks FFP2&3	Gloves	Disposable Aprons	Goggles	Visors/ Face Shields	250ml Hand Washing Liquid	500ml Hand Washing Liquid	Disposable bags for waste
06/04/2020	BHCC Staff	125	210	145	3850	120	10000	9080	1160				
	Care Sector	380	380		6650		24600	7600	2900				
	Commissioned or Partner	110	24		950		5600	620	30				
13/04/2020	BHCC Staff	135	238	36	3950		9400	7800	1022				
	Care Sector	256	205		9250		37200	14400	5373				
	Commissioned or Partner	190	50		1150		4400						
20/04/2020	BHCC Staff	464	614	246	6750	240	21600	12200	549			14	200
	Care Sector	621	452		11600	468	10800	10600	1499			224	50
	Commissioned or Partner	387	105	58	3300	140	7200	1900	172			70	
	Personal Assistant	390	770	112	3500	200	11500	3650	501			1	250
27/04/2020	BHCC Staff	1658	1347	730	17200	418	53100	22250	1818	58		558	1500
	Care Sector	247	414	121	14400	343	27200	17300	800			37	1990
	Commissioned or Partner	305	55	42	4300	75	8200	2000	265			7	
	Personal Assistant	4	7	3	400		1200	700	53				25
04/05/2020	BHCC Staff	54	50		550		200	200		30		50	50
	Care Sector	245	292	76	12000		17400	9650	788	77	26	8	400
	Commissioned or Partner	247	38	30	6150	60	8900	1350	35	37		5	100
	Personal Assistant				900		1100	800	58				
11/05/2020	BHCC Staff	926	972	889	9590	200	39600	7200	1562	20	246		3300
	Care Sector	236	329	76	16400	425	25000	12000	609	10	34	5	575
	Commissioned or Partner	313	95	38	4000	15	7400	1600	117		1	7	125
	Personal Assistant				2850		3200	2400	270				
Total	BHCC Staff	3362	3431	2046	41890	978	133900	58730	6111	108	246	622	5050
	Care Sector	1985	2072	273	70300	1236	142200	71550	11969	87	60	274	3015
	Commissioned or Partner	1552	367	168	19850	290	41700	7470	619	37	1	89	225

	Personal Assistant	394	777	115	7650	200	17000	7550	882	0	0	1	275
	Grand Total	7293	6647	2602	139690	2704	334800	145300	19581	232	307	986	8565

3. Local Resilience Forum stock received between 6th April and 15th May

w/c	Stock From	Hand Sanitiser 50ml	Hand Sanitiser 100ml	Hard Surface Wipe 200 pack	Face Masks IIR	Face Masks FFP2&3	Gloves	Disposable Aprons	Goggles	Visors/ Face Shields	250ml Hand Washing Liquid	500ml Hand Washing Liquid	Disposable bags for waste
06/04/2020	Donated				70								
	LRF drop				12000	840	60000	22000	6000				
	Procured	1820	1810		200		900	700					
13/04/2020	LRF Drop				12000	420	60000	20000	6000				
	Procured	4000	4000		6270		85180	9400	10008				
20/04/2020	Donated						7580		125				
	LRF Drop				14500		70000	20000	1500				
	Procured	8100	7950	3338	184950	400	9300	137000	22188			1000	1000
27/04/2020	Donated	10	80	3		750	5900		40	500			
	LRF Drop					7500	600	114000	11000	6000			
	Procured			60				20200		23		2856	49200
04/05/2020	Donated												
	LRF Drop					10500	480		89000	1500			
	LRF Goggle Product Recall								-12400				
	Procured					48000	2000	45500		14404	7200		55200
11/05/2020	LRF Drop					25000		122000	4000		400		400
	Procured		228	1065		52000		9300	65700			5000	64000
Total	Donated	10	80	3	70	750	13480		165	500			
	LRF Drop				69500	2340	366000	146000	15000	400			400
	LRF Goggle Product Recall								-12400				

Procured	13920	13988	4463	291420	2000	170380	212800	46623		7200	8856	169400
Grand Total	13930	14068	4466	360990	5090	549860	358800	49388	900	7200	8856	169800

4. LRF Stock Top Up

Allocated To	Hand Sanitiser 50ml	Hand Sanitiser 100ml	Hard Surface Wipe 200 pack	Face Masks IIR	Face Masks FFP2&3	Gloves	Disposable Aprons	Goggles	Visors/ Face Shields	250ml Hand Washing Liquid	500ml Hand Washing Liquid	Disposable bags for waste
Stock given non BHCC	3931	3216	556	97800	1726	200900	86570	13470	124	61	364	3515
LRF Stock Received	0	0	0	69500	2340	366000	146000	15000	400	0	0	400
LRF Stock minus non BHCC stock given	-3931	-3216	-556	-28300	614	165100	59430	1530	276		-364	-3115
Percentage top up	-100%	-100%	-100%	-41%	26%	45%	41%	10%	69%	-100%	-100%	-779%

LRF Stock received	0	0	0	69500	2340	366000	146000	15000	400	0	0	400
LRF stock minus all stock given out	-7293	-6647	-2602	-70190	-364	31200	700	-4581	168	-307	-986	-8165
Percentage top up	-100%	-100%	-100%	-101%	-16%	9%	0%	-31%	42%	-100%	-100%	-2041%

5. Monthly Procurement Ask

Product	Gloves	Aprons	Clinical waste bags	Eye Protection	FFP2	Standard Face Masks	Hand Sanitiser 50ml	Hand Sanitiser 100ml	Hand Soap	Wipes (Packs of 200)	Full length gowns
Monthly Procurement Ask	480,000	200,000	40,000	40,000	4000	200,000	4,000	4,000	8000	4,000	20,000
Cost	£43,200	£20,000	£4,400	£80,000	£56,000	£200,000	£8,800	£12,600	£28,000	£111,600	£60,000
Unit Price	£0.09	£0.10	£0.11	£2.00	£14.00	£1.00	£2.20	£3.15	£3.50	£27.90	£3.00

