



Essex County Council

Cabinet

10:00	Tuesday, 15 February 2022	Council Chamber County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

Emma Tombs, Democratic Services Manager

Telephone: 033303 22709

Email: democratic.services@essex.gov.uk

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Meeting Arrangements

In accordance with paragraph 14.7 of the Council's Constitution, the Leader has agreed that all members may take part in the meeting and vote if they are present via Zoom. The link to the Zoom meeting has been sent to members separately. Members of the public may watch on YouTube and there will of course be the normal public access to the Council Chamber, from which any member of the public may observe the meeting and make representations.

1	Membership, apologies, substitutions and declarations of interest	5 - 5
2	Minutes: 18 January 2022	6 - 18

- 3 Questions from the Public**
A period of up to 15 minutes will be allowed for members of the public to ask questions or make representations on any item on the agenda for this meeting.
- On arrival, and before the start of the meeting, please register with the Democratic Services Officer.
- 4 Approval to place 2022/23 contractual task orders with Ringway Jacobs for values of £2m and over (FP/235/11/21)** **19 - 27**
The Equality Impact Assessment is available [online](#) - please scroll to bottom of page, below Meeting Documents
- 5 Integrated Residential Nursing (IRN) Framework Annual Refresh and Placement Price Uplifts for 2022 (FP/262/12/21)** **28 - 35**
The Equality Impact Assessment is available [online](#) - please scroll to bottom of page, below Meeting Documents
- 6 Live at Home Framework Agreement Pricing Refresh and Pricing Increase for Domiciliary Care Placements (FP/261/12/21)** **36 - 45**
The Equality Impact Assessment is available [online](#) - please scroll to bottom of page, below Meeting Documents
- 7 Replacement of temporary accommodation and enhancement of provision at Cedar Hall School, Benfleet (FP/278/01/22)** **46 - 54**
The Equality Impact Assessment is available [online](#) - please scroll to bottom, below Meeting Documents
- 8 Decisions taken by or in consultation with Cabinet Members** **55 - 56**
- 9 Date of Next Meeting**
To note that the next meeting of the Cabinet will take place at 10.00am on Tuesday 15 March 2022 at County Hall, Chelmsford (exact venue to be confirmed).
- 10 Urgent Business**
To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

- 11 Confidential Appendix: Replacement of temporary accommodation and enhancement of provision at Cedar Hall School, Benfleet (FP/278/01/22)**
- Information relating to the financial or business affairs of any particular person (including the authority holding that information);
- 12 Urgent Exempt Business**
- To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

Committee: Cabinet

Enquiries to: Emma Tombs, Democratic Services Manager
Emma.tombs@essex.gov.uk

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note:

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership
(Quorum: 3)

Portfolio

Councillor K Bentley	Leader of the Council (Chairman)
Councillor L McKinlay	Deputy Leader and Community, Equality, Partnerships and Performance (Vice-Chairman)
Councillor T Ball	Education Excellence, Life Long Learning and Employability
Councillor M Buckley	Waste Reduction and Recycling
Councillor G Butland	Devolution, the Arts, Heritage and Culture
Councillor B Egan	Children's Services and Early Years
Councillor L Scott	Highways Maintenance and Sustainable Transport
Councillor J Spence	Adult Social Care and Health
Councillor L Wagland	Economic Renewal, Infrastructure and Planning
Councillor C Whitbread	Finance, Resources and Corporate Affairs

Minutes of a meeting of the Cabinet that took place in the Council Chamber at County Hall on Tuesday 18 January 2022

Present:

Councillor	Cabinet Member Responsibility
Councillor K Bentley	Leader of the Council (Chairman)
Councillor L McKinlay	Deputy Leader and Community, Equality, Partnerships and Performance
Councillor T Ball	Education Excellence, Life-Long Learning and Employability
Councillor M Buckley	Waste Reduction and Recycling
Councillor G Butland	Devolution, the Arts, Heritage and Culture
Councillor B Egan	Children's Services and Early Years
Councillor L Scott	Highways Maintenance and Sustainable Transport
Councillor J Spence	Adult Social Care and Health
Councillor L Wagland	Economic Renewal, Infrastructure and Planning
Councillor C Whitbread	Finance, Resources and Corporate Affairs

Councillors C Pond, I Henderson, M Mackrory, D King, P Schwier, M Platt, T Cunningham and L Barber were also present.

1. Membership, Apologies, Substitutions and Declarations of Interest.

The report of Membership, Apologies and Declarations was received and the following were noted:

1. There had been no changes of membership since the last report.
2. There were no apologies for absence.
3. There were no declarations of interest, however the Leader of the Council advised that as he was a Director of a Company that had previously worked with one of the providers involved in item 10 - *New Contract for SEND Therapy Services* (although not on this current contract) he would take a cautious approach and withdraw from the meeting when that report was being considered.

2. Minutes of Previous Meeting

The Minutes of the meeting held on 21 December 2021 were approved as a true record and were signed by the Chairman.

3. Questions from the public

There were no questions from members of the public.

4a. Annual Plan and Budget 2022/23 – Part 1: Section 151 Officer Report (FP/015/03/21)

Cabinet received a report setting out the Section 151 (S151) Officer's statement on the adequacy of reserves; robustness of the 2022/23 revenue budget; the medium term financial outlook; Financial Strategy; and the Capital and Treasury Management Strategy.

Resolved:

That the report was noted before making recommendations to Full Council on the Revenue budget and capital programme, included within the Annual Plan.

4b. Everyone's Essex Annual Plan and Budget 2022/23 – Part 2: Budget and Plan (FP/183/10/21)

The Cabinet received a report asking that the Cabinet make a recommendation to the Council that it adopts the Everyone's Essex Annual Plan and Budget 2022/23 including the revenue budget, capital programme, financial strategy and capital strategy. In doing so, the report of the Section 151 (S151) Officer on the robustness of the 2022/23 Budget and adequacy of reserves, included elsewhere on this agenda, should be considered.

The Cabinet Member for Finance, Resources and Corporate Affairs, together with Cabinet Members from the appropriate service areas, responded to questions from Councillors Henderson, Barber, Pond and King in relation to:

- The impact of increases to the cost of living currently being experienced by residents;
- The potential to use the Council's reserves to mitigate Council Tax rises;
- The potential impact of reductions in funding to the highways maintenance, waste and recycling infrastructure, and Adult Social Care budgets;
- The management of the funding gap in future financial years;
- The administration's key priorities when developing the budget;
- Increases in demand for domiciliary care;
- What further measures may be possible, including working with central government, to support the most vulnerable members of society

Resolved:

Everyone's Essex Annual Plan and Revenue Budget:

Cabinet made the following recommendations to Full Council:

1. That the Everyone's Essex Annual Plan be approved in the form appended to the report (Appendix A).

2. That the net cost of services be set at **£1,083.4million (m)** for 2022/23 Appendix A (page 19).
3. That the net revenue budget requirement to be set at **£959.7m** (net cost of services less general government grants) for 2022/23 – Appendix A (page 23).
4. That the total council tax funding requirement be set at **£763.7m** for 2022/23 – Appendix A (page 23).
5. That Essex County Council's element of the council tax be increased by 4.49%. This was made up of a 1.99% general council tax precept, and 1% adult social care precept as set out by government for 2022/23, plus an additional 1.5% adult social care precept, deferred from 2021/22 using the flexibility set out by government for 2021/22. Therefore, the Essex County Council element of the council tax charge for a Band D property in 2022/23 will be **£1,401.12**. A full list of bands is as follows:

Council Tax Band	2021/22 £	2022/23 £
Band A	893.94	934.08
Band B	1,042.93	1,089.76
Band C	1,191.92	1,245.44
Band D	1,340.91	1,401.12
Band E	1,638.89	1,712.48
Band F	1,936.87	2,023.84
Band G	2,234.85	2,335.20
Band H	2,681.82	2,802.24

6. That the proposed total schools budget be set at **£576.1m** for 2022/23 which will be funded by the Dedicated Schools Grant, Universal Free School Meals Grant, Pupil Premium Grant, PE and Sports Premium Grant, Sixth Form Grant, Teachers Pay and Pension Grants and the COVID-19 Recovery Premium Grant. The majority of this will be passed through to maintained schools.
7. That the underlying balance on the General Balance be set at **£68.1m** as at 1 April 2022 (Appendix A, Annex 1, page 51).
8. That the capital payments guideline be set at **£283.6m** for 2022/23 and that the Executive Director for Corporate Services, in consultation with the Cabinet Member for Finance, Resources and Corporate Affairs, be

authorised to make adjustments to the phasing of payments between years (should that be necessary) as the capital programme is finalised, and to report any impact on the Prudential Indicators at the subsequent quarterly review to Cabinet in July 2022. Any requests to change the prudential borrowing indicators would be brought back before Full Council.

Cabinet agreed the following:

9. That the Cabinet Member for Finance, Resources and Corporate Affairs, in consultation with the Executive Director for Corporate Services, may adjust the recommendations to Full Council upon receipt of:
 - (a) the final tax base and forecast business rates receipts for 2022/23 from the billing authorities (due by 31 January 2022)
 - (b) the final Local Government Finance Settlement from Government (expected early February 2022)
10. That the report by the Executive Director for Corporate Services (S151 officer) on the robustness of the estimates, reserves and capital strategy be noted (see the separate item on the agenda).

Capital Strategy:

Cabinet made the following recommendations to Full Council:

11. That the 2022/23 to 2025/26 Prudential Indicators and limits, together with updated limits for 2021/22 as set out in Annexes 3A and 3B of the Capital Strategy (Appendix A) be approved.
12. That the Treasury Management Strategy for 2022/23 be approved, comprising:
 - a. Borrowing strategy, as set out in Annex 3 of the Capital Strategy (Appendix A, Annex 3, page 76).
 - b. Treasury management investments strategy, as set out in Annex 3 and Annex 3D of the Capital Strategy (Appendix A, Annex 3, page 82).
 - c. Indicative strategy for commercial investment activities, as set out in Annex 3 of the Capital Strategy (Appendix A, Annex 3, page 85).
13. That the policy for making a prudent level of revenue provision for the repayment of debt, (the Minimum Revenue Provision policy) as set out in Annex 3C of the Capital Strategy (Appendix A, Annex 3, page 94), be approved.
14. That the revised Treasury Management Policy Statement (Appendix A, Annex 3, page 100) and Treasury Management Practices (Appendix A, Annex 3, page 101), which set out the policies, objectives and approach to treasury management, are adopted.

Pay Policy Statement:**Cabinet made the following recommendation to Full Council:**

15. Recommend that the Council adopts the Pay Policy Statement for 2022/23 as set out in Appendix C.

For Cabinet to note:

16. The medium term (2023/24 to 2025/26) revenue issues facing the Council as set out in the report (Appendix A, page 13); at present we do not have a balanced budget from 2023/24 and further action will be necessary to identify plans and savings to ensure financial sustainability. The position is based on the best intelligence available today including future funding, price rises and demand. However, in the absence of a government funding settlement beyond 2022/23 and the inherent uncertainty notably given the pressures arising as the pandemic recedes, the financial outlook is volatile.
17. That the recommendations in this report present a balanced budget for 2022/23. The Council's plans for 2023/24 to 2025/26 are not sufficiently firm as to allow for a balanced budget to be set. Further opportunities for improving income and funding, plus greater efficiencies, will need to be secured in the medium term which will be achieved by a focus on prioritisation and outcomes based commissioning and transformation.
18. That the above figures are based on a Band D equivalent tax base of **545,042** properties (see Appendix A, page 23).
19. That the Capital Strategy, which is presented as Annex 3 in Appendix A, sets out the long-term context in which capital expenditure and treasury management investment decisions are made by the Council and gives due consideration to both risk and reward and impact on the achievement of priority outcomes. It comprises a number of distinct, but inter-related, elements as follows:
 - **Capital expenditure** – this provides an overview of the governance process for approval and monitoring of capital expenditure, including the Council's policies on capitalisation, and an overview of its capital expenditure and financing plans.
 - **Capital financing requirement and borrowing** – this provides a projection of the Council's capital financing requirement, how this will be funded and repaid, sets out the Council's borrowing strategy and explains how the Council will discharge its duty to make prudent revenue provision for the repayment of debt.
 - **Treasury management investments** – this explains the Council's approach to treasury management investment activities, including the criteria for determining how and where funds will be invested to

ensure that the principal sums are safeguarded from loss and that sufficient liquidity is maintained to ensure that funds are available when needed.

- **Other investments** – this provides an overview of the Council's intended approach to investment activities, including processes, due diligence and defines the Council's risk appetite in respect of these, including proportionality in respect of overall resources.

