

BOARD

13 October 2021

Present: **Elected Members** **Councillors Warrington (In the Chair),
Bray, Cooney, Fairfoull, Feeley, Gwynne,
Kitchen, Ryan and Wills**

Borough Solicitor **Sandra Stewart**

Section 151 Officer **Kathy Roe**

Also in Attendance: **Caroline Barlow, Stephanie Butterworth, Dr Ashwin Ramachandra,
Sandra Whitehead, Gregg Stott, Sarah Threlfall and Debbie Watson**

**Apologies for
Absence** **Councillor Gwynne**

115 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

116 **MINUTES OF PREVIOUS MEETING**

The minutes of the Board meeting on the 8 September 2021 were approved a correct record.

117 **MONTH 5 INTEGRATED FINANCE REPORT 2021/22**

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Lead Clinical GP / Director of Finance. The financial monitoring report detailed the 2021/22 financial year reflecting actual expenditure to 31 August 2021 (Month 5) and forecasts to 31 March 2022 for the Council and 30 September 2021 for the CCG.

It was reported that overall the Strategic Commission was facing a total forecast overspend of £6.317m for the year ending 31 March 2022. £5.670m of this forecast related to ongoing demand pressures in Children's Social Care.

Members were advised that budgets continued to face significant pressures across many service areas. COVID pressures remained as a meaningful factor in this, with pressures arising from additional costs or demand, and shortfalls of council income. Targeted COVID funding would continue into 2021/22 to address COVID related pressures.

Council Budgets were facing significant pressures which are not directly related to the COVID-19 pandemic, with significant forecast overspends in Adults and Children's Social Care being the main contributors to a net forecast overspend of £4.861m on Council Budgets. This was an improvement of £1.353m from last month primarily due to the utilisation of one-off reserves to fund pressures in Adults Social Care. A full 12 month forecast is in place for the council.

The report explained that there was significant pressure in Adults services and ongoing pressures in Operations and Neighbourhoods and Governance due to income shortfalls resulting from the impact of the Covid pandemic. The forecast position on Adults services had improved since period 4 due to the planned use of £1.273m of iBCF grant currently held in reserves from prior years. The report sought the approval for the use of this reserve for 2021/22.

It was stated that the CCG was reporting a forecast overspend of £1.456m but this was purely presentational to align to the way the CCG must report and reconcile with the formal monthly return submitted to NHS England. Fundamentally the position was breakeven. The variance relates to the

Hospital Discharge Programme which was due to be reimbursed under the COVID protocols by October 2021.

AGREED

That the Strategic Commissioning Board and Executive Cabinet be recommended to:

- (i) Note the forecast outturn position and associated risks for 2021/22 as set out in Appendix 1.**
- (ii) Approve the use of £1.273m of Improved Better Care Fund (iBCF) grant from previous years to offset pressures in Adults social care in 2021/22, as set out in paragraph 2.3.**
- (iii) Note the amendments required to published Fees and Charges for 2021/22 and RECOMMEND TO COUNCIL TO APPROVE the revised schedule included in Appendix 2.**

118 CORPORATE PLAN SCORECARDS UPDATE

Consideration was given to a report of the Executive Leader / Co Chairs for the Tameside and Glossop CCG / Assistant Director for Policy, Performance and Communications. The report set out the evidence within the two scorecards attached at Appendix 1 and Appendix 2 towards achievement of the Corporate Plan and improving the services provided to residents, businesses and key stakeholder within the locality.

It was explained that the Corporate Plan outcomes scorecard, Appendix 1, followed the structure of the Corporate Plan, and contained indicators focused on long term outcomes across the plan's priorities. There were a number of proxy indicators for issues related to the pandemic which would take significantly longer to be reflected in the regular long term measures.