6. Full List of PPE Recipients

PPE Stock Recipients	Category
Adult Learning Disability Provider Services - Beaconsfield Villas	BHCC Staff
Adult Learning Disability Provider Services - Burwash Lodge	BHCC Staff
Adult Learning Disability Provider Services - Cromwell Road	BHCC Staff
Adult Learning Disability Provider Services - Ferndale Road	BHCC Staff
Adult Learning Disability Provider Services - Leicester Villas	BHCC Staff
Adult Learning Disability Provider Services - Preston Drove	BHCC Staff
Adult Learning Disability Provider Services - Shared Lives	BHCC Staff
Adult Learning Disability Provider Services - The Beach House	BHCC Staff
Adult Learning Disability Provider Services - Wellington House	BHCC Staff
Adult Learning Disability Provider Services - Windlesham Road	BHCC Staff
AMHP Service	BHCC Staff
Bereavement Services Crematorium	BHCC Staff
Brighton & Hove City Mortuary / Coroner's Transfer Service	BHCC Staff
Brighton Centre - Admin	BHCC Staff
Brighton Centre - Liaison & Security	BHCC Staff
Brighton Centre - Tech Team	BHCC Staff
Brighton Centre - Venue Services	BHCC Staff
Central Hub Brighton	BHCC Staff
Children's Centres	BHCC Staff
Children's Social Work	BHCC Staff
City Transport - Civil Engineering	BHCC Staff
City Transport - Highway Maintenance	BHCC Staff
City Transport - Support Roles	BHCC Staff
City Transport - Traffic Management	BHCC Staff
City Transport - Transport Policy and Strategy	BHCC Staff
City Transport - Transport Projects & Engineering	BHCC Staff
City Transport - Valley Gardens	BHCC Staff
Cityclean	BHCC Staff
CityParks	BHCC Staff
Community Short Term services	BHCC Staff
Craven Vale	BHCC Staff
CSW Kingswood Street	BHCC Staff
CSW Lavender Street	BHCC Staff
Drove Road + Outreach	BHCC Staff
Early Years Nurseries	BHCC Staff
Estates Services	BHCC Staff
Facilities and Building Services	BHCC Staff
Glenwood Lodge	BHCC Staff
HASC - Carelink	BHCC Staff
HASC - Carers Assessment Service	BHCC Staff
HASC - CENTRAL	BHCC Staff
HASC - EAST	BHCC Staff
HASC - Occupational Therapists	BHCC Staff

HASC - Occupational Therapy Assistants	BHCC Staff
HASC - Protection of Property	BHCC Staff
HASC - Resource Officers	BHCC Staff
HASC - SMS Service	BHCC Staff
HASC - WEST	BHCC Staff
Health & Safety Team - BHCC	BHCC Staff
HillPark special school	BHCC Staff
Home-to-School Transport	BHCC Staff
Housing Repairs & Improvement	BHCC Staff
Independence at Home - CSM and DO	BHCC Staff
Independence at Home - HCSW	BHCC Staff
Ireland Lodge	BHCC Staff
IT&D	BHCC Staff
GMB Rep	BHCC Staff
Lavender Street Housing Office	BHCC Staff
Mortuary Service	BHCC Staff
New Steine Mews Hostel	BHCC Staff
Parking Services	BHCC Staff
PPE Delivery team	BHCC Staff
PPE Hub team	BHCC Staff
Print & Sign	BHCC Staff
Revenues and Benefits	BHCC Staff
Royal Pavilion & Museums	BHCC Staff
Safer Communities - Emergency Planning	BHCC Staff
Safer Communities - Field Officers	BHCC Staff
Safer Communities - Pest Control	BHCC Staff
Safer Communities - Rest Centre	BHCC Staff
Seafront Service	BHCC Staff
Traffic Control Centre	BHCC Staff
Tudor House	BHCC Staff
Wayfield Avenue	BHCC Staff
Temporary Accommodation	BHCC Staff
100 Goldstone	Care Sector
12 Lyndhurst Group Home	Care Sector
27 Lustrells Crescent	Care Sector
287 Dyke Road	Care Sector
289 Dyke Road	Care Sector
3a The Droveaway	Care Sector
4-10 Lyndhurst rest Home	Care Sector
51 Rutland Road	Care Sector
Achieve Together	Care Sector
Achieve Together – 22A Carden Avenue (LD)	Care Sector
Achieve Together – 22B Carden Avenue (LD)	Care Sector
Achieve Together - 290 Dyke Road (LD)	Care Sector
Achieve Together - 3 The Droveaway (LD)	Care Sector
Achieve Together - 4 Vallance Gardens (LD)	Care Sector
Achieve Together - Arden House (LD)	Care Sector

Achieve Together 283 Dyke Road (LD)	Care Sector
Acorn House	Care Sector
Acorn Hove (Loxwood Ltd)	Care Sector
Action on Hearing Loss	Care Sector
Adelaide Nursing Home	Care Sector
Agincare	Care Sector
Alina Home Care	Care Sector
Allied Health-Services	Care Sector
Ambient (was Heritage Care)	Care Sector
Ambito. Sharon Collins Resource Centre and Brighton Community Support.	Care Sector
Apex Prime Care	Care Sector
Areli Care t/a Caremark	Care Sector
Arundel Park Lodge	Care Sector
Aspen House	Care Sector
Barford Court	Care Sector
Better Healthcare	Care Sector
Birchgrove Care Home	Care Sector
Blind Veterans UK	Care Sector
Bluebird Care (Lewes District, Brighton & Hove)	Care Sector
Bon Accord	Care Sector
Brighton & Sussex Care	Care Sector
Brighton Vision	Care Sector
Care Outlook	Care Sector
Care Unbound Ltd	Care Sector
Care4You Home Care	Care Sector
Carers Centre	Care Sector
Carlton House	Care Sector
Charlesworth rest home	Care Sector
Churchley Care Home	Care Sector
Churchley Rest Home	Care Sector
Cloverdale House	Care Sector
Coastal Homecare	Care Sector
Community Transport	Care Sector
Compass	Care Sector
Conifer Lodge	Care Sector
Davigdor Lodge rest home	Care Sector
Dean Wood Nursing and Residential	Care Sector
Dimensions	Care Sector
Downlands Nursing Home	Care Sector
Fairdene Lodge	Care Sector
Frances Taylor Foundation – Marina House	Care Sector
Frances Taylor Foundation - St Anne's Apartments	Care Sector
Frances Taylor Foundation Home & Community Support	Care Sector
Gate Cottage Rest Home	Care Sector
Grace Eyre Foundation	Care Sector
Grange Rest Home	Care Sector
Grosvenor Lodge	Care Sector