20. The assessment of the impact of the Corporate Systems Programme expenditure funded by the 2020/21 Flexible Use of Capital Receipts Strategy, totalling £3.4m (Appendix E).

5. **2021/22 - Financial Overview as at the Third Quarter Stage (FP/013/03/21)**

The Cabinet received a report containing matters related to the 2021/22 – financial Overview as at the Third Quarter Stage for their consideration and approval.

The Cabinet Member for Highways Maintenance and Sustainable Transport Responded to questions from Councillor Henderson in relation to active travel schemes and Local Highways Panel.

Written answers would also be provided to Councillor Henderson from the Cabinet Member for Finance, Resources and Corporate Affairs in respect of the likelihood of a worsening position with regard to council tax deficits, and from the Cabinet Member for Adult Social Care and Health in respect of an underspend in Adult Social Care related to delays in the planning process.

Resolved:

1. To draw down funds from reserves as follows:

- i. **£383,000** from the Covid Equalisation Reserve to the Education Excellence, Life Long Learning and Employability portfolio due to pressures from reduced number of school attendance and absence penalty notices issued (**£253,000**) and reduced Adult Community Learning (ACL) tuition fees (**£130,000**) (section 5.7.ii)
- ii. **£360,000** from the Covid Equalisation Reserve to the Community, Equality, Partnerships and Performance portfolio to support Covid-19 related income shortfalls within the Library service (section 5.3.iii)
- iii. **£317,000** from the Covid Equalisation Reserve to the Children's Services and Early Years portfolio relating to pandemic related pressure on the equipment budget (**£215,000**) and additional Personal Allowance for care leavers (**£101,000**) (section 5.2.iv)

- iv. **£209,000** from the Quadrennial Elections Reserve to the Finance, Resources and Corporate Affairs RSSS portfolio relating to costs of the May 2021 elections (section 5.15.iii)
- v. **£127,000** from the Covid Equalisation Reserve to the Leader RSSS portfolio due to publications and promotions costs relating to Covid-19 within Communications and Marketing (section 15.16.iii)
- vi. **£38,000** from the Bursary for Trainee Carers Reserve to the Education Excellence, Life Long Learning and Employability portfolio to ACL in respect of the Nightingale project (section 5.7.ii)
- vii. **£16,000** from the Covid Equalisation Reserve to the Finance, Resources and Corporate Affairs RSSS portfolio to cover additional staff within the HR Service Centre due to the pandemic (section 5.15.iii)
- viii. **£5,000** from the Everyone's Essex Reserve to the Finance, Resources and Corporate Affairs RSSS portfolio relating to a charitable contribution to Harwich Kindertransport (section 5.15.iii)

2. To appropriate funds to reserves as follows:

- i. **£10.3m** to the Carry Forward Reserve from the portfolios outlined below, to support the 2022/23 budget as detailed in section 5.

Portfolio	Amount £000
Adult Social Care and Health	5,500
Highways Maintenance and Sustainable Transport	1,900
Finance, Resources and Corporate Affairs RSSS	1,241
Other Operating Costs	837
Children's Services and Early Years	650
Leader RSSS	85
Community, Equality, Partnerships and Performance RSSS	70
Q3 Carry Forward Request Total	10,283

- ii. **£2m** to the Adults Transformation Reserve from the Adult Social Care and Health portfolio to support new burdens preparation costs (section 5.1.ix)
- iii. **£1.5m** to the Reserve for Future Capital Funding from Other Operating Costs in relation to interest rate risk (section 5.12.iv)
- iv. **£992,000** to the Technology and Digitisation Reserve from the Finance, Resources and Corporate Affairs RSSS portfolio for use in 2022/23 to support various projects (section 5.15.iii)

- v. **£853,000** to the Collection Fund Risk Reserve from the Finance, Resources and Corporate Affairs portfolio to support council tax funding deficits in future years (section 5.8.iv)
 - vi. **£479,000** to be returned to the Covid Equalisation Reserve from the Community, Equality, Partnerships and Performance RSSS portfolio, due to an improved income position within Essex Outdoors (section 5.13.iii).
3. To approve the following adjustments:
- i. To create a new **Children's Risk Reserve** to set aside resources to help manage unbudgeted price and demand pressures that may arise from the changing landscape of Children's services
 - ii. To rename the Technology Solutions Reserve to the **Technology and Digitisation Reserve** with the revised purpose to set aside resources to meet the future cost of replacing key council technology systems and the digitisation of public services
 - iii. Vire **£439,000** within the Devolution, the Arts, Heritage and Culture Portfolio to realign the staffing budgets following the Organisational Redesign that has been undertaken within Culture & Green Space (section 5.4.iii)
 - iv. Vire **£239,000** within the Highways Maintenance and Sustainable Transport portfolio to align with staffing movement from Essex Highways to Essex Highways Commissioning (section 5.9.ii)
 - v. Vire **£85,000** from the Leader RSSS portfolio to the Community, Equality, Partnerships and Performance RSSS portfolio (**£65,000**) and Leader portfolio (**£20,000**) to realign under spends to support the carry forward request for Communications and Marketing (sections 5.16.iii, 5.13.iii & 5.10.ii)
 - vi. Vire **£76,000** within the Finance, Resources and Corporate Affairs RSSS portfolio from Executive Director to Procurement in order to support interim staffing working on service change projects (section 5.15.iii)
 - vii. Vire **£42,000** from the Finance, Resources and Corporate Affairs portfolio to the Finance, Resources and Corporate Affairs RSSS portfolio in order to correct Staff pay inflation within the Pension service (section 5.8.iv & 5.15.iii)
 - viii. To draw down the following into 2022/23. These have been previously approved but not drawn down within the approved timescale (financial regulation 4.3.4). New approval is therefore sought:

- **£293,000** from the Transformation Reserve to the Finance, Resources and Corporate Affairs RSSS portfolio relating to the delivery of the Workforce Strategy CMA FP/271/10/18 (section 5.15.iii)
 - **£1.794m** from the Covid Equalisation Reserve to the Community, Equality, Partnerships and Performance RSSS portfolio relating to Transformation Delivery Resourcing CMA FP/880/11/20 (section 5.13.iii)
- ix. To amend the capital budget as shown in Appendices C (i) and C (ii) which allows for capital slippage of **£56.8m**, capital budget additions of **£7.6m**, capital budget reductions of **£10.1m** and advanced works of **£226,000** (see section 7.2).
6. **Submission of business cases for funding for the delivery of Essex County Council projects as part of the Colchester Town Deal programme (FP/209/11/21)**

The Cabinet received a report containing matters related to the submission of business cases for the delivery of Essex Councils projects as part of the Colchester Town Deal programme for their consideration and approval. It was noted that there had been a relatively late change to the apportionments for some of the Colchester Borough Council-led public realm projects within the Town Centre and Gateways programme that formed part of the Town Deal. Appendix 1 of the published Cabinet report did not reflect those reappportionments, however ECC's projects (and therefore the recommendations to Cabinet) were unaffected. The updated apportionments were provided in an updated version of Appendix 1 (erratum), for information.

The Cabinet Member for Economic Renewal, Infrastructure and Planning responded to a question from Councillor King in relation to the lessons that could be learned in respects of the quality of past estimates and the importance of being able to deliver what was agreed.

Resolved:

1. Agreed to submit business cases to Colchester Borough Council, for onward submission to Central Government, to secure funding of £6.297m to contribute to the delivery of the six projects set out in Appendix 2.
2. Agreed that, subject to confirmation of such funding, ECC enters into an agreement with Colchester Borough Council for the delivery of the projects set out in Appendix 2.
3. Agreed that the Cabinet Member for Economic Renewal, Infrastructure and Planning is authorised to agree the terms of the agreement with Colchester Borough Council.

7. A120-A133 Link Road – Decision to publish tender for main works contract (FP/185/10/21)

Cabinet received a report containing matters related to the A120-A133 Link Road and the decision to publish a tender for the main works contract for their consideration and approval.

The Cabinet Member for Economic Renewal, Infrastructure and Planning responded to questions from Councillors Henderson and King in relation to the potential for pressure related to Homes England funding deadlines resulting in reductions to the scope of the project, in particular the Rapid Transport Scheme (RTS), and the priority afforded to the RTS and cycling and walking provision by residents.

Resolved:

1. That the Council launches a competitive procurement for the A120-A133 Works contract via the Crown Commercial Services Framework. The estimated value of the works can be found in the confidential appendix.
2. Agreed that tender evaluation criteria to be used are 50/50 Price/Quality split with 15% of Quality represented by Social Value criteria to the extent that they are consistent with the most economically advantageous tender.
3. Noted that a further report will be brought back to the Cabinet on the award of the contract which will identify potential funding sources at the time of award to inform the Cabinet's decision on awarding the contract.

8. Land for Development in Harlow (FP/179/10/21)

Cabinet received a report containing matters in relation to land for development in Harlow for their consideration and approval.

The Cabinet Member for Economic Renewal, Infrastructure and Planning responded to a question from Councillor Mackrory in relation to the number of affordable units within the development.

Resolved:

1. Agreed the transfer of freehold ownership of the land shown edged red on the Plan appended to this report ('the Site') from the Council to Essex Housing Development LLP for the price shown in the Confidential Appendix.
2. Noted that the purchase price is £230,000 below market value to reflect the cost of additional energy efficiency measures contained within the scheme including air source heat pumps, photovoltaic cells and electric vehicle charging points.

3. Agreed to reimburse Essex Housing Development LLP up to £564,375 representing the costs it has incurred on site remediation and demolition before the date of this report.
4. Agreed to provide Essex Housing Development LLP with a development loan for the value shown in the Confidential Appendix as part of a development loan facility made by Essex County Council (the Council) to Essex Housing Development LLP ('The LLP').
5. Agreed that the Section 151 Officer may amend the period of the loan agreement and the repayment amounts and dates.
6. Agreed to the drawdown of £187,431 from the working capital fund (for marketing and professional fees that cannot be capitalised) as set out in the confidential appendix.
7. Agreed, in its role as a member of Essex Housing Development LLP, that:
 - 7a. Essex Housing Development LLP enters into an agreement with Essex County Council to take out a development loan for the value shown in the Confidential Appendix.
 - 7b. Essex Housing Development LLP enters into a design and build contract for the building of 35 units on the Site.
 - 7c. Essex Housing Development LLP is authorised to establish a management company for the management of communal areas of the Site and dispose of its interest in the Company to the buyers of the units.

9. Education Travel Contract Extension and Awards 2022 (FP/191/10/21)

Cabinet received a report setting out matters in relation to education travel contract extension and awards 2022 for their consideration and approval.

The Cabinet Member for Highways Maintenance and Sustainable Transport responded to questions from Councillors Mackrory and Henderson related to options for a sustainable procurement model and the potential impact of government investment in the Bus Back Better scheme with regard to upgrades to vehicles.

Resolved:

1. Agreed that the Director, Highways and Transportation, is authorised to extend any education transport contracts which expire in July 2022 for a one year period where extension is permitted under the terms of the contract and where he considers this to be in the Council's best interests.

2. Agreed that the Director, Highways and Transportation, is authorised to procure new contracts as set out in Appendix C using a single sealed bid via the Council's existing dynamic purchasing system where extension of the current contract is not permitted or where extension is not considered to be in the Council's best interests. Any new such contract is to be for a period determined by the Director, Highways and Transportation initially for a maximum of three years and on terms which give the Council the right to extend for up to a further 3 years.
3. Agreed that new contracts will be awarded on a 100% price basis following a single sealed bid on the dynamic procurement system.
4. Agreed that the Director, Highways and Transportation may determine how the price evaluation model takes account of the cost of changing contracts to meet customer demand after consulting the Director, Procurement.
5. Agree that the Director, Procurement will develop a procurement model to be used for future procurements of transport contracts which seeks to reduce carbon emissions and improve quality and social value, but note that this model will not be available for the procurements in the report.

10. New Contract for SEND Therapy Services (FP/238/11/21)

Cabinet received a report setting out matters in relation to a new contract for SEND therapy services for their consideration and approval. The Leader of the Council left the room for the duration of this item and did not vote.

The Cabinet Member for Education Excellence, Life-Long Learning and Employability agreed to provide a written answer to a question by Councillor King regarding when it would be possible to respond to the matters raised raised by Ofsted.