The Assistant Director for Policy, Performance and Communications highlighted indicators from within Appendix 1. It was reported that the rate of fixed term exclusions from secondary schools fell by over 6 percentage point's year-on-year, down to 10.22% in 2019. This remained significantly higher than the national average of 7.43%. The rate of first time entrants into the youth justice system had also fallen drastically from 211 per 100,000 under-18s to 99; this drop was attributable to the Covid-19 pandemic.

It was stated that a number of wider health metrics had improved recently, with pregnant women smoking at the time of delivery down and below the national average. Healthy life expectancy at birth had increased for both men and women, but remained worse than the national average for both.

Members were advised that the Corporate Health Scorecard attached at Appendix 2 contained a range of measures for tracking the short to medium term health and activity of the organisation, and was structured around key areas of the organisation.

It was reported that the workforce section of the Corporate Health Scorecard showed a gradual increase in full time equivalent (FTE) positions, headcount, and associated costs. The number of FTE days lost to sickness decreased in the last quarter after a period of increase lasting three quarters.

The Assistant Director for Policy, Performance and Communications stated that calls and web-chats into the contact centre continued to decrease following the increased challenges posed during the earlier phases of the Covid-19 pandemic.

It was highlighted that in Adults Services, the number of residential and nursing placements outside of the borough had dropped slightly as had the percentage of home care provisions outside of the borough's boundaries. Further, the percentage of contacts to adult social care resolved at contact stage had climbed significantly to 61.3%.

In regards to Children's Services, contacts made to children's services had fallen month-on-month

from June onwards, while the rate of child protection cases per 10,000 under 18s continued on a general increase.

Members were advised that health attendances had been increasing, both in A&E attendances and specialist appointments for cancer; performance against both two week cancer appointment and four hour A&E waiting targets had deteriorated.

AGREED

- (i) That the contents of the report and scorecards Appendix 1 and Appendix 2 be noted; and**
- (ii) That the next quarterly update to Board and to Executive Cabinet be agreed.**

119 CONSULTATION ON DRAFT REVISED NON-RESIDENTIAL CHARGING POLICY

Consideration was given to a report of the Executive Member for Adult Social Care and Health / Director of Adult Services. The report sought permission to consult with the public on the revised Non-Residential Charging Policy. The current Policy was approved on 25 March 2015, following the implementation of the Care Act 2014.

It was explained that there were a number of discretionary elements proposed within the revised Charging Policy for Adult Social Care. This report sought permission to carry out a public consultation exercise using the Council's Big Conversation website and via focus groups following (health and safety guidance) across to determine people's views on the questions being asked in the consultation.

It was proposed that the consultation exercise would run from 28 October 2020 to 23 December 2021.

The Assistant Director for Adult Services highlighted that one of the elements that the report proposed consultation on was the level of Minimum Income Guarantee (MIG). It was highlighted that the Council provided a MIG that was more generous than the level of MIG set by the Care and Support Regulations 2014.

It was stated that the report proposed consulting on the Level of Income that was disregarded. Members were advised that the Council had the power to disregard aspects of income received by individuals when carrying out a financial assessment. Two options would be proposed the first was the current arrangement, while the second option recognised that more severely disabled people could have a higher level of spend to meet their enhanced needs, therefore it was proposed that the additional benefit they received was disregarded in recognition of this.

The report also proposed consulting on an arrangement fee for setting up care for self-funders. It was proposed that the Council introduced an arrangement fee of between £50 and £250 to cover the costs of setting up care for individuals who had been determined to have funds above the upper limit of £23,250 and therefore fund the full cost of their care.

AGREED

That Executive Cabinet be recommended to agree:

- (i) That permission is given to consult on the following elements of the revised Adult Services Charging Policy:**
 - **The Minimum Income Guarantee level the Council uses**
 - **The level of disregarded Disability living Allowance (DLA) / Personal Independence Payment (PIP)**
 - **Introducing an arrangement fee for setting up care for self-funders and an annual fee for managing the account.**
 - **General feedback on the Charging Policy**
- (ii) That permission is also given to carry out a wider review of the charges for Adult Social**

Care services to ensure the Council is charging in line with other local authorities. This exercise will involve a further consultation exercise once the review has been completed.