Habitation Care	Care Sector
Hallifax Care	Care Sector
Hanover Care	Care Sector
Hazelgrove Nursing Home	Care Sector
Headway	Care Sector
Highbury House	Care Sector
Highviews, The	Care Sector
Home Instead Senior Care	Care Sector
HomeCare Direct	Care Sector
Marina House	Care Sector
Marine View	Care Sector
Martlets Hospice	Care Sector
Maycroft Manor CH	Care Sector
Mears	Care Sector
Middleton Grove	Care Sector
Mpch Carlton House	Care Sector
MyLife East Sussex	Care Sector
MyLife/CSN/Carewatch	Care Sector
Oaklands Nursing Home	Care Sector
Oakleigh Lodge Rest Home	Care Sector
Parkview Care Home	Care Sector
Partridge House	Care Sector
Place Farm House	Care Sector
Possability People At Home	Care Sector
Princes Crescent	Care Sector
Rachel Mazzier House	Care Sector
Regent House Nursing Home	Care Sector
Renaissance Personell Care	Care Sector
RNIB Wavertree House	Care Sector
Seaway Nursing Home	Care Sector
Small Opportunities	Care Sector
South Coast Care	Care Sector
Southdown (CH & SL services)	Care Sector
Southdown (CS & RS)	Care Sector
St Anne's Apartments (FTF)	Care Sector
St Christopher's Care Home	Care Sector
Sussex Empowered Living	Care Sector
Swanborough House	Care Sector
Sycamore Court	Care Sector
The Lioncare Group	Care Sector
The Meadows (Allied Care)	Care Sector
The Private Care Company	Care Sector
The Whitehouse	Care Sector
Think Spinc LTD	Care Sector
Vallance CH	Care Sector
Venture People (LD/MH)	Care Sector
Westwood	Care Sector

White Heart Care (HC)	Care Sector
Wilbury Gardens RNID no placements	Care Sector
Willow Close	Care Sector
ARKA Original Funerals	Commissioned or Partner
ASC Food Run	Commissioned or Partner
B&HCC Glenwood Lodge (48 beds)	Commissioned or Partner
BHT - Phase One	Commissioned or Partner
BHT - Route One	Commissioned or Partner
BHT - Shore House	Commissioned or Partner
Boots	Commissioned or Partner
Brighton & Hove Food Partnership	Commissioned or Partner
Brighton and Hove CCG/CHC	Commissioned or Partner
Brighton Hotel 90 beds	Commissioned or Partner
Brighton YMCA 1-7 George Williams Mews	Commissioned or Partner
Brighton YMCA Bennett House	Commissioned or Partner
Brighton YMCA Fred Emery Court	Commissioned or Partner
Brighton YMCA Leslie Best House	Commissioned or Partner
Brighton YMCA Stanley Court	Commissioned or Partner
Brighton YMCA William Collier House	Commissioned or Partner
Britannia Hotel 51 beds	Commissioned or Partner
Bungard & Sons Ltd Funeral Directors	Commissioned or Partner
ChangeGrowLive	Commissioned or Partner
The Avenue Surgery	Commissioned or Partner
Elemel – The Coracle/ The Aegis	Commissioned or Partner
Equinox Women's Service	Commissioned or Partner
Extratime	Commissioned or Partner
Eyesite Opticians	Commissioned or Partner
HERE Care Unbound, Sussex MSK Partnership	Commissioned or Partner
Homeless Food Run commissioned by Adult Social Care	Commissioned or Partner
Impact Initiatives Stopover	Commissioned or Partner
Impact Initiatives Stopover (17 beds)	Commissioned or Partner
J Wagstaff LTD - Funeral service	Commissioned or Partner
Jefferies Funeral Directors	Commissioned or Partner
Kings Hotel 35 beds	Commissioned or Partner
Minibus Travel Services Ltd	Commissioned or Partner
Partner - Manager of a block of retirement flats, Right to Manage	Commissioned or Partner
Sanctuary Brighton & Hove Foyer (50 beds)	Commissioned or Partner
Sanctuary Star Project (29 beds)	Commissioned or Partner
Southdown Community Moves (53 beds)	Commissioned or Partner
St Mungo's	Commissioned or Partner
St Patrick's	Commissioned or Partner
Supplier of Food Partnership	Commissioned or Partner
Surrenden Dental Practice	Commissioned or Partner
Sussex Beacon	Commissioned or Partner
Sussex Funeral Service	Commissioned or Partner
Sussex Partnership Trust	Commissioned or Partner
The Hove Practice	Commissioned or Partner

YHA	Commissioned or Partner
YMCA DLG	Commissioned or Partner
The Hangleton and Knoll Project	Commissioned or Partner
St. John's College	Commissioned or Partner
Warmdene Surgery	Commissioned or Partner
Personal Assistant	Personal Assistant

Appendix 2

Appendix 2 - Personal Protective Cell – Master document – 19/5/20

Desired outcome – right PPE reaching right colleagues at the right time.

Who is in scope and how could they request PPE?

<p>BHCC Staff</p>	<p>PPE Demand Management Plan template being completed by BHCC managers – was sent to managers on 9/4</p> <p> PPE Demand Management Plan -</p> <p>Guidance to be used when completing the above template – revised final version was sent on 4/5</p> <p> Rationale for the use of personal pro:</p> <p>Training for staff in relation to PPE – available on Learning Gateway.</p>
<p>Commissioned/partner organisation</p>	<p>Template was sent to BHCC managers on 19/4 to share with their suppliers/partners if they need help with PPE.</p> <p> PPE Request - For supplier partner (Ve</p>
<p>Individuals e.g. personal assistants to clients receiving direct payment, unpaid carers, those providing care privately</p>	<p>https://new.brighton-hove.gov.uk/contact-council/request-ppe#no-back</p>

What if we can't fulfil all demand?

<p>Ethical Framework</p> <p>Version discussed with the Leaders' Group + presented at the Union meeting on 6/5/20 + will be amended as necessary</p>	 <p>DRAFT Ethical and Prioritisation Framework</p>
<p>PPE Risk Management Outcome document to be completed by BHCC manager – template sent to them on 9/4/20</p>	 <p>PPE Risk Assessment Outcome</p>

What quantities we have requested our Procurement colleagues to source? – last updated 4th May

1. Masks – 24,000 + 16,000 + 10,000
2. Gloves – 100,000 + 20,000
3. Aprons – 40,000 + 10,000
4. Eye protection – 10,000
5. FFP3/2 – 200 + 800 + 1000
6. 50ml hand sanitizers - 2000
7. 100ml hand sanitizers - 2000
8. Surface wipes pack of 200 – 1000
9. Hand washing liquid 500ml = 2000
10. Full apron = 5000
11. Waste bags – 10,000

Additional specific items to be purchased by services as needed and seek help from procurement colleagues if any difficulty in sourcing.