Resolved:

1. Agreed to undertake a single stage open competitive tender process to procure a single supplier for each local health delivery area in Essex (Mid and South Essex, North East Essex, and West Essex) to deliver an integrated therapy service for children with special educational needs and disability as set out in paragraph 3.9.
2. Agreed that each contract will be for a four year term commencing on 1 August 2022 with options to break the contract at years two and three.
3. Agreed that the award criteria will be based on 50% Price, 50% Quality, with 20% of the quality marks being for Social Value.
4. Agreed to delegate approval of the detailed evaluation model to the Director, Education.

5. Agreed that Cabinet Member for Education Excellence, Lifelong Learning and Employability may award the contract to the successful bidders.
6. Agreed to extend the current contract with Provide CIC for a further four month period to cover the period 1 April to 31 July 2022 at a cost of £432,000.

11. Decisions taken by or in consultation with Cabinet Members (FP/255/21/21)

The report was noted.

12. Date of the next meeting

The next meeting of the Cabinet would take place on Tuesday, 15 February 2022, and was expected to be held in the Council Chamber at County Hall, Chelmsford.

13. Urgent Business

There was no urgent business.

14. Confidential Appendix: A120-A133 Link Road – decision to publish tender for main works contract (FP/185/10/21) (Public and press excluded)

The confidential appendix to report FP/185/10/21, to which minute 7, above, refers was agreed.

15. Confidential Appendix: Land for Development in Harlow (FP/179/10/21)

The confidential appendix to report FP/179/10/21, to which minute 8, above, refers was agreed.

16. Confidential Appendix: Education Travel Contract Extension and Awards 2022 (FP/191/10/21)

The confidential appendix to report FP/191/10/21, to which minute 9, above, refers was agreed.

17. Urgent exempt business (Public and press excluded)

There was no urgent exempt business.

There being no further business, the meeting closed at 12.05 pm.

Forward Plan reference number: FP/235/11/21

Report title: Approval to place 2022/23 contractual task orders with Ringway Jacobs for values of £2m and over	
Report to: Cabinet	
Report author: Councillor Lee Scott, Cabinet Member for Highways Maintenance and Sustainable Transport	
Date: 15 February 2022	For: Decision
Enquiries to: Peter Massie, Head of Highways Commissioning – peter.massie@essex.gov.uk and Deana James, Business Planning Manager, Essex Highways Commissioning, email: deana.james2@essex.gov.uk	
County Divisions affected: All Essex	

1. Everyone's Essex

- 1.1 This decision contributes towards our strategic aim of maintaining a high quality environment by undertaking planned maintenance on the network and maintaining its condition for residents and service users. Where possible and appropriate, and in line with our commitment to tackling climate change, we will seek to use materials and methods that help reduce our carbon footprint and support active and alternative forms of travel across the county. Maintenance of our network supports our ambitions around sustainable and active travel, reduces congestion and improves air quality where traffic is able to move freely.
- 1.2 Our highways network connects people to work, school and supports our businesses to thrive supporting investment into the county. Investment in our network includes surface water alleviation recognising that we need to respond to increasingly extreme weather events which impact on businesses and residents. We are also continuing to upgrade our street lighting to LED lighting which reduces our energy use and CO2 emissions.
- 1.3 The Council's highways contract with Ringway Jacobs Limited requires the Council to place orders for all work undertaken. Some task orders within this programme of work have a value in excess of £2m.
- 1.4 Although the Council sets the highways budget as part of the annual budget, spending decisions on executive functions of over £5m should be taken by the Cabinet.
- 1.5 This report asks the Cabinet to approve the issue of those task orders likely to exceed £2m to Ringway Jacobs for the 2022/23 financial year.

2. Recommendations

- 2.1 Agree that the Director, Highways and Transportation may issue the task orders to Ringway Jacobs as outlined in **Table 1, Appendix 1** after taking legal advice about the form and content of the task orders.
- 2.2 Agree that the Cabinet Member for Highways Maintenance and Sustainable Transport, may change the work to be undertaken under the task orders.

3. Background and Proposal

- 3.1 Essex County Council (ECC) is the local highway authority for Essex and as such it has many legal duties and powers with respect to the local highways network, including a legal duty under the Highways Act 1980 to maintain the Essex highways network. At present ECC primarily meets this duty by commissioning Ringway Jacobs Limited to deliver highways services. The Council has extended its contract which commenced in April 2012 and now runs to March 2027. The Council only issues task orders to Ringway Jacobs for the work it asks Ringway Jacobs to do. As such ECC has a broad discretion as to which task orders are issued.
- 3.2 Due to the high value of some task orders, approval is required at the start of the new financial year 2022/23 for the task orders to be issued.
- 3.3 The budget for all Council services in 2022/23, including Essex Highways, has been recommended for approval by Council at its meeting on 10 February 2022. Those budgets were based on planned levels of expenditure under a number of policy headings. This report seeks authority to issue task orders to reflect the activity and associated spending assumptions made when the budget was proposed.
- 3.4 Task orders are issued under a number of headings. Some of them are for planned maintenance such as resurfacing, some are for upgrading services – such as the installation of LED streetlighting and some are for fixed costs.
- 3.5 The 2022/23 task orders requiring approval are listed in the appendix to this report. One of the task orders (28 Local overheads) relates to the basic costs of running the service, such as management costs and the costs of running depots and IT systems.
- 3.6 Most of the task orders relate to planned maintenance. In these cases, the value of the task order is calculated by reference to the target costs of a number of schemes. Ringway Jacobs is required to achieve the target cost and both ECC and Ringway Jacobs share any under and overspends above a certain limit. The number of schemes deliverable is likely to change over the year, as a result of unexpectedly long periods of hot or cold weather or the impact on the network of a cold spell. It may also need to change to respond to major issues occurring (e.g. the need for bridge maintenance). Changes are dealt with by variations to the task order issued under the contract.

- 3.7 For responsive maintenance there is a value attached to the task order. The format of the task order is being revised to ensure that work is prioritised in the best way possible and to clarify the position on liability for claims.
- 3.8 For major schemes, the schemes we expect to deliver in 2022/23 are in the appendix but again these may be subject to change. Any decision to change task orders will be taken in accordance with the constitution.
- 3.9 Delivery of these schemes contributes towards the Everyone's Essex aim of maintaining a high quality environment by undertaking planned maintenance on the network and maintaining its condition for residents and service users.
- 3.10 Where possible and appropriate and in line with our commitment to tackling climate change, we will seek to use materials and methods that help reduce our carbon footprint and support active and alternative forms of travel across the county.

4. Links to our Strategic Ambitions

- 4.1 This report links to the following aims in the Essex Vision
- Develop our County sustainably
 - Connect us to each other and the world
- 4.2 Approving the recommendations in this report will contribute to the Council's ambition to be net carbon neutral by 2030 through:
- Replacing transport trips and doing things differently to reduce the need to travel,
 - A shift to sustainable ways of travel and,
 - Decarbonising remaining transport
- 4.3 In line with our organisational strategy, 'Everyone's Essex', this decision contributes towards the following strategic priorities:
- **A strong, inclusive and sustainable economy** - by delivering and maintaining high quality infrastructure to improve opportunities for people living in Essex.
 - **A high quality environment** – by embedding measures to ensure that the council significantly reduces its carbon footprint, whilst also supporting an acceleration in the progress towards alternative forms of travel across the county.

5. Options

- 5.1 **Option 1:** Issue the task orders as in **Table 1, Appendix 1** which will enable Essex Highways to commission Ringway Jacobs to deliver planned highways maintenance services, within the already agreed budget for 2022/23.

This is the preferred option which will ensure there is no further delay to delivering works and services already scheduled for this financial year.

- 5.2 **Other options** include not issuing task orders, but this is not recommended as it means that no highway works will be delivered. The task orders are recommended as they represent a balance between
- planned maintenance – which reduces the cost of responsive maintenance
 - responsive maintenance - to discharge the council's legal duties
 - investment in improving the service which may lead to a reduction in revenue costs (e.g. installation of LED lighting)

6 Issues for consideration

6.1 Financial implications

- 6.1.1 Essex Highways has a net 2022/23 revenue budget allocation of £20.9m within which the revenue task orders detailed in Appendix 1 can be accommodated. The task orders will be set at a level to ensure the budget can accommodate any cost pressures that contractually must be incurred.

- 6.1.2 Essex Highways has a 2022/23 capital budget allocation of £83.7m within which the capital highways maintenance task orders detailed in Appendix 1 can be accommodated. The Highways capital budget allocation is assumed to be funded partly by an un-ring-fenced Department for Transport (DfT) grant which is estimated to be £35.4m and ECC resources. The associated revenue cost of borrowing to fund the remainder of the maintenance programme is approximately £2.9m per annum (based on £48.3m borrowing being required). This is accounted for within the Medium-Term Resources Strategy (MTRS), there are no additional costs as a result of this decision.

- 6.1.3 Also within the 2022/23 capital programme is a capital budget allocation of £67.0m in relation to named Highways Major schemes which can accommodate the named schemes task orders as detailed in Appendix 1. This is funded by a mixture of grants and ECC resources. It is estimated that the associated revenue cost of borrowing is approximately £1.3m per annum (based on £22.0m borrowing being required). This is accounted for within the MTRS, there are no additional costs as a result of this decision.

6.2 Legal implications

- 6.2.1 The contract with Ringway Jacobs Limited requires task orders to be issued. Ringway Jacobs must comply with the task orders. It is important that the task

orders reflect sufficient information about the works which the contractor is required to do otherwise it is difficult to legally hold it account if it does not deliver what the Council is expecting. It is therefore very important that Legal advice is taken on the content of the task orders.

7 Equality and Diversity implications

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8. List of appendices

Appendix 1 – 2022 23 Task Order values of £2m and over
Appendix 2 - Equality Impact Assessment

9 List of Background papers

None

Table 1: Task Order values are within the allocated draft ECC budget for 2022/23:

REVENUE Task Orders: Values of £2m and over
<p>Street Lighting - Task Order 11. Value £2m</p> <p>This relates to the maintenance of the street lights, including repairing defects on lights, signs and bollards. It also includes electrical and structural testing on all street lighting columns and some traffic management and out of hours costs as needed to undertake the work safely.</p>
<p>Routine/Emergency Maintenance - Task Order 7. Value £3.382m</p> <p>This relates to the emergency response service which deals with dangerous and urgent defects, plus the routine repair of identified defects on footways, cycleways, signs, non-illuminated bollards, fencing and guardrail, drains and their metal covers, and road markings. These are dealt with in priority order as set out in the Essex County Council Maintenance and Inspection Strategies.</p>
<p>Local Overheads - Task Order 28. Value £9m</p> <p>This relates to the cost of local overheads incurred by Ringway Jacobs (RJ) which are required in order to deliver the highways service. These include RJ staff and general administrative costs such as ICT hardware and ICT software and licences, mobile telephones, office and depot rent and running costs, training, insurances, personal protective equipment.</p>
<p>Third Party Works (External) - Task Order 35. Value estimated to be £3m</p> <p>This relates to the delivery of individual services and schemes for third parties, for example other highway authorities and District Councils. Services and schemes are wholly funded by the third-party clients and not ECC. Examples include the selling of Intelligent Transport Systems (ITS), Network Management and Passenger Transport Management services to Southend and Thurrock Unitary Authorities. These deliver financial benefits by enabling ECC to share overhead costs with other authorities and generating economies of scale for everyone.</p>
<p>Major Projects - Transportation Schemes General – Task Order 46. Value £2.5m</p> <p>The development of Future Transport Strategies focussing on sustainable transport provision, Construction and running of Transport Models (local and strategic) and supporting District/Borough/City Councils with Local Plan Development. The collection, analysis and presentation of transportation flow data (traffic and cycling) and sustainable Travel and Integrated Transport Studies. Also the mapping and presentation of data.</p>
Maximum Revenue Total: £19.882m
CAPITAL Task Orders: Values of £2m and over
<p>Active Travel Fund – Task Order 02. Value £6.723m</p> <p>DfT funding to deliver a transformative set of active travel schemes to reallocate road space to active travel measures such as cycling and walking to ensure better access to town centres, places of employment and other key areas. Where traffic regulation orders are required as part of these measures, they will follow the usual formal process of approval.</p>
<p>ITS – Task order T37. Value £2.232m</p> <p>The Delivery of Traffic Signal Replacement Works as part of a planned programme of Capital Works. Officers will decide which schemes are progressed and implemented in line with asset management priorities.</p>

Safety Barriers - Task Order 82a, 82b, 83c & 82d. Value £2m

The delivery of a planned programme of Capital Vehicle Restraint System works which includes an ongoing review of the current VRS assets as well as the replacement and upgrade of existing assets to the current standard where appropriate. Officers will decide which schemes are progressed and implemented in line with asset management priorities.

