

The Resources, Performance and Development Overview and Scrutiny Committee met at the Shire Hall, Warwick on the 21 April 2009.

Present:

Members of the Committee:

Councillor David Booth (Chair of Committee)

“ John Appleton
“ George Atkinson
“ Les Caborn
“ Tom Cavanagh
“ Chris Davis
“ John Haynes
“ Brian Moss
“ Raj Randev
“ Dave Shilton
“ Ian Smith
“ John Vereker

Other Councillors

Councillor Alan Cockburn, Cabinet Member for Resources
Councillor Peter Fowler, Cabinet Member for Partnerships and
Localities

Officers:

Performance and Development Directorate

Pete Keeley, Member Services
Paul Williams, Scrutiny Officer

For part of the meeting:

Reuben Bergman, Deputy Head of Human Resources
John Galbraith, Solicitor, Corporate Legal Services
Alison Hallworth, Solicitor, Community and Environment
Legal Services

Adult, Health and Community Services Directorate

For item 10

Rob Wilkes, Service Manager – Contract and Procurement
Chris Norton - Strategic Finance Manager
Alison Hallworth - Solicitor and Adult & Community Team
Leader
Anne Clarke - Self Directed Funding Manager

Resources Directorate

Dave Clarke, Strategic Director of Resources
Oliver Winters, Head of Finance

For part of the meeting

Tonino Cuiffini, Head of ICT

Phil Triggs, Group Manager, Treasury and Pensions.

Virginia Rennie, Group Accountant, Budget and Technical.

1. General

(1) Apologies.

None.

(2) Members' Disclosures of Personal and Prejudicial Interests.

Councillor David Booth declared a personal interest in Agenda Item 10 as a member of the Warwickshire Welfare Rights Advice Service Joint Management Committee.

(3) Minutes of the meeting held on the 10 March 2009 and Matters Arising.

Following comments from Councillor John Appleton it was agreed that the minutes should be amended to reflect the Committee's concern about the proportion of the Council's resources that were being devoted to the repayment of debt.

Resolved:

That the Minutes of the Resources, Performance and Development Overview and Scrutiny Committee's 10 March meeting be approved as amended and be signed by the Chair.

There were no matters arising.

2. Public Question Time (Standing Order 34)

There were no questions from members of the public.

3. Items for Future Meetings and Forward Plan Items Relevant to the Work of the Committee.

The Committee considered the report of the Strategic Director of Performance and Development.

The report detailed provisional items for future meetings of the Committee. It also detailed decisions to be taken by the Cabinet in the next six months which were

relevant to the work of the Committee, as taken from the Forward Planning System.

The Chair suggested that, after the County Council Elections in June, the Committee should consider action to reduce costs through shared working and the reduction in frequency of performance reports to twice yearly.

Paul Williams, Scrutiny Officer, advised the Committee that the first meeting of the Committee after the Elections would be asked to consider the directorate report cards and to hold a workshop to consider the future work programme.

The Committee noted the other items.

4. Capital and Treasury Management

The Committee receive a presentation on a range of current and future issues concerned with the planning and financing of the capital programme from Oliver Winters, Phil Triggs and Virginia Rennie of the Resources Directorate.

A copy of the presentation is available on the Committee Administration System and on the Warwickshire Web.

Members noted that a review of the of the base capital programme and the capital strategy would be undertaken before the preparation of the 2011/12 programme.

5. Corporate ICT Development Plan - Year End Report 2008 / 09

The Committee considered a report from the Strategic Director of Resources which provided a Year End report on the Corporate ICT Development Plan 2008/9, and provided an update on the latest proposed areas for the plan for 2009/10.

Following introductory comments from Tonino Cuiffini, the Committee noted the report.

6. ICT Performance 2008/09

The Committee considered the report of the Strategic Director of Resources which had been produced in response to a request from the Chair of the Committee for a further report on ICT Performance Reporting arrangements, to include current major ICT issues/failures.

The report :-

- o Outlined existing ICT arrangements for reporting ICT performance
- o Reported on general ICT performance in 2008/09
- o Provided an update on ICT Availability and the issues with regard to the Corporate WAN.

During his presentation of the report, Tonino Cuffini introduced Paul Glenn who has been appointed as the dedicated Network Manager.

Paul advised the Committee of proposals to reshape the Council's network thereby reducing considerably the likelihood of wide area network issues.

Members requested that all officers who were involved in rectifying the recent problems out of hours be advised of the Committee's appreciation for the work undertaken.