Storage & Distribution team:

1. An enthusiastic and customer focussed team consisting of colleagues from various services across the organisation
2. Based at Hove Town Hall within the customer service area + using council chamber for storage
3. Approximately 16 staff present at a time to allow for social distancing
4. Sussex Search & Rescue volunteers helping us with delivery requirements – a very professional and supportive set up.

Latest risk register – last updated 11/5/20



11.05.2020 PPE Risk
Register v2.xlsx

Donated items – clarification on website

We welcome donations of personal protective equipment (PPE). In order to ensure the equipment is suitable and safe for us to distribute to care staff it must comply with the appropriate standards for personal protection equipment and medical devices.

Please see the list below for the PPE and medical devices we're looking for and their relevant standards. In addition to this we will require a copy of the Declaration of Conformity for the particular item(s) which is provided by the manufacturer of the equipment.

Type of PPE

Examination Gloves - BS EN 455

Surgical Face Masks (Type IIR) - BS EN 14683:2019

Respirator Masks - BS EN 149:2001

Eye Protection - BS EN 166:2002

Gowns - BS EN 13795:2019

Hand Sanitiser/Gel - BS EN 1500:2013. (Alcohol must be the active ingredient in all hand disinfectants, with a minimum alcohol concentration of 70%)

<https://new.brighton-hove.gov.uk/coronavirus-covid-19/personal-protective-equipment-ppe>

Subject:	Remote Council Meetings and the use of Urgency Powers		
Date of Meeting:	27 May 2020		
Report of:	Executive Lead Officer Strategy, Governance and Law		
Contact Officer:	Name:	Elizabeth Culbert	Tel: 01273 291515
	Email:	elizabeth.culbert@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the report had to be compiled at short notice having regard to national developments.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 On 19 March 2020 Policy & Resources Committee agreed revised arrangements for democratic decision-making, taking into account the risk posed by the Covid-19 pandemic and the need to preserve democratic accountability and compliance with legal requirements. At that time there was no legislative provision to allow remote (virtual) meetings to take place and therefore an increase in the use of officer urgency powers was envisaged.
- 1.2 On 4th April 2020 new regulations were made, enabling the Council to hold virtual decision making meetings, which are now in place. It is therefore necessary to review the interim arrangements agreed by this Committee on 19th March 2020.

2. RECOMMENDATIONS:

- 2.1 That Policy & Resources Committee agrees the proposals set out at paragraph 3.5 of the report and the Urgency Decision Making Protocol (updated May 2020) attached at Appendix 1 with immediate effect.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 On 19 March 2020 Committee agreed a set of interim arrangements in response to the COVID19 pandemic. This included agreement for officers to review all decisions coming before committee to see if they could be delayed until after the end of August. Where decisions could not be delayed, it was agreed that officer urgency powers would be used, having consulted the relevant Chair and Opposition spokespersons.
- 3.2 At that stage, remote meetings were not possible as the law required a member to be physically present in order to take part in a decision making meeting.

Therefore, it was agreed that officer urgency decisions would be used where decisions needed to be taken and could not be delayed, and only if that was not considered practicable would an urgency sub-committee meeting be called.

3.3 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4th April 2020. The Regulations permit local authorities to hold meetings on hours/days of their choosing and to alter the frequency of meetings. They also permit remote attendance at meetings if the required conditions are fulfilled.

3.4 Now that the Council has commenced remote decision making meetings, it is appropriate to review the interim arrangements agreed by Committee on 19th March to reflect the council's ability to conduct formal member decision making meetings.

3.5 It is proposed that the following arrangements are now agreed with immediate effect:-

- (i) In relation to BHCC Member Working Groups, the Home to School Transport Working Group and School Organisation Working Group have continued to meet. All other BHCC member working groups and Housing Area Panels will resume meeting from July with the exception of the Carbon Neutral Working Group and i360 cross party panel which will be meeting in June;
- (ii) All Committee and Sub-Committee meetings will take place with remote attendance by members, the public and press, in accordance with the Regulations;
- (iii) Use of Officer Urgency powers will be in accordance with the Council's Protocol on the Use of Urgency Powers (updated May 2020) as set out at Appendix 1. This protocol was first agreed by Committee on 5th December 2019. The protocol contains a flow chart setting out the expectation of the use of Officer Urgency Powers only where it is not reasonably practicable to hold a Committee, Special or Urgency Sub-Committee meeting. The Protocol also includes a template record of Officer Urgency Decision (updated May 2020) which will be published on the Council's website;
- (iv) It is proposed that the above proposals come into effect immediately and remain in place until such time as the arrangements are reviewed again by this Committee, or the Regulations permitting remote meetings expire (whichever is earlier).

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The Council has the option of continuing to support an enhanced use of Officer Urgency Powers. However, now that remote meetings can take place and have legal force due to new Regulations being implemented, it is considered appropriate to revert to the previous expectations that meetings which require a decision by elected members, in accordance with the Council's constitution, are

taken to decision making meetings unless it is not reasonably practicable to do so.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 No public consultation has taken place in view of the timing, however the proposals in this report revert to the principles that were in place before the COVID19 pandemic and are therefore well established.

6. CONCLUSION

- 6.1 The proposed way forward takes account of the legislative changes which have enabled remote meetings to take place and therefore negate the need for the enhanced use of Officer Urgency powers as agreed by Committee on 19 March 2020.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

There are no direct financial implications arising from this report. The reversion of decision-making to committees by default ensures that decisions involving financial implications are as transparent as possible and enable appropriate member scrutiny and oversight of any budgetary implications.

Finance Officer Consulted: Nigel Manvell

Date: 18 May 2020

Legal Implications:

- 7.1 The legal implications are set out in the body of the report.

Lawyer Consulted:

Liz Culbert

Date: 15 May 2020

Equalities Implications:

- 7.2 There are no adverse equalities implications arising from the report. By adopting the recommendations, there will be an increased number of meetings where decisions are taken in public.

Sustainability Implications:

- 7.3 There are no adverse sustainability implications arising from this report. The meetings will continue to be held remotely, reducing travel and carbon emission.

Brexit Implications:

- 7.4 None.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1 – Protocol on the Use of Officer Urgency Powers (updated May 2020)

Protocol on the Use of Urgency Powers by Officers **(updated May 2020)**

This Protocol clarifies expectations on the use of urgency powers by officers of the council.