Street Lighting - Task Order 10. Value £3m

This relates predominantly to the provision of programmed street lighting column replacement, plus the replacement of other illuminated assets such as bollards and beacons as necessary, including when they are damaged or destroyed in accidents. The capital funding will also be used to replace signposts where this is required on safety grounds. Officers will decide which schemes are progressed and implemented in line with asset management priorities.

Carriageway / Footway Patching - Task Order 18. Value £3.5m

This relates to the delivery of a large capital patching programme and includes the cleansing and maintenance of drainage systems prior to the capital surfacing works taking place to ensure no drainage issues impact the new surfacing work. This programme helps to maintain the condition of the carriageway and footway assets alongside the larger programme of surface treatments/replacement. Officers will decide which schemes are progressed and implemented in line with asset management priorities.

Local Highways Panels - Task Order 21. Value £6.6m

This relates to the delivery of a planned programme of capital schemes (selected by the Cabinet Member on the advice of the Local Highways Panels). These schemes are generally allocated to support local priorities for minor infrastructure improvements but may also be used to maintain highways assets to a higher standard than would otherwise be the case. Work is prioritised and confirmed by the LHPs to deliver an efficient, cost effective service, for example extending the use of direct delivery gangs to support delivery. Funding related to highways work in this area may be amended following the formal review of LHPs by the Place Service and Economic Growth Policy and Scrutiny Committees task and finish group and related to highways devolution considerations.

Surface Water Alleviation Scheme (SWAS) - Task Order 83a, 83b and 83c. Value £2.75m

This relates to the repair and complete renewal of existing highway surface water drainage systems to remove and prevent highway flooding. Works are targeted towards the PR1/PR2 network predominantly, plus high risk / flooding areas on Local Roads. Officers will decide which schemes are progressed and implemented in line with these priorities.

Advance Scheme Design Programme (ASD) - Task Order 84. Value £3.9m

This relates to the development of options, feasibility and preliminary design work for a programme of work to produce a 'pipeline' of schemes which can move forward quickly when external funding becomes available. Officers will decide which schemes are progressed for design work in the Advanced Scheme Design (ASD) programme, including planning and management of large major schemes. It also covers ASD stages 1,2 & 3a for proposed new infrastructure.

Large Major Schemes - Task Order 85. Value £2.15m

This relates to large major schemes identified by ECC. The projects below are covered by this task order:

- 1) **M11 Jct. 7A and Gilden Way Upgrading (£50,000)** - Roll over scheme on site with 2022/23 activities as follows:
 - Construction administration resource/support for Essex. Construction completion planned for June 2022
- 2) **A127 Fairglen (£100,000)** - Roll over scheme with 2022/23 activities as follows:
 - Site Support to the Main Works Contract.
- 3) **A133/A120 Link Road and Colchester Rapid Transit - (£500,000)** (HIF Schemes) - Roll over scheme with 2022/23 activities as follows:
 - Tender process for the procurement of a Design and Build Contract.
- 4) **Chelmsford North Eastern Bypass and Beaulieu Park Station (£500,000)** (HIF Scheme) - Roll over scheme with 2022/23 activities as follows:
 - Tender process for the procurement of a Design and Build Contract.
 - Progressing the approval stages with Network Rail (GRIP4/5)
- 5) **Harlow STC: Gilston to Town Centre (£1m)** (HIF scheme) - Roll over scheme with 2022/23 activities as follows:
 - Designing the scheme through the design stages including stakeholder engagement etc

Structures - Task Order 13. Value £9.75m

This relates to the planned programme of capital maintenance and strengthening of structures on the network, including bridges, retaining walls and culverts (drains). Also includes funding to carry out Principal Inspections and Assessments. Officers will decide which schemes are progressed and implemented in line with asset management priorities.

Carriageways Capital Investment - Task Order 17a, 17b & 17c. Value £40.725m

This relates to the programme of resurfacing and replacement of carriageways using various treatment types. It also includes the cost of designing schemes and the preparation of the proposed capital programme for future years. It includes feasibility works for future schemes and the management of a coring programme (T17c), related to the design of Carriageway capital works. Officers will decide which schemes are progressed and implemented in line with asset management priorities.

Named Capital Schemes - Task Order 32. Value £2.5m

This relates to the delivery of named capital schemes identified by the Major Projects team, which contribute towards ECC's promotion of economic growth and future infrastructure development. The schemes are:

FP/235/11/21 – Task Orders for Ringway Jacobs Limited - Appendix 1

<p>1. Beaulieu Park Station £100,000 Continuation with technical support to ECC to progress the case for the station north of Chelmsford.</p> <p>2. M11, J8: £100,000 Continuation of major scheme to construct improvements at junction 8, north of Harlow. This funding is for:</p> <ul style="list-style-type: none">• Design support during construction which started in October 2021. <p>3. A127 Autonomous and Connected Highway: £300,000 Continuation of the previous A127 task force to identify and assess the feasibility of a number of improvements along the A127 corridor.</p> <p>4. Army and Navy Roundabout, Chelmsford: £1m Continuation of the Army and Navy Task Force, and development of long term options.</p> <p>5. Cycling Infrastructure: £1m The Delivery of cycle schemes resulting from the Essex Cycle Strategy, Area Action Plans, and LCWIPS (Local Cycling & Walking Infrastructure Plans)</p>
<p>LED Phase 4 - Task Order 73. Value £7m This is the estimated cost of delivering year 2 of a 4-year programme of work, which will be the final delivery phase (phase 4) of the LED project. Year 2 (2022/23) aims to install a further 27,500 LED lanterns out of the total of circa 85,000 lanterns being installed over the 4 years of the LED conversion project.</p>
<p>Footways capital works - Task Order 81. Value £8m This relates to the delivery of a programme of capital footway works, mainly but not exclusively prioritising low footfall footways which are mainly on the local road network (residential), across 12 districts, due to previous years prioritisation around high footfall footways in town centres This will include delivery of low-cost maintenance treatments and smaller footway repairs. Officers will decide which schemes are progressed and implemented in line with asset management priorities.</p>
<p>Purchase of Fleet – Task Order 91. Value £6m This relates to the purchase of a number of new gritters and mobile platforms to replace outdated and ageing vehicles. This will ensure the service is run efficiently and that equipment is up to date for operatives. These vehicles purchased will be owned by ECC but used by the strategic partnership.</p>
<p>Maximum Capital Total: £106.83m</p>

Forward Plan reference number: FP/262/12/21

Report title: Integrated Residential Nursing (IRN) Framework Annual Refresh and Placement Price Uplifts for 2022	
Report to: Cabinet	
Report author: Councillor John Spence - Cabinet Member for Health and Adult Social Care	
Date: 15 February 2022	For: Decision
Enquiries to: Simon Evans, Procurement Specialist, simon.evans@essex.gov.uk and Jo Grainger, Commissioning Manager, jo.grainger@essex.gov.uk	
County Divisions affected: All Essex	

1. Everyone's Essex

- 1.1 Everyone's Essex sets out the strategic aim of health, wellbeing and independence for all ages. Within that aim is a commitment to helping individuals to live free from abuse and neglect and enabling independence through access to suitable accommodation and an effective care market.
- 1.2 One way to support this aim is through enabling an effective residential and nursing care home market. It is important that we help shape and support the care home market in Essex, which is currently experiencing unprecedented pressure. The expectation of rehabilitation at pace means that providers are feeling the strain of additional training, staffing and changes to their business model. At the same time, the impacts of the Covid pandemic, including reduced occupancy, are still being felt and wider economic factors are exacerbating matters.
- 1.3 The purpose of this paper is to seek approval of the proposed approach for the annual Integrated Residential Nursing (IRN) Framework refresh for 2022 as well as the proposed price uplift approach for existing Residential and Nursing placements for older people in 2022/23. The proposed price uplift approach in this paper reflects the additional financial pressures facing older people care homes from April 2022 including the Social Care Levy, higher inflation than expected and higher National Living Wage increases.
- 1.4 The proposals in this paper do not create any additional climate impacts, which is consistent with our net zero climate commitments set out in Everyone's Essex.

2 Recommendations

- 2.1 Agree to vary the price matrix in the IRN Framework Agreement with effect from 1 June 2022 so that each price band is increased by:
 - 6.1% for residential care as set out in Appendix A
 - 6.4% for residential care with nursing as set out in Appendix A.

- 2.2 Agree to undertake the annual Preferred Supplier Ranked List Review Process in accordance with the processes set out within the IRN Framework Agreement, to allow new providers on to the IRN Framework and existing IRN Framework providers to resubmit prices that will apply to new placements from 1 June 2022.
- 2.3 Subject to the Executive Director, Adult Social Care being satisfied that it is lawful in each case to do so, to increase the weekly rate of all existing care home placements in place on 31 March 2022 and delivered via the IRN Framework Agreement by 6.1% for Residential and 6.4% for Nursing, capped at £685.72 per week for residential and £835.03 per week for nursing placements, with effect from 1 April 2022.
- 2.4 Agree to vary the IRN Framework Agreement to permit the changes set out in recommendation 2.3 above.
- 2.5 Subject to the Executive Director, Adult Social Care being satisfied that it is lawful in each case to do so, agree to increase the weekly rate of all existing care home placements in place in the administrative area of the Council on 31 March 2022 commissioned by the Council pursuant to a spot purchase contract by 6.1% for Residential and 6.4% for Nursing, capped at £685.72 per week for residential and £835.03 per week for nursing placements, with effect from 1 April 2022.
- 2.6 Agree that the Executive Director, Adult Social Care is authorised, following the conclusion of the annual Preferred Supplier Ranked List Review Process set out in 2.2, to:
 - agree the terms of the variation to the IRN Framework Agreement referred to in paragraphs 2.1 and 2.4 above.
 - award IRN Framework Agreements to new providers;
 - award new providers on the IRN Framework an IRN Call Off Contract;
 - to agree the terms of the contract variations required for existing contracts referred to in paragraphs 2.3 and 2.5 above; and
 - re-rank providers in accordance with the published criteria in the IRN Framework Agreement.

3 Background and Proposal

- 3.1 The Integrated Residential Nursing (IRN) Framework (the IRN Framework) was established in June 2019 to source care in a residential setting for older people and adults with non-complex mental health needs, with or without nursing care. Approximately 80% of residential placements and 50% of nursing placements are made via the IRN Framework. Where placements cannot be made using the IRN Framework, a spot purchase contract may be used instead.
- 3.2 The IRN Framework contains provision for the Council to re-open the IRN Framework every year via an 'annual preferred supplier ranked list' review process (the 'review process'). This review process allows existing providers on the IRN Framework to submit revised prices for new placements, should they so wish, and enables new providers to join the IRN Framework. It is proposed that

the 2022 IRN Framework review process will commence in February 2022 and will be completed on 1 June 2022, in line with the anniversary of the IRN Framework.

- 3.3 As part of the reopening of the IRN Framework, it is also proposed to vary the price matrix in the IRN Framework with effect from 1 June 2022 so that each price band is increased by 6.1% for residential care and 6.4% for residential care with nursing. The revised IRN Framework pricing matrices will be used for the annual review process. The process for determining the provider's position on the ranked list will continue with the Care Quality Commission (CQC) overall quality score (good and outstanding first, then requires improvement and not yet rated) and then price. This uplift will apply to all new placements made after 1 June 2022.
- 3.4 The prices proposed for this uplift have been determined following an annual review of the cost of care work for older people including calculating the inflationary increase expected in the financial year 2022/23. The National Living Wage will increase by 6.6% to £9.50 per hour from April 2022. In addition, providers are incurring other increased costs such as increased prices for fuel, food, and utilities etc. and this impact can be seen through the changes in the Consumer Price Index. Furthermore, from April 2022, a new Health and Social Care Levy is being introduced, which has an impact on both employee and the employer. For financial year 2022/23, this will be added to the National Insurance contribution at a rate of 1.25%. From April 2023, National Insurance will go back to the 2021/22 amounts and the new levy will become a standalone element. All of these elements have been considered as part of the calculation for the proposed price increases set out in this report.
- 3.5 Although the Council and Central Government have provided significant additional resource to care providers in response to the COVID-19 pandemic this has been to address some of the cost pressures directly arising as a result of COVID-19. The proposed increase set out in this report is instead intended to address the increasing pressure arising from other costs facing the sector and to assist providers in ensuring that they can resource services with skilled and qualified staff and deliver high quality care.
- 3.6 The Care Act 2014 places duties on authorities to facilitate and shape their market for adult care so that it meets the needs of all people in their area who need care and support. In discharging this duty, the Council must have regard to ensuring the sustainability of the market; high quality, personalised care and support can only be achieved where there is a vibrant and responsive market of suppliers. This can be achieved through commissioning, market shaping and contract management. People working in the care sector play a central role in the delivery of high-quality services and the Council must consider and address whether contract terms and fee levels are appropriate to provide the agreed quality of care and not compromise the providers ability to meet statutory pay obligations. It is in response to this duty, that the price increases set out in this report are proposed. There are 396 CQC registered care homes in Essex, employing approximately 14,000 staff. The 126 care homes on the IRN framework employ approximately 4,200 staff. Raising wages for typically low paid

staff in the Essex Care sector will have a positive impact on residents and on the wider Essex economy.

