

Time Commenced - 5.00pm
Time Finished – 5.28pm

Executive Scrutiny Board

4 August 2020

Present: Councillor Repton (Chair)
Councillors Care, Cooper, Hudson, Hussain, Pattison,
P Pegg, Testro

In attendance: Kirsty McMillan – Director of Integration and Direct Services
(Adults)
Steven Mason – Democratic Services Officer
Gurmail Nizzer – Director of Children's Integrated
Commissioning

08/20 Apologies for Absence

Apologies were received from Councillors Evans and Willoughby.

09/20 Late Items

There were none.

10/20 Declarations of Interest

There were none

11/20 Minutes of the meetings held on 14 July 2020

The Minutes of the meeting held on 14 July 2020 were agreed as a correct record.

12/20 Forward Plan

The Board considered the contents of the Forward Plan published on 7 July 2020.

No items were added to the future work programme.

Resolved to note the Forward Plan.

13/20 Council Cabinet Responses to Scrutiny Recommendations

The Board considered a report of the Strategic Director or Corporate Resources which allowed the Scrutiny Board to receive responses from Council Cabinet on recommendations made at the previous Board meeting held on 14 July 2020.

The Board resolved to note the report.

14/20 Council Cabinet Agenda

The Board considered a report of the Strategic Director of Corporate Resources on the Council Cabinet Agenda. Members considered the Council Cabinet Agenda in its entirety for the meeting scheduled for Wednesday 5 August 2020.

Key Decisions

Overnight Short Breaks – Respite for Adults

The Board received a report of the Strategic Director for People Services on Overnight Short Breaks – Respite for Adults.

Members noted that the report sought Council Cabinet approval to commence procurement activity in respect of services for adults, and young people aged 16+ in transition to adults' services, for overnight short breaks / respite provision, to meet local Care Act 2014 duties.

It was reported that this procurement followed on from the Adults Commissioning Transformation Programme as an identified gap in the Frameworks required to move beyond reliance on Direct Payment arranged provision. It was also reported that the procurement would take the form of a Dynamic Purchasing System (DPS) and that this 'tool' would allow the Council to create a list of pre-qualified service providers for the Service requirement (if they met the selection criteria). Members noted that the 'light touch regime' meant that the Council could be flexible in the use of this process and it could be adapted to suit the Council's requirements. It was also noted that once on the list, the pre-qualified providers could then bid on contract opportunities that became available. It was reported that this was a useful tool as it had the flexibility to allow new providers onto the list during the term of the DPS, helping the Council build and shape the market, whilst ensuring Service Providers were signed up to pre-agreed terms and conditions. It was also reported that the DPS would open on a regular basis for new service providers to apply.

Members noted that there was no current mechanism for commissioning this provision; therefore the market was primarily reliant on customers using Direct Payments to purchase support.

It was reported that the DPS would allow the Council to enter into contracts with Providers, therefore assuring customers, carers and the Local Authority of contract compliance and quality monitoring and that this would also help control costs as within the tendering, ceiling prices may be proposed within each mini competition.

The Executive Scrutiny Board resolved to recommend to Council Cabinet that the tender paperwork includes an acknowledgement of the

balance between choice on behalf of the service user and risk being shared between the provider and any casual employees.

Appointment of Academy Sponsor for New Primary School at Castleward

The Board received a report of the Strategic Director for People Services on Appointment of Academy Sponsor for New Primary School at Castleward.

It was reported that an exciting regeneration project was underway at Castleward, along with a major new housing development proposed on the adjacent former Derby Royal Infirmary (DRI) site, both of which were close to the city centre. It was also reported that following careful consideration, a new primary school was proposed on the Castleward site to serve the new housing at both the Castleward and the former DRI sites.

Members noted that the current proposal was for the new primary school to open in September 2021, on a phased basis and that the capital project remained on track and the Council would continue to monitor the potential impact of Covid-19 on the delivery of the new school. An indicative timeline for the proposed new primary school was attached as Appendix 1 to the report.

It was reported that the Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the free school presumption) to the Education and Inspections Act 2006 and that where a Local Authority (LA) thought that there was a need for a new school in its area, it must seek bids from potential sponsors to establish an academy (free) school.

Members noted that following Council Cabinet approval on 12 February 2020, the competition process for Castleward primary school launched on 20 February 2020, with a six-week period for potential sponsors to submit bids. It was also noted that the deadline for bids was subsequently extended by three weeks from 2 April 2020 to 23 April 2020, in order to help support potential sponsors, given the challenges posed by Covid-19.

It was reported that the Council had held a competition process, in line with Department for Education (DfE) guidance, to identify a sponsor to open the new school at Castleward and that following a detailed evaluation of bids, the report sought approval to recommend to the Secretary of State the highest scoring bidder as the Council's preferred sponsor. It was also reported that the Secretary of State would take the Council's preferred sponsor into consideration, but had the option to decide to appoint an alternative sponsor.

Members noted that the DfE asks that preferred sponsors are not made public until the Secretary of State has taken the final decision to appoint a sponsor. It was noted that the report did not, therefore, name the Council's suggested preferred sponsor. It was reported that additional confidential information, based on the detailed evaluation and scoring of bids, would be provided to Council Cabinet to enable a decision to be taken on the approval of the Council's preferred sponsor.

The Executive Scrutiny Board resolved to note the report.

Exclusion of Press and Public

A resolution to exclude the press and public was put to the vote and carried.

The Board resolved that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Key Decision

Appointment of Academy Sponsor for New Primary School at Castleward

The Board considered exempt detail in the report of the Strategic Director for People Services on Appointment of Academy Sponsor for New Primary School at Castleward.

The Executive Scrutiny Board resolved to note the report.

MINUTES END