General delegations in [Part 6 of the Scheme of Delegations](#) provide Chief Officers with urgency powers in two contexts:

- 1) where an emergency has been declared or where an officer acting as gold command considers it necessary to take appropriate steps under the Council's emergency planning, resilience or business continuity procedures; and
- 2) in any situation where it is not reasonably practicable to obtain prior approval of a Committee or Sub-Committee.

This Protocol governs the use of urgency powers in scenario 2).

A: Approval of a Committee or Sub Committee as a first resort

When a decision which requires member approval needs to be made urgently, officers are expected to ask themselves the following questions in sequence:-

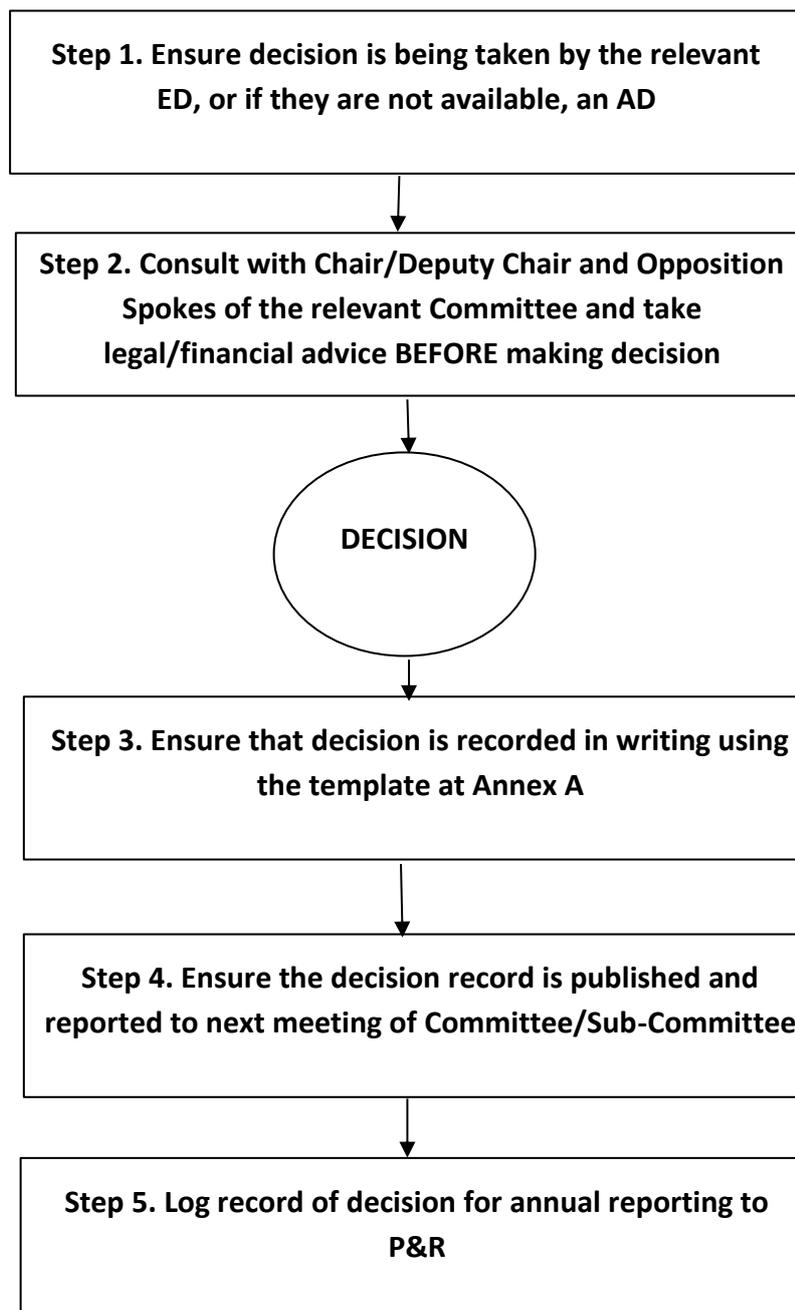
1. Can the matter be put to an ordinary scheduled Committee meeting?
2. If a meeting of the Committee is either not scheduled within relevant deadlines or is happening too soon for members to have opportunity to scrutinise the proposals, then officers should ask: is it practicable to convene a Special Committee meeting (CPR rule 19)? These may be called by the Chair or Deputy Chair or by one quarter of the voting members to the Committee by requisition. The process involves scheduling an additional meeting of the entire Committee to consider one or more agenda items.
3. If it is not practicable to convene a Special Committee meeting, whether for timetabling, or other reasons, then officers should ask: is it practicable to convene an Urgency Sub Committee of the Committee (rule 22)? This involves convening a dedicated meeting of three members of the Committee on a cross party basis. This option is considered only after the Special Meeting option because it means less scrutiny is available as any decision is made by a smaller pool of members (albeit on a cross party basis).

The expectation is that all relevant decisions (having regard to the Council's Constitution) will be referred to a member body unless it is not reasonably practicable to convene one of the meetings set out above.

B: Officers Exercising Urgency Powers

Where it is not reasonably practicable to obtain a Committee or Sub-Committee decision on matters which would normally require member approval, then officer urgency powers may be available, as long as the following steps are taken:-

B: OFFICER CHECKLIST: EXERCISING URGENCY POWERS
(NB Only applicable where not reasonably practicable to obtain approval from an Ordinary, Special or Urgency Sub Committee meeting)



OFFICER DECISION

This record relates to urgent decisions taken by Chief Officers under the Scheme of Delegation to Officers Paragraph 7(2).

RECORD OF URGENT DECISION TAKEN BY **<Chief Officer Title>**

SUBJECT: <Subject>

CONTACT OFFICER: <Name>, <Contact number>

REASONS FOR URGENCY AND WHY NOT PRACTICABLE TO HOLD A SPECIAL MEETING OR URGENCY SUB-COMMITTEE:

Briefly explain the background to the matter/problem, why an urgent decision is needed, and why it is not practicable to hold a Special Meeting or Urgency Sub-Committee meeting.

DETAILS AND OUTCOME OF CONSULTATION WITH THE CHAIR/DEPUTY CHAIR OF RELEVANT COMMITTEE AND OPPOSITION SPOKES:

This will be recorded at a later date for the final version to be noted by a committee.

DATE OF CONSULTATION WITH CHAIR/DEPUTY CHAIR AND OPPOSITION SPOKES:

<Date>

THE DECISION:

This will normally be in the following format. 'To note the use of officer urgency powers by the <Chief Officer title> under delegations provided to the <Chief Officer title> to <describe the decision>.