- (iii) It is recommended that the Council continues with its current policy not to charge for Care services for informal carers
- (iv) That permission is granted for a separate consultation exercise to be undertaken regarding the implementation of Housing Benefit regulations in Shared Lives, on receipt of Counsel advice, should this be required.

120 ADULT SERVICES COMMISSIONING INTENTIONS 2022 - 2023

Consideration was given to a report of the Executive Member for Adult Social Care and Health / Co-Chair for Tameside and Glossop Clinical Commissioning Group / Director of Adult Services / Director of Population Health. The report detailed the Adult Services commissioning intentions for 2022 – 2023.

The Director of Adult Services reported that the report sought permission to:

- Tender the provision of Support at Home/Homecare Service for a new contract to commence 1 November 2022
- Tender for the provision of a “Through the Night” Service for a new contract to commence 1 November 2022
- Tender the provision of Extra Care Support Services for a new contract to commence 1 November 2022
- Tender the provision of a Specialist Day Service for People With Dementia for a new contract to commence 3 December 2022

It was highlighted that these were four separate services which formed the Council's approach to keeping people at home. It was explained that it was crucial to enable people to continue to live at home. It was crucial as we moved through the pandemic and with the changing of demographics to continue to change and adapt these services.

Members of the Board were advised that the report sought approval to tender the provision of a Direct Payment Support Service for a new service to commence 1 November 2022. It was explained that the Council provided cash payments for individual service users to purchase services that meet their assessed care needs. This gave the person receiving services more choice and control over how their care needs were met. It was further explained that a review of the service, as part of the re tender process would consider the following options, the retender the service, in house management via payment cards and the cease delivery of the service.

The report also sought approval for the Tender for a Framework of DoLS Assessors to commence no later than 31 March 2023. It was stated that a DoLS Services was required to meet statutory guidelines by assessing whether a person's care or treatment amounts to a Deprivation of Liberty and is in that person's Best Interest. At present the DoLS Assessments were performed by a number of qualified assessors through a spot purchasing mechanism operated by the Council. However, this was not a formal procurement route.

The report explained how the Council had supported Action Together with core funding to support the delivery of their roles as the only infrastructure support agency for the Voluntary, Community, Faith and Social Enterprise Sector (VCFSE). The 'core infrastructure offer' was funded by both the Council, Clinical Commissioning Group and Population Health. Members were advised that Action Together had continued to develop the delivery of the overall aims throughout the life of the agreement that had supported the Council's Corporate Plan in relation to Starting Well, Living Well and Ageing Well. It was highlighted that

The Council faced significant budgetary challenges over the coming years. The VCFSE sector was an important element in helping the Council deliver savings and looking at delivering support in

different ways to ensure people are able to live well at home. The report sought approval to award a new agreement for 3 years to end 31 March 2025.

The Director of Adult Services detailed the proposal for the re-contracting the pre-placement agreement for the care homes contract in Tameside and the development of more specialist dementia care home beds for older people within the current framework providers. It was explained that the level of need for service users entering residential provision had over time increased considerably. The success of the living well at home service had meant individuals remain supported in the community for longer, only requiring residential care at a point when needs were more complex and there are increased risk of remaining at home.

Members were reminded that Tameside Adult Services operates an in-house 24 hour 7 days a week telecare service. Staff were employed to provide an emergency response service 24 hours a day, 365 days a year to people of Tameside who were clients of the Community Response Service (CRS) The service had 2 contractual elements, a call handling system which was delivered by Tunstall and a range of equipment currently purchased directly from suppliers with Tyntec (Legrand) one of those most utilised. STAR Procurement had advised that the purchase of equipment directly from suppliers was outside of Procurement Standing Orders regulation in relation to spend equating to over £25,000 and that this would now require consideration to the route to market. The report sought approval to enter into a Framework Agreement in order to access the delivery of effective telecare and assistive technology equipment to commence no later than 1 April 2022

The report set out the Councils responsibility under the Care Act 2014 to carry out an assessment of anyone who appeared to require care and support regardless of their likely eligibility for state-funded care. Adult Services, in line with the Care Act had four locality teams covering the neighbourhoods across the borough who were responsible for carrying out social care assessments for those directed to these teams. In order for those teams to fully support individuals and their families to undertake an assessment and determine any eligibility, the need for an interpreting service could be required and this could often be in an emergency or crisis situation.