- 3.7 It is also proposed from 1 April 2022 to uplift all existing older people care home placements by 6.1% for Residential and 6.4% for Nursing capped at £685.72 per week for residential and £835.03 per week for nursing regardless of whether such placements were made via the IRN Framework or on a spot purchase arrangement. This capped amount equates to what will be the highest available rate on the IRN Framework after the rates have been varied. This proposed approach differs from previous years, where only placements made at least two years prior to the start of the financial year received an uplift capped at the highest available rate on the IRN Framework. This proposed approach for 2022/23 is not intended to set a precedent for future years and is a reflection of the extraordinary financial pressures facing care homes in 2022/23. Capping the uplift at the highest available rate on the IRN Framework on the price matrix for that service type is in line with the approach taken in previous years.

4 Links to our Strategic Ambitions

- 4.1 This report links to the following aims in the Essex Vision:

- Enjoy life into old age
- Develop our County sustainably

- 4.2 Approving the recommendations in this report will have a neutral impact on the Council's ambition to be net carbon neutral by 2030. We are working on wider improvements as part of our longer-term market shaping strategy which will have an impact on this ambition.

- 4.3 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':

- A strong, inclusive and sustainable economy
- Health wellbeing and independence for all ages

5 Options

5.1 Do nothing (not recommended)

- 5.1.1 This option is not recommended as it is not compliant with the current IRN Framework contract, which sets an expectation that the contract will be re-opened annually. It could also impact on the Council's ability to meet its duty under section 5 of the Care Act 2014 and the promotion of a sustainable care home market, to promote choice and control for individuals and their families and to promote consistent quality, with a focus on good and outstanding provision. Providing no placement cost uplifts could risk the Council's ability to source all the residential care it needs to support the people of Essex.

5.2 Uplift the weekly rate of current placements, open the IRN Framework to allow new providers to join and amend the pricing matrix in the IRN Framework Agreement to increase the weekly rates that providers can select from (recommended option)

5.2.1 This option will better equip the market to provide the care home capacity that is needed on an ongoing basis. This supports the strategic intention detailed in section 4. The approach of a fixed monetary uplift on existing packages is easy to calculate and communicate, reduces the risk of being unaffordable by controlling the uplift, and gives all providers the same opportunities. Opening the IRN Framework to allow new providers to join and allowing existing providers to select a new rate from the revised pricing matrices will help support a more sustainable cost which will assist providers in recovering some of the increased costs set out in this report.

5.3 Open the IRN Framework to allow new providers to join but do not increase the weekly rates on new or existing placements (not recommended)

5.3.1 This approach is not recommended as this will not address the additional financial pressures providers are facing detailed in 3.4. It could result in providers withdrawing from the IRN Framework and more placements being made through a spot purchase contract. It could also impact on the Council's ability to meet its duty under section 5 of the Care Act 2014.

5.4 Uplift placements that are over two years only, capped at the highest IRN Framework rate. Keep the framework closed to new providers and cancel the PSRL review and transfer current homes to the same price point on the refreshed pricing matrix (not recommended)

5.4.1 This approach is not recommended as the IRN Framework would remain closed to new entrants, meaning providers and homes wishing to join might have to wait until the fourth anniversary of the IRN Framework for the opportunity. It would also mean that existing homes on the IRN Framework would not be able to change their price point, should they wish to. Only uplifting placement over two years will not address the additional financial pressure providers are facing detailed in 3.4.

6 Issues for Consideration

6.1 Financial Implications

6.1.1 Essex County Council spends a significant proportion of its budget on providing residential and nursing care for older people. The 2022/23 budget plans for a gross cost of £122m and expenditure is expected to be affected in future years by inflationary and demographic pressures. The Medium-Term Resource Strategy (MTRS) takes account of these forecast pressures as part of the budget setting process.

6.1.2 The following tables set out the cost of the recommendations and the impact in 2022/23 compared with the ASC draft budget.

Cost of Recommendations	2022/23	2023/24	2024/25
IRN Refresh	£1.1m	£3.1m	£3.9m
Historic Uplift (> 2yrs)	£1.9m	£1.1m	£0.7m
Historic Uplift (< 2yrs)	£2.4m	£1.4m	£0.8m
Total	£5.3m	£5.7m	£5.4m

National Insurance Impact (Included in above)	2022/23
IRN Refresh	£0.12m
Historic Uplift (> 2yrs)	£0.21m
Historic Uplift (< 2yrs)	£0.24m
Total	£0.57m

6.1.3 The estimated gross cost of the recommendations is £5.3m in 2022/23, a further £5.7m in 2023/24 and £5.4m in 2024/25. This phasing is due to the higher IRN Framework prices applying to new placements and therefore increasing over time, whereas the cost of uplifting prices for existing placements will reduce through attrition as packages end over the same period. Many service users contribute to the cost of their care in full, which may slightly reduce the net financial impact of the price rises to the Council.

6.1.4 The cost of the recommendations includes £570,000 in 2022/23 related to the increased cost of National Insurance to providers from April 2022. The additional cost of extending the eligibility to all current placements (rather than only those older than 2 years) is £2.1m (£2.4m inclusive of the cost of the NI increase). Both elements will be funded from within the ASC budget, where provision has been made to help address potential cost of care and demand risks in the care market.

6.1.5 The recommendations are expected to mitigate the risks and potential consequences of not offering a sufficient uplift to the market at a challenging time and when new, unpredicted inflationary and other pressures will affect providers' cost base. This could, for example, result in financial pressures through provider behaviour on spot prices, or in care home residents being moved due to home closures. The price uplift to existing placements is capped at the maximum IRN rate, which assists with affordability and covers most ECC placements in IRN framework homes, while excluding the outlying prices that are largely held with the spot market.

6.1.6 The financial modelling of the recommended option assumes a neutral position on suppliers joining or leaving the IRN Framework. Whilst the process does allow new providers to join, it is unclear whether providers will choose to do so. It also assumes that existing IRN Framework providers maintain their current position on the pricing matrix, and that the proportion of new placements at contracted rates compared with spot will continue in the same average ratios.

6.1.7 While many IRN Framework providers are already placed at the highest available price, there is a possibility that existing IRN Framework providers may choose to increase from their current point on the pricing matrix. If all existing IRN Framework providers choose the maximum possible rate for their locality, then

this could result in an additional annual pressure of £1.1m by 2024/25, if there were to be no compensating reduction in spot market prices.

6.2 Legal Implications

6.2.1 The IRN Framework Agreement provides that the Council will open the review process annually, on or around the anniversary of the commencement date of the IRN Framework Agreement. Whilst the IRN Framework Agreement does not expressly state that the Council is able to amend the pricing matrices, given that the IRN Framework will be open to new entrants to bid, no one bidder/provider is given a competitive advantage over another. The Annual Review Process will need to give new providers the same length of time to respond to the invitation to tender as was afforded to those bidding in the original tender process, to ensure consistency, transparency and equal treatment.

6.2.2 During the Annual Review Process, providers have the opportunity to amend their pricing from the amended pricing matrix. The newly selected price is then scored in accordance with the published criteria. The ranked list for placements is then updated based on the new scores.

6.2.3 The proposals set out in this report will require a variation to the IRN Framework to increase the weekly rates and permit the uplift to existing placements made via the IRN Framework. Any change to the rates in the IRN Framework Agreement must comply with regulation 72 of the Public Contract Regulations 2015 and be carried out using the change control mechanism in the Framework Agreement.

6.2.4 The increase in rates on contracts for existing placements would be a modification to those contracts during their term. ECC is able to modify the contract where regulation 72 of the Procurement Regulations permits. This will need to be considered on an individual contract basis before such uplift is agreed.

6.2.5 There is a risk that introducing a blanket pricing uplift for new placements and existing placements results in a precedent for future refreshes of the IRN Framework. Whilst this is not likely to create legal difficulties, it may create expectations in the market.

6.2.6 These proposed payments are not required to be made by law or under the terms of any contracts and therefore could amount to a gratuitous payment and potentially a subsidy. The European Union (Future Relationship) Act 2020 places the ECC in a very similar position to that in which it would have been had the Council remained in the EU. However, subsidies to offset the harm done by a global pandemic are likely to be lawful under the subsidy control regime. The staffing difficulties at present can be attributed, at least in part, to the destabilising influence of the pandemic, although no doubt this is not the sole cause. The subsidies awarded will need to be recorded on the BEIS website.

6.2.7 The Council can only be confident that such price increases will result in encouraging sustainable retention and recruitment approaches if this is a contractual requirement of the variations.

7 Equality and Diversity Considerations

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. The proposed recommendations will continue to ensure that there is a choice of 'Good' and 'Outstanding' care homes in which placements can be made by the Council.

8 List of Appendices

- 8.1 Appendix A: IRN Framework Pricing Matrix
- 8.2 Appendix B: Equality Impact Assessment

9 List of Background Papers

None declared.

APPENDIX A
IRN 2022/23 Pricing Matrices

RESIDENTIAL

District / Borough	North East CCG		Mid Essex CCG			Castle Point and Rochford CCG		Basildon and Brentwood CCG		West Essex CCG		
	Colchester	Tendring	Maldon	Chelmsford	Braintree	Castle Point	Rochford	Basildon	Brentwood	Harlow	Uttlesford	Epping Forest
Rate No.												
1	£558.88	£558.88	£558.88	£558.88	£558.88	£558.88	£558.88	£558.88	£558.88	£558.88	£558.88	£558.88
2	£567.91	£567.91	£567.91	£567.91	£567.91	£567.91	£567.91	£567.91	£567.91	£567.91	£567.91	£567.91
3	£577.01	£577.01	£577.01	£577.01	£577.01	£577.01	£577.01	£577.01	£577.01	£577.01	£577.01	£577.01
4	£586.04	£586.04	£586.04	£586.04	£586.04	£586.04	£586.04	£586.04	£586.04	£586.04	£586.04	£586.04
5	£595.14	£595.14	£595.14	£595.14	£595.14	£595.14	£595.14	£595.14	£595.14	£595.14	£595.14	£595.14
6	£604.17	£604.17	£604.17	£604.17	£604.17	£604.17	£604.17	£604.17	£604.17	£604.17	£604.17	£604.17
7	£613.27	£613.27	£613.27	£613.27	£613.27	£613.27	£613.27	£613.27	£613.27	£613.27	£613.27	£613.27
8	£622.30	£622.30	£622.30	£622.30	£622.30	£622.30	£622.30	£622.30	£622.30	£622.30	£622.30	£622.30
9	£631.40	£631.40	£631.40	£631.40	£631.40			£631.40	£631.40	£631.40	£631.40	£631.40
10	£640.43	£640.43	£640.43	£640.43	£640.43			£640.43	£640.43	£640.43	£640.43	£640.43
11			£649.46	£649.46	£649.46			£649.46	£649.46	£649.46	£649.46	£649.46
12			£658.56	£658.56	£658.56			£658.56	£658.56	£658.56	£658.56	£658.56
13								£667.59	£667.59	£667.59	£667.59	£667.59
14								£676.69	£676.69	£676.69	£676.69	£676.69
15												£685.72
16												

NURSING

Pricing within this matrix does not include Funded Nursing Contribution. This is paid by the NHS where service users are eligible.