REASONS FOR DECISION:

Briefly explain why the decision is needed including any implications if it were not approved.

DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED:

Detail any other options considered and dismissed.

LEGAL IMPLICATIONS:

Please seek legal advice from the appropriate lawyer before seeking approval from the committee chair and consulting opposition spokes.

Lawyer Consulted: <name> **Date:** <date>

FINANCIAL IMPLICATIONS:

Please seek financial advice from the appropriate Finance Contact before seeking approval from the committee chair and consulting opposition spokes. This should cover costs, budget provision or funding source utilised, and any other financial consequences.

Finance Office Consulted: <name> **Date:** <name>

DATE OF NEXT COMMITTEE MEETING TO WHICH THE DECISION WILL BE REPORTED:

Set out the committee and date to which the record of the use of urgency powers will be taken for noting.

Date:	
Signed: <Chief Officer title>	
Logged by Democratic Services Officer for Annual Report: Name:	Date:

Subject:	Capacity and Resources in the Home to School Transport Service		
Date of Meeting:	27 May 2020		
Report of:	Interim Executive Director, Families, Children and Learning		
Contact Officer:	Name:	Regan Delf	Tel: 01273 291126
	Email:	Regan.delf@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that discussions with key stakeholders could not be completed in time given the demands of responding to the Covid 19 pandemic.

1 PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1. The report recommends an increase in the staffing capacity of the Home to School Transport Service in response to recent difficulties and the recommendations of an Independent Review of the service, published in March 2020.
- 1.2. The report also recommends that the budget for the Home to School Transport Service is re-based to take account of benchmarking data with other Local Authorities, and the pressures resulting from an increase in a rise in the numbers of children and young people identified with special educational needs and disabilities.

2 RECOMMENDATIONS:

- 2.1. That the Committee agrees to the staffing increase suggested in this paper for the Home to School Transport Service.
- 2.2. That the Committee agrees to increase the Home to School Transport budget by £1m from April 2021.

3 CONTEXT/ BACKGROUND INFORMATION

- 3.1. The Home to School Transport Service has been placed on the corporate risk register because of serious difficulties that arose in the Summer of 2019 and which have still not been entirely resolved. Despite progress being made under interim leadership arrangements, the service remains fragile and under-resourced to meet the on-going improvements required.

- 3.2. Low capacity in the team, particularly at times of peak demand, was referenced in the report from the Independent Review Team, published in March 2020.
- 3.3. The Independent Review Report was critical of decision-making in 2019 about this service, and the problematic introduction of a new Dynamic Purchasing System (DPS) system for procurement. Wide-ranging recommendations for improvement have been accepted by the council, with significant additional resource implications.
- 3.4. The service is now identified as a corporate risk given the need for service improvements.
- 3.5. The service overspend has increased significantly since the implementation of new arrangements last autumn and the basis on which the budget has historically been set needs to be reviewed. The recommendation here is to consider re-basing the budget, taking into account benchmarking with our statistical neighbours, and also taking account of the local (and national) rise in the numbers of children becoming eligible for EHC plans, as this impacts similarly on numbers eligible for HTST

Service remit and scope

- 3.6. The council has a statutory duty to provide free home to school transport arrangements as necessary to facilitate the attendance at school of eligible children resident in the area.
- 3.7. In the Spring term 2020, prior to school closures due to the Covid19 pandemic, the service was arranging and managing the transport of approximately 470 children with complex SEN and disabilities to school or college and back each day in term time, on 177 routes operated by 8 different firms (please note numbers quoted are subject to variance).
- 3.8. Many of the children have high risk medical conditions and/ or severe emotional and behavioural difficulties.
- 3.9. Destinations for transport are many and varied, including a wide range of mainstream and special schools and colleges, within and beyond the City borders.
- 3.10. The service also books and arranges transport for social care and manages the system of bus passes.

New Procurement System

- 3.11. The council, responding to an escalating overspend in the HTST budget and perceived lack of effective competition in the sector, commissioned Edge Public Solutions to introduce a new Dynamic Purchasing and Procurement of Operators System for September 2020. Edge began working in April 2019 and challenges in capacity at every level of the system soon became apparent. It is acknowledged that the introduction of the new system was rushed, and serious problems resulted with the service from September 2019. Although most were

resolved for November, some persist, and there has been a very significant loss of trust and confidence in the system and council from families and transport operators.

Budget

- 3.12. The current budget for the service is £2.4M. The overspend at the end of 2019/20 was £968K.
- 3.13. The projected overspend for 2020/21 is £1.2m, although disruption on account of the COVID-19 crisis will impact forecasts this year.
- 3.14. In terms of benchmarking, many caveats apply to section 251 data, including different structures within LAs and variable reporting. Nonetheless, benchmarking for the financial year 19/20 indicates the following:
- The 19/20 budget for Brighton (£2.375m) was 59% lower than the average budget for our statistical neighbours. This equates to £1.4m.
 - BHCC budget increased by 2% from 2018/19. The average increase for our statistical neighbours was 4% and nationally it was 9%.
 - On average our statistical neighbours overspent their 18/19 budget by 7% (nationally this was 16%). BHCC overspent by 9% (£0.210m).
 - Children with EHCPs have increased by an average of 14% each year over the last 4 years. Special school pupil numbers have increased by 2.4%.
- 3.15. This report is recommending that the council recognises the pressures on the service budget, the rise in eligibility of children owing to changes in SEND legislation, and comparison with similar Local Authority budgets and in this context, increases the base budget for the service by £1m. The Medium-Term Financial Strategy 2021/22 went to Budget Council on 27 Feb 2020 and contained provision for an increase of £750k to the HTST budget. Based on current estimates of transport costs together with a staffing increase as detailed below, the recommendation is that this should increase to £1m
- 3.16. This would still mean that the service budget was £0.2m below the statistical neighbour average but careful management of contracts and efficiencies would be employed to ensure the budget balanced in future.

Staffing

- 3.17. The service struggles with capacity issues and has done since before the summer of 2019.
- 3.18. New temporary leadership capacity from mid-January 2020 has enabled significant progress to be made in areas of concern with robust planning for September 2020. However, the COVID 19 crisis has brought new uncertainties and challenges to the sustainability of current services.