Current arrangements were made directly by the four locality teams to a variety of providers with spend per annum at approximately £6,000. It had been identified that there was a need to have in place access to interpreting services that were responsive and were delivered within procurement standing order requirements. The report sought approval to enter into a Framework Agreement in order to access Interpreting Services to commence no later than 1 April 2022

The Interim Director of Population Health reported that the current contract for the Public Health Clinical Lead was due to expire on 31 March 2022 A new role was required for a duration of five (5) years commencing on 1 April 2022. The plan was to procure 24 sessions per annum at a cost of £350 per session at a total cost of £8,400 per annum. Over a five (5) year period the cost of the service would be £42,000. The report sought approval to tender the provision of a Clinical Lead for Primary Care Sexual Health.

The report explained how Breastfeeding was an identified route of vertical transmission (VT) of HIV. It was recommended by the British HIV Association 2018 that infants be fed breast or formula milk for the first 12 months. However there was a risk that some women with insufficient finances will forgo their own nutritional needs in order to afford formula for their infant, thus compromising their own health and potentially compromising the effectiveness of their HIV treatment. It was explained that the provision of free formula milk, and the appropriate equipment to use it, alleviates any financial burden attached to this key prevention tool.

Members were advised that the estimated lifetime treatment costs for an infant contracting HIV in the first months of life is £622,800.

The report proposed the establishment of a scheme for the provision of free formula milk for babies born to women living with HIV who were a resident in Tameside. The scheme was open to all women regardless of income or immigration status and operates on an agreed 'spot purchase' basis. The cost per individual supported was £799.20, which included the cost of a starter steriliser

kit and formula milk for the first 12 months of the life of the baby.

AGREED

That the Strategic Commissioning Board be recommended to approve the overall commissioning intentions noting that each individual recommissioning exercises would be subject to their own due diligence including legal and financial, governance and decision-making in line with the council's Contract Procedure Rules and Financial Standing Orders approved by Council on the 5 October 2021:

Adult Services

- (i) Tender the provision of Support at Home/Homecare Service for a new contract to commence 1 November 2022**
- (ii) Tender for the provision of a "Through the Night" Service for a new contract to commence 1 November 2022**
- (iii) Tender the provision of Extra Care Support Services for a new contract to commence 1 November 2022**
- (iv) Tender the provision of a Specialist Day Service for People With Dementia for a new contract to commence 3 December 2022**
- (v) Provision of a Direct Payment Support Service for a new service to commence 1 November 2022**
- (vi) Tender for a Framework of DoLS Assessors to commence no later than 31 March 2023**
- (vii) Extend the core funding with Action Together to act as the local infrastructure organisation to the voluntary, community, faith and social enterprise sector (VCFSE) to commence 1 April 2022**
- (viii) Re-contracting the Pre-Placement Agreement for Care Homes Contract in Tameside**
- (ix) Provision of Specialist Dementia Care Home beds within the current Framework of Care Home Providers**
- (x) Enter into a Framework Agreement in order to access the delivery of effective telecare and assistive technology equipment to commence no later than 1 April 2022**
- (xi) Enter into a Framework Agreement in order to access Interpreting Services to commence no later than 1 April 2022**

Population Health

- (xii) Tender the provision of a Clinical Lead for Primary Care Sexual Health**
- (xiii) Tender for the provision of Formula Milk for Women Living With HIV**

121 MENTAL HEALTH SUPPORTED ACCOMMODATION PROJECT

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Executive Member for Adult Social Care and Health / Clinical Lead for Living Well, Finance and Governance / Director of Adult Services.