	North East Essex CCG		Mid Essex CCG			Southend CCG	Castle Point and Rochford CCG		Basildon and Brentwood CCG		West Essex CCG		
	Colchester	Tendring	Maldon	Chelmsford	Braintree	Southend	Castle Point	Rochford	Basildon	Brentwood	Harlow	Uttlesford	Epping Forest
Rate No.													
1	£604.52	£604.52	£604.52	£604.52	£604.52	£604.52	£604.52	£604.52	£604.52	£604.52	£604.52	£604.52	£604.52
2	£618.10	£618.10	£618.10	£618.10	£618.10	£618.10	£618.10	£618.10	£618.10	£618.10	£618.10	£618.10	£618.10
3	£631.68	£631.68	£631.68	£631.68	£631.68	£631.68	£631.68	£631.68	£631.68	£631.68	£631.68	£631.68	£631.68
4	£645.19	£645.19	£645.19	£645.19	£645.19	£645.19	£645.19	£645.19	£645.19	£645.19	£645.19	£645.19	£645.19
5	£658.77	£658.77	£658.77	£658.77	£658.77	£658.77	£658.77	£658.77	£658.77	£658.77	£658.77	£658.77	£658.77
6	£672.35	£672.35	£672.35	£672.35	£672.35	£672.35	£672.35	£672.35	£672.35	£672.35	£672.35	£672.35	£672.35
7	£685.86	£685.86	£685.86	£685.86	£685.86	£685.86	£685.86	£685.86	£685.86	£685.86	£685.86	£685.86	£685.86
8	£699.44	£699.44	£699.44	£699.44	£699.44				£699.44	£699.44	£699.44	£699.44	£699.44
9	£713.02	£713.02	£713.02	£713.02	£713.02						£713.02	£713.02	£713.02
10	£726.53	£726.53	£726.53	£726.53	£726.53						£726.53	£726.53	£726.53
11	£740.11	£740.11	£740.11	£740.11	£740.11						£740.11	£740.11	£740.11
12	£753.69	£753.69	£753.69	£753.69	£753.69						£753.69	£753.69	£753.69
13	£767.20	£767.20	£767.20	£767.20	£767.20						£767.20	£767.20	£767.20
14	£780.78	£780.78										£780.78	£780.78
15												£794.36	£794.36
16												£807.87	£807.87
17												£821.45	£821.45
18												£835.03	£835.03

Forward Plan reference number: FP/261/12/21

Report title: Live at Home Framework Agreement Pricing Refresh and Pricing Increase for Domiciliary Care Placements	
Report to: Cabinet	
Report author: Councillor John Spence - Cabinet Member for Health and Adult Social Care	
Date: 15 February 2022	For: Decision
Enquiries to: Matthew Barnett, Head of Commissioning (matthew.barnett@essex.gov.uk) and Zoe Harriss, Procurement Lead (zoe.harriss@essex.gov.uk)	
County Divisions affected: All Essex	

1. Everyone's Essex

- 1.1 Everyone's Essex sets out the strategic aim of health, wellbeing and independence for all ages. Within that aim is a commitment to helping vulnerable people to live independently and free from abuse and neglect, by enabling an effective care market and strong domiciliary support.
- 1.2 The Adult Social Care sector in Essex is currently experiencing unprecedented pressure. The long-term trend towards care in the home has accelerated at a speed which has been hard for the market to absorb. At the same time, the impacts of the Covid pandemic are still being felt and wider economic factors are exacerbating matters.
- 1.3 This paper is to seek approval to increasing rates for new placements on the Live at Home Framework Agreement and then commencing a contractual pricing refresh thereby allowing providers to select higher rates for new placements. It is also proposed to increase the hourly rate for existing personal care packages (including carer's support, carer's break and night awake) by £1.44 per hour and increase the hourly rate for existing night sleeping and 24-hour live in care placements by £0.92 per hour. This pricing increase is to encourage sustainable retention and recruitment approaches in the domiciliary care sector, through making more funds available to increase wage levels on an ongoing basis.
- 1.4 The proposals in this paper do not create any additional climate impacts, which is consistent with our net zero climate commitments set out in Everyone's Essex.

2 Recommendations

- 2.1 Agree to vary the Live at Home Framework Agreement by increasing the hourly rates by 7.1% for all care types excluding target supply area rates, as set out in Appendix B, with such change taking effect from 3 April 2022.

- 2.2 Agree to commence the Annual Review Process in the Live at Home Framework Agreement to allow existing providers to amend their framework prices with such price increases to be effective from 3 April 2022 until the next pricing refresh.
- 2.3 Subject to the Executive Director, Adult Social Care being satisfied that it is lawful in each case to do so, to increase the hourly rate as set out below for all existing placements in place on 2 April 2022 delivered via the Live at Home Framework Agreement with such price increase coming into effect from 3 April 2022 until the end of such placement:
 - a. an increase of £1.44 per hour for personal care (including carer's support, carer's break and night awake) placements;
 - b. an increase of £0.92 per hour for night sleeping placements; and
 - c. an increase of £0.92 per hour for 24-hour live-in care placements.
- 2.4 Agree to vary the Live at Home Framework Agreement to permit the changes set out in recommendation 2.3 above.
- 2.5 Subject to the Executive Director, Adult Social Care being satisfied that it is lawful in each case to do so, to increase the hourly rate as set out below for all existing placements commissioned by the Council in the administrative area of the Council for domiciliary care, in place on 2 April 2022, delivered via spot purchase contracts with such price increase coming into effect from effect from 3 April 2022 until the end of such placement:
 - a. an increase of £1.44 per hour for personal care (including carer's support, carer's break and night awake) placements;
 - b. an increase of £0.92p per hour for night sleeping placements; and
 - c. an increase of £0.92p per hour for 24-hour live-in care placements.
- 2.6 Agree that the Executive Director, Adult Social Care is authorised:
 - a. to agree the terms of the variation to the Live at Home Framework Agreement referred to in paragraphs 2.1 and 2.4 above
 - b. following the conclusion of the Annual Review Process set out in recommendation 2.1, to re-rank providers in accordance with the published criteria set out in the Live at Home Framework Agreement; and
 - c. to agree the terms of the contract variations required for existing placements referred to in paragraphs 2.3 and 2.4 above.

3 Background and Proposal

- 3.1 The Council has a responsibility to provide care to those adults who need it. As far as possible we provide that care in people's own home. Most of this care is

provided by external providers. In order to ensure that we can buy this care as easily and cost effectively as possible the Council has set up a framework agreement for personal care services and support services to be provided at home so that there are known prices for each district. However, where placements cannot be made using the Framework Agreement, a spot purchase contract may be used.

- 3.2 The current Live at Home Framework Agreement ('LAHFA') commenced in August 2021 for a four-year term and provides a contractual mechanism to place adults requiring long term domiciliary services with good quality providers that can meet their eligible assessed needs. The LAHFA covers a number of service types including personal care, carer's support, carer's break, night awake, night sleep and 24-hour live-in care.
- 3.3 This proposal does not impact services commissioned through the Supported Living contracts, Reablement contracts, In Lieu of Reablement Services contracts, Extra Care contracts and the contract for the 'Test and Learn' on the Dengie peninsula.
- 3.4 The Care Act 2014 places duties on local authorities to facilitate and shape their market for adult care so that it meets the needs of all people in their area who need care and support. High quality, personalised care and support can only be achieved where there is a vibrant and responsive market of suppliers. This can be achieved through commissioning, market shaping and contract management. People working in the care sector play a central role in the delivery of high-quality services. The Council must therefore consider how to help foster and enhance this workforce to underpin effective, high quality services. This includes encouraging training and development of care staff but also collating evidence on whether staff are remunerated so as to retain an effective workforce. Local authorities may need to adapt their commissioning arrangements such that contract terms and fee levels are appropriate to provide the agreed quality of care and not compromise the service providers ability to meet statutory pay obligations.
- 3.5 There are 287 CQC registered domiciliary care providers in Essex, employing approximately 10,000 staff. The 73 providers on the LAHFA employ approximately 3,500 staff. Whilst salaries will vary, the Council's cost of care modelling assumes a new average hourly care worker pay rate of £11.07 for 2022/23 (an increase from £10.38 in 2021/22). Raising wages for typically low paid staff in the Essex Care sector will have a positive impact on residents and on the Essex economy.
- 3.6 Over the last two years, the Council has seen a rapid growth in demand for domiciliary care, with volumes increasing by around 16%. The capacity of providers commissioned by the Council to deliver the increased demand for services has fallen for a number of reasons, including the longer-term impact of the pandemic and wider economic recovery and labour shortages. Due to the challenges in the workforce, providers have been unable to recruit and retain staff because they are unable to offer competitive hourly rates of pay.

- 3.7 The provider capacity issues are affecting the Council's ability to provide personal care and support services at home. There are currently in the region of 270 packages of care that cannot be resourced. The current number of outstanding packages is around ten times the level seen in Spring 2021. Market pressure is further evidenced by the number of packages of care for which the Council has received notice from providers that they cannot fulfil the care requirements. In the period August to October, ECC received notification from providers that 209 packages of care could not be delivered. This is around three times the volume of returned care packages that ECC would normally receive during this period.
- 3.8 The main reason cited for the outstanding packages and returning work was capacity issues caused by staff shortages. Engagement with the market has told us that providers are struggling to retain staff because of competition from other sectors that offer more attractive pay rates or better working conditions. The Council has recently created a £3 million workforce fund (FP/186/10/21), which aims to help the market deal with this pressure in the short term. In addition, central government has created a workforce retention and recruitment fund of £4m (FP/202/10/21) which it is anticipated will be used to fund retention bonuses. These initiatives are for all homes and domiciliary providers registered in Essex, irrespective of whether they have a contract with the Council. While these are helpful for providers of domiciliary care services generally, they are not targeted at personal care and support services at home or linked to the hours of care that are directly commissioned by the Council which are still facing significant capacity issues.
- 3.9 In order to address some of these capacity issues and to provide support for providers, in November 2021 a decision was taken by the Leader of the Council to put in place a temporary 70p per hour uplift for personal care packages delivered via the LAHFA to a maximum cost of £1.1m in total. A further decision was taken by the Leader in January 2022 to put in place an additional 74p per hour uplift for personal care packages delivered via the LAHFA to a maximum cost of £1.2m in total. Both temporary uplifts expire on 2 April 2022.
- 3.10 In order to support providers in the LAHFA on a longer term basis, it is proposed to commence the annual review of prices in the LAHFA. There is a contractual mechanism for the Council to do this annually. Prior to commencing such annual review, it is proposed that the table of rates in the LAHFA is varied such that the rates in the Live at Home Framework Agreement are increased by 7.1% for all hourly rates except the target supply rate. As part of the refresh process, all Tier 1 and Tier 2 providers shall be permitted to select new prices from the updated table of rates, the score for which shall be combined with their quality score and then providers will be re-ranked accordingly. New care packages will then be offered based on the new ranked list.
- 3.11 This increase in the hourly rate will enable providers to select a higher rate should they choose with the new rates coming into effect from 3rd April 2022. This increases the ability of providers to fund wage levels on an ongoing basis to reflect cost pressures associated with the increase in National Living Wage and

National Insurance which in turn will support retaining capacity for the Essex Health and Care system.

- 3.12 An increase of £1.44 per hour (£0.92 per hour for night sleep and 24-hour care) for existing placements made via the LAHFA and for existing 'spot' placements is also proposed to reflect the increased staffing costs that providers are facing and to mitigate the risk that providers will bid a higher price for new packages to offset rates for existing packages that are no longer financially sustainable. This price increase will remain for the duration of the placement.
- 3.13 The proposed approach for this refresh has been put forward due to the uniquely challenging environment in which the health and social care system finds itself in winter 2021-22. The approach to Live at Home price refreshes in future years will be determined based on the circumstances at that time.

4 Links to our Strategic Ambitions

- 4.1 This report links to the following aims in the Essex Vision:
- Enjoy life into old age
 - Develop our County sustainably
 - Share prosperity with everyone
- 4.2 Approving the recommendations in this report will have a neutral impact on the Council's ambition to be net carbon neutral by 2030. We are working on wider improvements as part of our longer-term market shaping strategy which will have an impact on this ambition.
- 4.3 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':
- A strong, inclusive and sustainable economy
 - Health wellbeing and independence for all ages

5 Options

5.1 Do nothing (not recommended)

Doing nothing would mean not increasing fee levels for existing personal care and support services or increasing the Live at Home list of rates in the LAHFA which will enable providers to select higher rates for placements with effect from 3 April 2022. Doing nothing would expose the Council to the risk that it would not be able to source all the home care it needs to support the people of Essex and that there would continue to be an increase in the number of placements that are outstanding or returned.

5.2 Increase the rates in the Live at Home Framework Agreement and uplift existing packages by £1.44 per hour (£0.92 per hour for night sleep and 24-hour care) (recommended option)

This option will mean that the market is better able to provide the home care capacity needed on an ongoing basis and should result in building some resilience into the personal care system resulting in reduced outstanding or returned placements. This supports the strategic intention of a vibrant and healthy market of community care providers, able to help maintain the independence and wellbeing of people in the community.

The approach of a fixed monetary uplift on existing packages is easy to calculate and communicate, reduces the risk of being unaffordable by controlling the uplift, and treats all providers equally, irrespective of their pricing strategy / size.