- 3.19. The service needs to undertake a range of complex tasks over the next few months, notably:
- meet the wide-ranging recommendations of an independent review;
 - secure new systems to ensure arrangements for September 2020 are not a repeat of the inadequate services in September 2019;
 - respond to the COVID 19 pandemic and the significant difficulties raised for safe transport of highly vulnerable children, in terms of social distancing, cleaning vehicles to prevent contamination and PPE for transport staff;
 - ensure the sustainability of transport firms and staff over the school closure period, with many facing considerable financial difficulty;
 - introduce more robust contract management and compliance monitoring to ensure best value and improved budgetary control.
- 3.20. The current service establishment is small – 1.75 FTE client transport officers (scale 5) and a team manager (interim postholder on M10), plus a new post of SEN caseworker yet to be appointed.
- 3.21. The recommended action is to increase the team establishment to ensure a safe and effective service delivery going forward.
- 3.22. In a high profile and high-risk area, recruitment to new posts needs to take place as a matter of priority to secure the improvements needed.
- 3.23. The current annual staffing costs of providing the HTST are detailed below:

Current Annual Cost of HTST team, including temporary posts

	FTE	Basic	On-costs	Total
Team manager (secondment)	1.0	35,934	9,913	45,847
Transport Officers	1.75	45,862	12,072	57,934
Admin assistant (agency)	1.0	20,788	0	20,788
<i>SEN caseworker (agency)</i>	<i>0.6</i>	<i>27,820</i>	<i>0</i>	<i>27,820*</i>
Interim Head of Service	0.6	78,000	0	78,000
Total		208,404	21,985	230,389

**SEN caseworker post is funded by DSG High Needs Block*

Estimated staffing costs for 20/21, excluding DSG funded post £202,569

- 3.24. The 20/21 staffing budget for HTST is £60k and the Team Manager post (£46k) was to be funded as part of the savings envisaged under the new DPS for procurement of routes. These savings have not materialised.

- 3.25. The additional interim staffing costs (£96k – interim Head of Service and admin support) were put in place as an emergency measure as part of the HTST recovery plan given the urgent need to address the deficits in the service.

Proposed new HTST structure:

The proposed new structure includes the following:

- 3.26. **New post** – FTE 0.6, 2-year fixed contract - high level interim leadership post at M6, working to a brief to establish a safe and secure service, co-produced with families and other stakeholders, offering best value, with the interests of children and families foremost at all times.
- 3.27. A dedicated team manager at M9 – this post has been previously advertised and did not attract a short-listable field of candidates, so the proposal is to upgrade from M10 to M9, with enhanced duties and responsibilities in the JD.
- 3.28. **New posts** - an increase in transport officers from 1.7 FTE to 3.5 FTE to ensure adequate cover and the implementation of processes and procedures to ensure a safe, family-friendly and compliant service, including at times of highest pressure and demand – it is also proposed to consider the upgrading of these posts from scale 5 to scale 6, contingent on new responsibilities specified in JD.
- 3.29. **New post** – a contract manager post (0.5 FTE) to support procurement, the effective management of contracts and the securing of best value principles in running tenders.
- 3.30. SEND caseworker – this post has already been agreed and will link the service securely with processes in the SEN team (a deficit in this area was highlighted in the independent review report) – this post will be funded from the DSG High Needs Block.
- 3.31. **New post** - administrative support officer – this post will deal with routine processes, such as allocation of bus passes, checking on enhanced DBS compliance in transport staff and general team administration. Currently there is a temp admin worker from Guidant in this post.
- 3.32. **Budget implications of new proposed structure**

Post	FTE	Grade	Basic	On-Costs	Total
Head of Service	0.60	M6	34,831	9,056	43,887
Team Manager	1.00	M9	42,509	11,052	53,561
Transport Officers	3.50	Sc 6	90,303	23,479	113,782
SEN Caseworker	1.00	So1/2	30,229	7,860	38,089*
Admin officer	1.00	Sc 3/4	19,945	5,186	25,131
	0.50	M10	19,303	5,019	24,322

Contract & Compliance
Manager

Total Team costs

298,772

**SEN caseworker post is funded from DSG High Needs Block*

Proposed costs to council general fund, excluding DSG post **260,683**

- 3.33. The on-going costs of £261k would be for 2 years i.e. until Sept 2022 and would then reduce to £217k per year when the Head of Service 2-year post ends. The 20/21 HTST staffing budget of £60k would require additional funding of £201k for 2 years, reducing to £157k from Sept 2022.

The early budget forecast for 2020/21 originally estimated a full year spend on HTST of £3.6m resulting in a budget overspend of £1.2m. The budget overspend included an assumption of additional staffing costs due to the current pressures being experienced by the service. Once the new structure is in place the service can focus on making efficiencies where possible, thereby reducing operating costs where it is safe to do so.

4 DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED:

Option 1: Leaving service structure unchanged

- 4.1 The independent review report points to the lack of capacity in the current service to cope, especially at times of peak demand. This was also an issue of concern reported by Edge Public Solutions, who said that they would have expected a larger team from their experience in similar Local Authorities. New interim leads within the team report serious capacity issues to deal with anything beyond the often-intense day to day traffic of calls and issues. The systems and structures needed to ensure a safe and compliant service are not in place yet and their introduction and implementation going forward cannot be guaranteed with the team at its current size.
- 4.2 Currently, day to day business, plus the need to develop and implement a whole range of new co-produced systems and compliance monitoring procedures, is managed by a team of 1.75 FTE transport officers (scale 5) and a team manager (interim seconded - M10) plus some temp part-time support from an interim head of service and a Guidant temp admin support.
- 4.3 The team does not have the capacity for the robust management and compliance monitoring of the expanded number of contracts. This leads to risks within the service, which have been exposed within the last several months. With the introduction of the DPS system, more companies are working on our framework, some of whom have less well-developed management systems of their own and are inexperienced in HTST work.
- 4.4 Some of the key areas where policy and practice needed to be embedded and where greater capacity is needed are listed below:
- spot checks – weekly checks of compliance and vehicle safety are needed at numerous school sites, within and beyond the City borders;

- compliance monitoring visits to contractors' offices as per the contract specifications;
- ensuring training of driving and escort staff – the LA needs a well-developed training offer, plus a robust system for ensuring staff are adequately trained;
- risk assessments - the maintenance of up-to-date risk assessments needs to be part of the job descriptions of transport officers going forward.
- safety and safeguarding concerns – the team needs a robust; safeguarding policy agreed with all companies and enough capacity to investigate concerns raised;
- the team needs capacity to maintain and update its register of enhanced DBS checks on transport staff, which given the turnover of staff in this sector, can be a significant task.