With regard to out of hours support, it was suggested that consideration should be given to the submission of a report to the Cabinet dealing with possible arrangements.

The Committee noted the issues and actions associated with Wide Area Network problems and welcomed the increased investment in the wide area network.

7. Employee Absence Management

Reuben Bergman, Deputy Head of Human Resources (Employee Relations) introduced the report of the Strategic Director of Customers, Workforce and Governance which described the latest performance information on employee absence levels.

Members discussed several aspects of the latest performance. The following points were noted:

- There needs to be an agreed corporate process for the guidance of managers for recognising staff who have taken no sickness leave during a specific period.
- Comparison of the Council's absence targets with the private sector was difficult because response to surveys in the private sector were not as complete as surveys undertaken by the public sector.
- Absence levels amongst fire-fighters and in schools would be included in future reports
- Manual handling training to avoid muscular skeletal problems was undertaken and consideration would be given to the possible introduction of compulsory training to avoid back injuries for people returning to work after a back injury.
- Stress management training was not currently part of compulsory training for staff.
- The next report should include action being taken to resolve hotspots in stress including action to support the staff in the Children, Young People and Families Directorate. This should include any examples of good practice.
- Health and Well-Being training included staff counselling on stress.

- Action was being taken to reduce the figures for unidentified reasons for sickness absence which were too high and made it hard to take appropriate remedial action.

Members expressed their appreciation to Reuben Bergman for his work for the Committee during his employment with the Council.

8. Any Other Items

In response to comments from Members about the level of Member involvement in the refurbishment of the Ante Room, Dave Clarke agreed to circulate a briefing note to the Committee relating to the installation of the new glass screens.

Members were advised that, with regard to the pictures in the Ante Room, the matter had been addressed by Councillor Alan Farnell during Member Question time at the last Council.

9. Reports Containing Confidential or Exempt Information

Resolved:

That members of the public be excluded from the meeting for the following item on the grounds that their presence would involve the disclosure of exempt information as defined in paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972.

10. Direct Payments Tender

Rob Wilkes, Service Manager - Contracting & Procurement introduced the report of the Strategic Director of Adult, Health and Community Services which provided an explanation on the process for tendering and subsequent award of the contract for the County Council's Direct Payments Service.

The following revised recommendations were circulated at the meeting.

“That in all cases where a contract may involve:-

a transfer of staff to or from the Council

a transfer of staff between external suppliers

the tender evaluation should include a full evaluation of the TUPE, pension and any other staffing issues before the contract is awarded.”

During the discussion the following items were noted:

- A briefing note had been circulated to all Members of the Council

A4e – Repudiation of Contract

- Members expressed their dissatisfaction with the manner in which A4e had handled this contract
- Officers were now examining a claim for compensation from A4e

- With regard to the TUPE and pension implications for A4e, although accurate pension and TUPE information had been provided to A4e by Rowan early in the contract process, it appeared that the company had not fully appreciated its liabilities for these matters.

Rowan – Tender and Contract

- Rowan were a national organisation based in Warwick.
- The company had failed to meet the criteria for the contract on grounds of inadequate customer involvement and the tender price was outside the financial envelope for the provision of the service. The tender price of A4e was £268,000 whereas the tender price of Rowan was £538,000.
- Following the withdrawal of A4e, the Council could have undertaken a retendering exercise but given the time available this would have resulted in no services being provided.
- Rowan had been approached re the continuation of the contract because of the urgent need for continuity of the service.
- Rowan had recognised the failings of their tender and were now looking at a different model of operation used for other councils which would produce key improvements in the level of service
- The contract with Rowan was for one year with a possible extension for a further year and a half.
- Meetings were being held with Rowan to discuss several issues including a contract monitoring process.
- Members requested that the Children, Young People and Families Overview and Scrutiny Committee be requested to monitor the performance of Rowan

General contract implications

- The TUPE and pensions aspects of this case had raised issues for the council's standard contract process and a review of the process was being undertaken to ensure that similar situations do not happen again.
- The appropriate Cabinet Members should be advised of these points.

Resolved

- (1) That in all cases where a contract may involve:-
 - a transfer of staff to or from the Council
 - a transfer of staff between external suppliers
 the tender evaluation should include a full evaluation of the TUPE, pension and any other staffing issues before the contract is awarded.
- (2) That the Adult and Community Services Overview and Scrutiny Committee be requested to monitor the performance of Rowan.

The Committee rose at 5.10 p.m.

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Chair of Committee