6 Issues for Consideration

6.1 Financial implications

6.1.1 The Adult Social Care budget for 2022/23 includes provision for long-term domiciliary care packages (excluding Supported Living and Extra Care). The budget was based on packages in September 2021 and assumptions around growth on both spot and the Live at Home framework.

6.1.2 The recommendation is to increase the prices on the Live at Home pricing matrix by 7.1% for all care types. This aims to cover the estimated increase in the cost of care to providers (as a result of the increase in National Living Wage and National Insurance contributions) for new packages. Additionally, existing packages would increase by £1.44 per hour (£0.92 per hour for night sleep and 24-hour care).

6.1.3 For financial modelling purposes, a dataset from October 2021 was used. Where a package is re-purchased it has been assumed that providers will choose the framework price on the same pricing point on the matrix as currently, albeit at the revised rate. There is a risk that providers may choose higher pricing points on the framework and that spot prices may increase.

6.1.4 Modelling also assumes that the current split of hours paid for through the Live at Home framework and spot arrangements will be maintained. It is assumed that all packages will churn once a year.

6.1.5 The current working assumption in the Medium-Term Resourcing Strategy (MTRS) includes an allowance for annual price increases; the impact of the recommendation in this report is estimated to cost £125.8m, which includes a cost of £1.2m in respect of the increased cost of National Insurance from April 2022. The cost of uplifting all existing packages (rather than only those below the revised minimum rate), along with uplifting night sleep and 24 hour packages, is £3.2m (£4.4m inclusive of the cost of the National Insurance uplift). Both will

be funded from within the Adult Social Care budget, where provision has been made to help address potential cost of care and demand risks in the care market.

6.1.6 Consideration must be given to the impact of churn within the market as existing packages expire and new packages are contracted either at new framework rates or at spot. The financial modelling assumes the churn rates will not change between 2021/22 and 2022/23, although there is a risk that if providers continue to hand back packages, churn rates could increase. Covid-19 continues to cause uncertainty around the demand for domiciliary services.

6.1.7 It should be noted that the cost of domiciliary care activity covered by this report will depend on the actual split of framework and spot provision. Estimates in this report are based on current market insight from Procurement but there is a risk that prices may be higher as spot prices are inherently volatile, especially given current market pressures, and the balance of spot to framework placements could change. The spend and placement types will be regularly reviewed during the year to ensure any issues are identified and to ensure that timely and appropriate mitigations can be put in place.

6.1.8 There is the opportunity that providers' repricing may change the balance of spot to framework provision.

6.1.9 There is the risk that uplifting all packages for the year 2022/23 could set a precedent for future uplift policy.

6.2 Legal Implications

6.2.1 The agreement contains provisions relating to the Annual Review Process which the Framework Agreement states that the Council intends to carry out annually. The Council is to notify service providers of its intention to carry out such review no later than 28 calendar days prior to publication of the Annual Review Process. During the Annual Review Process, service providers have the opportunity to amend their pricing from the table of rates set out in the agreement. The newly selected price is then scored in accordance with the published criteria in the LAHFA. The ranked list for placements is then updated based on the new scores.

6.2.2 The proposals set out in this report result in a blanket increase in the hourly rates in the LAHFA (excluding the target supply rate which is not being increased) and for existing placements made via the LAHFA. It is proposed that the new pricing will apply to new placements with effect from 3 April 2022. This will require a variation to the LAHFA both to include the increased hourly rates but also to permit the blanket uplift to existing placements. Any variation to the LAHFA must comply with Regulation 72 of the Public Contract Regulations 2015 (the "Procurement Regulations") and be carried out using the change control mechanism in the contract.

6.2.3 There is a risk that introducing a blanket pricing uplift for new placements and existing placements results in a precedent for future annual review processes under the LAHFA. Whilst this is not likely to create legal difficulties, it may create expectations in the market.

6.2.4 The Council is able to modify spot purchased contracts to include the revised pricing where Regulation 72 of the Procurement Regulations permits. This will need to be considered on an individual contract basis before such uplift is agreed.

6.2.5 These proposed payments are not required to be made by law or under the terms of any contracts and therefore could amount to a gratuitous payment and potentially a subsidy. The European Union (Future Relationship) Act 2020 places the ECC in a very similar position to that in which it would have been had the Council remained in the EU. However, subsidies to offset the harm done by a global pandemic are likely to be lawful under the subsidy control regime. The staffing difficulties at present can be attributed, at least in part, to the destabilising influence of the pandemic, although no doubt this is not the sole cause. The subsidies awarded will need to be recorded on the BEIS website.

6.2.6 The Council can only be confident that price increases will result in encouraging sustainable retention and recruitment approaches if this is a contractual requirement of the variations.

6 Equality and Diversity Considerations

6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

7 List of Appendices

7.1 Appendix A: Equality Impact Assessment

7.2 Appendix B: Proposed new hourly rates for the Live at Home Framework Agreement for 2022/2023.

8 List of Background Papers

None declared.

Appendix A - Hourly rates for the Live at Home framework 2022/23

Older People, Mental Health, PSI and Adults with Learning Difficulties and Autism

Minimum

Maximum

	North East		Mid			South East		South West		West		
Rate No.	Colchester	Tendring	Maldon	Chelmsford	Braintree	Castle Point	Rochford	Basildon	Brentwood	Harlow	Uttlesford	Epping Forest
1	£19.48	£19.48	£19.48	£19.48	£19.48	£19.48	£19.48	£19.48	£19.48	£19.48	£19.48	£19.48
2	£20.32	£20.32	£20.32	£20.32	£20.32	£20.32	£20.32	£20.32	£20.32	£20.32	£20.32	£20.32
3	£21.20	£21.20	£21.20	£21.20	£21.20	£21.20	£21.20	£21.20	£21.20	£21.20	£21.20	£21.20
4	£22.04	£22.04	£22.04	£22.04	£22.04	£22.04	£22.04	£22.04	£22.04	£22.04	£22.04	£22.04
5	£22.88	£22.88	£22.88	£22.88	£22.88	£22.88	£22.88	£22.88	£22.88	£22.88	£22.88	£22.88
6												£24.08

TARGET SUPPLY RATES (All districts excl. Epping) excluding Night Sleeping and 24 hour Live in Care

TSA rates	
Rate 1	£0.00
Rate 2	£1.40
Rate 3	£2.80

NIGHT SLEEPING PREFERRED RATES

	North East		Mid			South East		South West		West		
Rate No.	Colchester	Tendring	Maldon	Chelmsford	Braintree	Castle Point	Rochford	Basildon	Brentwood	Harlow	Uttlesford	Epping Forest
1	£12.68	£12.68	£12.68	£12.68	£12.68	£12.68	£12.68	£12.68	£12.68	£12.68	£12.68	£12.68
2	£13.24	£13.24	£13.24	£13.24	£13.24	£13.24	£13.24	£13.24	£13.24	£13.24	£13.24	£13.24
3	£13.52	£13.52	£13.52	£13.52	£13.52	£13.52	£13.52	£13.52	£13.52	£13.52	£13.52	£13.52
4	£13.68	£13.68	£13.68	£13.68	£13.68	£13.68	£13.68	£13.68	£13.68	£13.68	£13.68	£13.68
5	£14.08	£14.08	£14.08	£14.08	£14.08	£14.08	£14.08	£14.08	£14.08	£14.08	£14.08	£14.08
6	£14.36	£14.36	£14.36	£14.36	£14.36	£14.36	£14.36	£14.36	£14.36	£14.36	£14.36	£14.36
7	£14.64	£14.64	£14.64	£14.64	£14.64	£14.64	£14.64	£14.64	£14.64	£14.64	£14.64	£14.64
8	£14.88	£14.88	£14.88	£14.88	£14.88	£14.88	£14.88	£14.88	£14.88	£14.88	£14.88	£14.88
9	£15.20	£15.20	£15.20	£15.20	£15.20	£15.20	£15.20	£15.20	£15.20	£15.20	£15.20	£15.20

Her Majesty's Prison Chelmsford

OLDER PEOPLE, MENTAL HEALTH, PSI AND ADULTS WITH LEARNING DIFFICULTIES OR AUTISM PREFERRED RATES

Rate No.	Chelmsford
1	£19.48
2	£20.32
3	£21.20
4	£22.04
5	£22.88

NIGHT SLEEPING PREFERRED RATES

Rate No.	Chelmsford
1	£12.68
2	£13.24
3	£13.52
4	£13.68
5	£14.08
6	£14.36
7	£14.64
8	£14.88
9	£15.20

24 Hour Live in Care

Rate No.	Preferred Rate Price	Score
1	£12.68	60.0

Forward Plan reference number: FP/278/01/22

Report title: Replacement of temporary accommodation and enhancement of provision at Cedar Hall School, Benfleet	
Report to: Cabinet	
Report author: Councillor Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability	
Date: 15 February 2022	For: Decision
Enquiries to: Clare Kershaw, Director, Education – clare.kershaw@essex.gov.uk	
County Divisions affected: Thundersley	

Confidential Appendix

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Everyone's Essex

- 1.1. This report seeks approval to use the Essex Construction Framework to appoint a contractor to provide permanent accommodation to replace existing dilapidated temporary buildings on the Cedar Hall School site. In addition, new accommodation, such as offices and group rooms, are to be provided where there is currently a deficit within the existing school buildings.
- 1.2. The new accommodation is required to replace the current temporary classrooms and facilities which are no longer fit for purpose. If the classrooms are not replaced there will be a loss of 60 places at the school which cannot be provided elsewhere within Essex maintained special schools. Sourcing these places at independent special schools would be considerably less cost-effective.
- 1.3. The new accommodation will provide pupils with greater opportunity to gain further skills and certification, such as BTEC, thus enabling them greater opportunities upon leaving education. Current and future pupils attending the school will benefit from purpose-built accommodation that caters for their needs and enables the school to continue teaching the pupils as well as preparing them for their adult life beyond statutory education.
- 1.4. A full review of the school identified deficits in learning resource space, therapy spaces and staff/office space. By providing permanent purpose-built accommodation, pupils will not need to be sent out of county or to independently run education which will allow taxpayer's money to be spent efficiently within the county. The additional facilities created will give parents greater confidence in the school's ability to meet need and will reduce the risk of adverse tribunal outcomes where parents seek places in the independent sector.

- 1.5. It is proposed that the new accommodation will be net-zero in operation. This means that the total amount of energy used by the building on an annual basis is equal to the amount of renewable energy created on the site using technology such as heat pumps, high efficiency windows and insulation and solar panels.
- 1.6. The proposal fits in with Everyone's Essex Organisational Strategy by providing purpose-built accommodation, including separate construction / mechanics classroom and a hair & beauty / textiles classroom (previously taught in a combined under-sized space).

2. Recommendations

- 2.1. Agree to replace temporary classrooms, and provide additional new accommodation in a new, permanent building, to be net-zero in operation, at Cedar Hall School, Benfleet.
- 2.2. Agree to enter into a Pre-Construction Agreement with the successful contractor following completion of the first stage tender process in the Essex Construction Framework.
- 2.3. Agree that the Head of Infrastructure Delivery is authorised to agree the terms of the Pre-Construction Agreement.
- 2.4. Agree that the Head of Infrastructure Delivery is authorised to award a construction contract to the successful contractor, following the completion of the second stage tender process in the Essex Construction Framework, when he is content that the following conditions have been met:
 - 2.4.1. A satisfactory planning permission has been granted; and
 - 2.4.2. The construction costs are within the agreed budget and represent value for money.
- 2.5. Approve the capital budget for construction and associated project fees, as per the profile stated in the Confidential Appendix.

3. Background and Proposal

- 3.1. Cedar Hall School is a Special Educational Needs and Disabilities (SEND) school which caters for children from 5 to 16 years old with moderate learning difficulties (MLD) and severe learning difficulties, including those on the autistic spectrum.
- 3.2. Essex County Council (ECC) has a statutory duty to ensure that there is a sufficient supply of school places for every child in Essex who requires one. Whilst there is no requirement to have special schools or specialist provision for children with SEND, the majority of local authorities do have special schools and specialist provisions.