Option 2: not recruiting the M6 year interim leadership post in the new structure (0.6 FTE on 2-year contract)

Alternatives considered:

- 4.5 Leadership could resume as previously under the 'School Organisation' M5 post. This was rejected because of the very substantial need for change and re-development and the need for a clear focus on this service alone. Previous leadership capacity from within 'School Organisation' was over-stretched by the demands of HTST, alongside other significant areas of responsibility.
- 4.6 Providing leadership at a lower grade than M6: while this is a small service, the political aspects of service re-development and the need to regain the trust and confidence of the community are such that very significant leadership and management skills and experience are needed. The person appointed would be required to have direct contact with Members, to be able to negotiate with a variety of stakeholders, and to deal confidently with actions to improve the service in the face of considerable residual volatility and press interest. The time limit of two years for this post recognises that once service improvements are secure and stability regained, there will no longer need to be a post at this level.

Option 3: not recruiting the new post of Contract Manager post (0.5 FTE)

- 4.7 The service could attempt to carry out contract management work within existing capacity. However, staff have not had the training, and nor does the team have the capacity, to manage the increased number of contracts that we now have because of the DPS system introduced last summer. The HTST needs to hold operators fully to account for contractual compliance via contract reviews and compliance checks.
- 4.8 The service needs the capacity to review continuously contracts and route prices to ensure 'best value' i.e. the right mix of quality and price.
- 4.9 The service could rely on support from central services or other FCL teams for this work but other services and teams have not had the capacity in several key areas to support the service as needed.

Option 4: not increasing the transport officer posts and upgrading to scale 6 from scale 5

Alternatives considered:

- 4.10 Transport officer posts could remain at 1.75 posts at scale 5: there are currently two transport officers, one full time and one who works term time only. Cover is a serious issue if one is sick or on leave, the other can be over-stretched by the daily business, which includes a high level of calls, and a daily range of urgent and sometimes emergency issues. This can lead to longer than response times and a loss of confidence from families using the service.
- 4.11 The council could retain these posts at Scale 5. However, the job description currently does not include a requirement for skill and expertise in the areas that need to be carried out by transport officers:
- risk assessments: these have not previously been a part of the role, but are essential to the safety and wellbeing of children and young people;
 - monitoring of contractual compliance: visits to operators need to take place to check on compliance with key requirements, including those relating to safe practice;
 - processing allegations/ concerns, including those relating to safeguarding, alongside the team manager and LADO as necessary.
- 4.12 The above tasks would normally be graded above scale 5, hence the request for an upgrade of these post consequent on new job descriptions.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1. The service is working hard to regain the trust and confidence of the community but within a context of a serious lack of capacity, and a significant overspend.
- 5.2. Families and children are at the front and centre of all proposed improvements and all new policies and operational practices are being co-produced with the Parent and Carers Council, using feedback from the families using the service.
- 5.3. Wherever possible, new guidance and policy is published for consultation before being finalised with all stakeholders, including transport operators and schools, as well as families.
- 5.4. Once schools are fully re-opened, a survey of parents/ carers' view on the HTST service will be carried out and then conducted annually and the service will incorporate feedback into securing further improvements.

6 CONCLUSION

- 6.1 The service has been through a period of turbulence and needs to regain the trust and confidence of the community and stakeholders.
- 6.2 This is a statutory service providing transport for very vulnerable children and young people.
- 6.3 The budget is well below the average for our statistical neighbours and even including the projected overspend, remains below the average for statistical neighbours.

- 6.4 The HTST team does not have the capacity for daily operational demands and the improvements required.
- 6.5 Substantial progress has been made following difficulties in the autumn term 2019, but to secure a quality sustainable service for the future, the team needs to be of sufficient size and expertise to tackle all challenges and to work with a budget that recognises the current pressures and context.

7 FINANCIAL AND OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The early forecast for 2020/21 originally estimated a full year spend on HTST of £3.6m resulting in a budget overspend of £1.2m. Within this estimated spend there was an assumption of additional interim staffing costs due to the current pressures being experienced by the transport team. Compared to the projected interim costs, the revised staffing structure proposed in the report will not therefore increase the forecast costs in 2020/21 as this will have only a part-year effect. The Families, Children & Learning Directorate is managing the 2020/21 position 'at risk' as part of its wider budget strategy.
- 7.2 The proposed staff team outlined within the report has a total cost of £0.299m of which £0.038m would be funded by the Dedicated Schools Grant. The current annual budget available to fund the transport team amounts to £0.060m. Additional full year funding of £0.201m would therefore need to be identified from 2021/22. From 2022/23, if the Head of Service post was no longer required, this would reduce to £0.157m on a permanent basis.
- 7.3 In terms of transportation costs, the Medium-Term Financial Strategy (MTFS) presented to Budget Council on 27 February 2020, outlined that pressures on the Home to School Transport budget were predicted and would need to be recognised from 2021/22. The Budget Book (Appendix 1, Page 114 of the Budget Report) included a provision of £0.750m toward Home to School Transport pressures. This report indicates that this should be increased to £0.800m bringing the total additional funding requirement in 2021/22 to £1m. This is an increase of £0.250m on the original MTFS provision and will therefore increase the predicted budget gap of £9.300m in 2021/22 by a further £0.250m to £9.550m.

Finance Officer consulted:

David Ellis

Date: 11.05.20

Legal Implications:

- 7.4 The Council is under a statutory duty to promote the use of sustainable travel and transport and to ensure suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school (Section 508 Education Act 1986). The proposals in this report are made pursuant to those duties and the associated statutory guidance.

Lawyer consulted:

Elizabeth Culbert

Date: 18.05.20

Equalities Implications:

- 7.5 The large majority children transported by the service have complex special educational needs and disabilities. The Equalities Act of 2010 requires the council to make reasonable adjustments to ensure disabled children are not treated less favourably or subject to unfair treatment.

Any Other Significant Implications:

None

Crime & Disorder Implications:

- 7.6 None

Risk and Opportunity Management Implications:

- 7.7 The Home to School Transport Service is a corporate risk and actions have been identified to mitigate these risks.

SUPPORTING DOCUMENTS

Annexes

1. The independent review report
[Brighton and Hove-HTST independent review-Final draft \(005\).pdf](#)
2. Report to Members Policy Panel
[Members Panel - Home to School Transport report 27.2.10.docx](#)

Appendices

1. Appendix A – Proposed new structure for HTST Service: Structure Chart

Proposed new structure for HTST service: structure chart