- 3.3. The following factors have been taken into account when considering the need for investment to replace temporary accommodation to continue to maintain the 60 places which would otherwise be lost, and improve the facilities at, Cedar Hall:
- A consistently high number of pupils with SEND cannot have their needs met in Essex schools and are subsequently educated in independent schools or outside of the county at higher cost to both the High Needs Block of the Essex Dedicated Schools Grant and ECC budgets. Independent special schools are more expensive than a maintained special school and there is less control over cost increases over the course of a pupil's education. Transport costs can be higher if we are placing pupil's further from their home address. The loss of 60 school places would inevitably mean a greater need to commission places via the independent sector.
 - The requirement to place pupils and parents/carers at the heart of planning and provision for SEND is set out in the SEN Code of Practice and is a statutory duty when considering pupil placement. By enhancing the facilities at Cedar Hall we are able to give parents greater confidence that needs can be met locally and reduce appeals to the SEN tribunal for places in the independent sector.
- 3.4. There is increased need for provision for children and young people with MLD in South Essex and the need to replace temporary classrooms, which have reached the end of their life cycle, will place considerable pressure on Cedar Hall School if not addressed. Demand for places at the school has grown over the years, due to population growth and a rise in the number of children and young people who require a special school place, putting pressure on the school's infrastructure. Pupil numbers at the school have been increasing steadily and at the same time the school has accommodated a wider range of SEND. Whilst classroom capacity has expanded, the specialist spaces required to meet both increased pupil numbers and a wider range of needs is not sufficient and needs to be addressed. The school relies on the temporary classrooms to accommodate existing pupils. Without the new facilities, the school will no longer be able to meet current needs and have no capacity for future admissions in line with the school's usual intake.
- 3.5. The number of children and young people in Essex with an Education Health Care Plan in Essex has risen steadily year on year since the introduction of the national SEND reforms in 2014. Numerically this means that there is a higher number of children and young people who require a special school place. A newly developed forecasting tool has shown that numbers will rise further meaning that there will need to be investment in new special school places in the county. The SEND strategy will focus on improving the offer from mainstream schools to ensure more children and young people have their needs met in their local school but natural growth in numbers due to overall population growth will still require that we both maintain current capacity in special schools as well as enable growth where needed.
- 3.6. Surveys of temporary classrooms known to be in poor condition were completed over summer 2019 across the county. The majority of the temporary classrooms

at Cedar Hall School were deemed to be approaching the end of their life-expectancy and in need of replacement. There is evidence that significant investment would be required to ensure the temporary units remain in a safe and suitable condition for ongoing use, however this would only prolong their usable life for a short period of time. This accommodation cannot be written off and simply removed as the capacity of the school would then be reduced, and this would not be a sustainable or acceptable solution. Therefore, to ensure sufficiency of permanent school places (i.e., meet basic need), to avoid wasteful short-term maintenance investment, and to adhere to planning requirements, these temporary classrooms should be replaced as soon as possible with fit-for-purpose permanent accommodation.

- 3.7. The proposal is to demolish the existing temporary accommodation, that provides 4 general classrooms, an Art room, a combined Hair & Beauty / Textiles classroom, a combined Construction / Mechanics classroom, Library, Staff Room and group room, and construct a permanent, standalone, building which will provide 4 general classrooms, an Art room, a combined Hair & Beauty / Textiles classroom, a combined Construction / Mechanics classroom, Library, Staff Room, Changing Rooms, 2 Staff Offices / Meeting Rooms, 3 Group Rooms, stores, toilets and cloak areas. Within the main school, an existing Staff Office and Resource room will be remodelled to enable the Hall to be extended thereby providing additional space for the school.
- 3.8. A capacity assessment of the existing accommodation at the school was completed in 2020/21. This identified significant deficiencies in areas associated with Learning Resources & Therapy and Staff. The works proposed will enable the school to ensure that they can provide the support and teaching for their pupils by providing additional classroom and general storage, group rooms and office space within the new building. In addition, the accommodation currently accommodated within the temporary buildings will be increased in size to meet current standards for those spaces.
- 3.9. In line with ECC's targets to reduce carbon emissions and address climate change concerns it is proposed that the new building will be designed using operational energy targets set out through the London Energy Transformation Initiative (also known as LETI). LETI has been chosen as it has specific performance, design and energy criteria that can be applied to schools. This approach will result in a building that has an energy efficient structure along with technologies that could include solar panels and air source heat pumps. While these are potential options, the successful contractor will be responsible for working up a design that meets the operational energy targets.
- 3.10. Cedar Hall will work with ECC to ensure as many journeys as possible are by public transport or foot/bicycle. Essex special schools work closely with the travel training teams to prepare children and young people to successfully overcome any barriers to travelling independently to school. Independent travel is seen as a vital part of the preparing young people for adulthood.
- 3.11. By providing purpose-built accommodation the school will be able to continue, and even improve, on the education and qualifications that they can offer pupils thus giving them greater opportunity once their education is completed. This

meets ECC's Strategic Aim of helping people in Essex prosper by increasing their skills, enabling vulnerable children to fulfil their potential, enable vulnerable adults to live independent of social care and develop the capability, performance and engagement of our people. Lastly, by providing a net-zero building ECC will be helping to secure sustainable development and protect the environment.

- 3.12. A public consultation will be carried out within the initial design period, prior to planning submission. This will include (but is not limited to) pupils, parents, teachers and local neighbours.
- 3.13. The Essex Construction Framework is a framework agreement set up by ECC with principal contractors appointed to the framework to carry out design and construction related works. The framework uses a two-stage mini-competition process to select the successful contractor. Following completion of the first stage of the tender process, a Pre-Construction Agreement is entered into which requires the successful contractor to develop their design and apply for planning permission. A construction contract is then entered into following completion of the second stage of the tender process which requires the submission of the Final Tender Submission from the Contractor.
- 3.14. Contractors on the Essex Construction Framework have been invited to the first stage of the mini competition. These responses will be evaluated using a 60% price and 40% quality split. Following evaluation of all of the bids received, a Pre-Construction Agreement will be entered into with the successful contractor to enable them to work up their design and start the planning approval process. Once the design has been finalised and planning permission obtained, the successful contractor will be asked to submit a Final Tender.
- 3.15. The Final Tender submission will be assessed, and a construction contract will be awarded subject to the project being within budget, quality criteria being satisfactorily met, and the contractor having achieved planning approval.
- 3.16. The Project Delivery Timescales are as follows:

Milestone Description	Target Date
Planning Approval (target date)	May 2022
Contract Award (subject to conditions being met)	June 2022
Start on site (subject to conditions being met)	July 2022
Works complete	August 2023

4. Links to our Strategic Ambitions

- 4.1. This report links to the following aims in the Essex Vision

- Provide an equal foundation for every child
 - Develop our County sustainably
- 4.2. Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030:
- Reduce the School's reliance on fossil fuels by providing them with a new classroom block that will be net zero in operation.
- 4.3. This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':
- A strong, inclusive and sustainable economy
 - A high-quality environment
 - Health wellbeing and independence for all ages
 - A good place for children and families to grow

5. Options

5.1. Option 1 (recommend) – Approve the recommended proposal and replace the temporary accommodation and address accommodation deficit

This proposal is part of the overall strategic response to meet the need for replacing temporary accommodation with permanent classrooms as part of ECC's drive to improve the education estate.

The outcome of the strategic analysis indicated that replacing the temporary classrooms, and thereby retaining the 60 SEND places, is a viable option that represented good value for money to the Essex taxpayer.

Option 1 is therefore the recommended option.

5.2. Option 2 (not recommended) – Replace the temporary accommodation through a phased approach

It was considered whether the temporary accommodation could be replaced on a phased approach, prioritising those in the worst condition. This could be done in as little as 2 phases or a phase per building (4 buildings in total).

This was considered to be the most disruptive option to the school with construction potentially taking place over a period of up to 8 years. This would have an impact to pupil's learning and wellbeing plus impact severely on the school's operation. From a construction perspective this would also result in a disjointed approach to the works therefore resulting in buildings spread over the site, potentially impacting on the outdoor areas and reducing the cost benefits afforded from economies of scale.

5.3. Option 3 (not recommended) – Do nothing

Some of the temporary buildings would be required to be removed as they are in a dilapidated condition and this reduces the burden on the school's budget going forward in the short to medium term. Remaining buildings will require on going expenditure to maintain or repair, this is a burden on the school's budget, unless it is in excess of £10,000 in which case the liability is with the Council.

If the accommodation were not replaced this would result in the loss of 60 SEND places currently at the school. The school would have no other accommodation to use for their pupils that are already registered at the school and therefore they would have to be placed out of County in a residential setting at a considerable cost to ECC.

There are no alternative SEND places available in the area and there is a growing need in the area. This would therefore result in a high demand for home to school transport as children currently attending, or potential future pupils, would have to be transported to other schools outside of the area.

6. Issues for consideration

6.1. Financial implications

6.1.1. Capital

Please see the confidential financial appendix for capital financial information.

6.1.2 Revenue

£1,400 will be allocated from the Dedicated Schools Grant (DSG) revenue funding for furniture and equipment. The existing furniture and equipment will be used in the permanent building replacing the temporary accommodation.

It is considered that there could be a saving on Home to School Transport costs, with reference to 1.10 above, where Cedar Hall will work with ECC to ensure as many journeys are by public transport or foot/bicycle. It is not possible to estimate this saving with credibility at this time.

In contrast, with reference to 4.3 (Option 3 - Do Nothing) above, it is anticipated that Home to School transport costs may vary away from the current cost if the temporary accommodation is not replaced. This is because pupils may have to be transported to other schools out of county on a daily basis at an additional cost to ECC or may require less transport if they are placed out of County in a residential setting. It is not possible to estimate this variation in cost with credibility at this time.

The average cost of pupils placed at Cedar Hall is between £12,000 and £15,000 per annum and the equivalent cost of a place in a 38-week independent special school is currently averaging £51,000. Therefore, without the replacement of the temporary accommodation as referenced in section 4.3

(Option 3 – Do Nothing), it is likely that this would result in a higher cost to ECC to commission the alternative suitable provision.

6.2 Legal implications

6.2.1 The recommended option will support ECC meeting its duty to ensure that there is a sufficient supply of school places under section 14 of the Education Act 1996.

6.2.2 The Essex Construction Framework provides for the two-stage tender process to be used where ECC has a requirement for Works. The first stage of the tender process has been conducted in accordance with the published procedures for awarding pre-construction agreements under the Framework Agreement. Under the Public Contracts Regulations 2015, a standstill period is not required for awards under a framework agreement.

6.2.3 Subject to approval of this decision, the pre-construction agreement will be entered into with the successful contractor in order to allow the contractor to develop their design and apply for planning permission in time to meet the project delivery timescales set out in this report.

6.2.4 If successful as part of the second stage of the tender process, a construction contract should be awarded in accordance with the procedures set out in the Framework Agreement.

7 Equality and Diversity Considerations

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8 List of Appendices

8.1 Appendix A – Equality Impact Assessment

8.2 Appendix B – Confidential Appendix

9 List of Background papers

None.

Forward Plan Ref No. FP/270/01/22

Report title: Decisions taken by or in consultation with Cabinet Members	
Report author: Secretary to the Cabinet	
Date: 15 February 2022	For: Information
Enquiries to: Emma Tombs, Democratic Services Manager, 03330 322709	
County Divisions affected: All Essex	

The following decisions have been taken by or in consultation with Cabinet Members since the last meeting of the Cabinet:

Leader of the Council

- FP/273/01/22** Appointment of Chief Executive as Assistant Commissioner for Slough Borough Council
- *FP/257/12/21** Adult Social Care Workforce Retention and Recruitment Fund, Round 2

Cabinet Member for Education Excellence, Life Long Learning and Employability

- FP/279/01/22** Appointment and Re-Appointment of School Governors by Essex LA - Schedule 393
- *FP/216/11/21** Determination of admission arrangements for community and voluntary controlled schools 2023-2024

Cabinet Member for Finance, Resources and Corporate Affairs

- *FP/194/10/21** Digital Connectivity Resourcing
- FP/287/01/22** Drawdown of additional funding for the Coroner Service
- FP/290/02/22** Drawdown of additional funding from the Covid Equalisation Reserve Fund: Impacts of COVID in Education SEND services
- FP/291/02/22** Drawdown of additional funding from the Covid Equalisation Reserve Fund. Impacts of COVID in Children Social Care services

Cabinet Member for Health and Adult Social Care

FP/275/01/22 Temporary Support to Supported Living

FP/281/01/22 Allocation of Government Funding – Adult Social Care Omicron Support Fund

Cabinet Member for Highways Maintenance and Sustainable Transport

***FP/218/11/21** Concessionary Fares Settlement 2022/23

FP/283/01/22 Proposed implementation of Disabled Parking Bay in West Beeliegh, Basildon

Cabinet Member for Waste Reduction and Recycling

***FP/219/11/21** Recycling Centre for Household Waste (RCHW) Vehicle Booking System Trial

*** Key Decisions 5**

Exempt from 28-day period and call in: 1

Exempt from call in: 1