Members were advised that an accommodation project, which had a particular focus on adults with a learning disability, was underway within Adult Services and this had delivered great outcomes for people the Council support. Following on from the success of the project early work had commenced in relation to Mental Health placements which were funded by the Council, CCG, or jointly by the Council/CCG that had been commissioned due to a lack of specialist capacity locally.

This proposal was therefore to lead a programme of work to return people from costly out of borough mental health placements currently funded by the Council, CCG or joint funded by Council/CCG into their own tenancies in Tameside in bespoke-built high quality accommodation. Approval for Invest to Save Fund budget allocation was required to provide capacity to support a cross cutting piece of work across the Strategic Commission and would support a joint savings / demand management / cost avoidance programme, with particular reference to supported accommodation.

It was explained that capacity within the existing project means this piece of work could not be incorporated into that project – the funding would support the employment of a Project Manager and

Social Worker to progress this area of work.

It was further explained that there were occasions where costly specialist out of borough residential placements are commissioned for older people with complex mental health needs; this programme of works would also consider the development of specialist care home dementia services within the local care home market in Tameside. Whilst the local care home market had been suppressed during the pandemic (14% vacancies currently) there were potential areas where specialist provision could be developed to meet the needs of users in borough. This piece of work would initially focus on people placed out of borough due to lack of provision locally, look to review the current approach to provision and research models of good practice nationally.

It was stated that this investment would realise savings / demand management/cost avoidance across the Strategic Commission by developing locally based services at a more cost effective rate than costly out of borough residential placements.

Members were advised that the two new posts would cost a total of £208k over the two year period. The programme could potentially deliver annual savings of £389,811 across the Strategic Commission during 2021/24 whilst increasing capacity within the borough to manage demand in the future and avoid out of area costly placements.

AGREED

That the Executive Member for Finance and Economic Growth / Executive Member for Adult Social Care and Health / Clinical Lead for Living Well, Finance and Governance be recommended approve:

- (i) Progression for a cross cutting programme of work to deliver accommodation schemes within the borough primarily for people with Mental Health needs; and**
- (ii) That an 'Invest to Save Fund' allocation £207,086 be approved to put in place additional capacity namely a Project Manager and Social Worker to potentially to deliver annual savings of £389,811 across the Strategic Commission during 2023/24 whilst increasing capacity with the borough to manage demand in the future as described in the report.**

122 STALYBRIDGE HERITAGE ACTION ZONE CULTURAL CONSORTIUM

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Director of Place / High Street Heritage Action Zone Project Officer. The report sought permission for the Council to accept the funding from Historic England and act as administrator for the funds on behalf of the Cultural Consortium.

Members were advised that on 2 March 2021 Historic England confirmed that the application for the Cultural Consortia Local Grants scheme 2020-2024: for Stalybridge -The Bridge was successful. This provided a total of £0.080m for the Stalybridge Cultural Consortium an independent body made of five partner organisations; Place Shakers, Global Grooves, Made By Mortals, Action Together and Sarah England Dance School.

It was reported that under the terms of the High Street Heritage Action Zone Programme the funding for the cultural programme must be administered by the Council as the Leading Partner for the High Streets HAZ scheme. The funds were provided as a grant from Historic England. This reflected the organisation and process of the overall High Streets HAZ Programme, and ensured that the financial administration of the grant did not fall to smaller organisations with limited capacity. There was a suggested 3rd party agreement included with the contract which lays out the clauses to be passed on.

The Council would have no decision making powers over the expenditure and there would be a reporting schedule issued by Historic England. The funds would only be paid to the members of the cultural consortium. TMBC would be the lead partner and the bids would be evaluated by the Council to ensure they met the needs of the Cultural Programme Plan. There was no risk to the Council for any overspend and the money could only be released up to the total expenditure as

agreed with Historic England.

AGREED

That the Executive Member for Finance and Economic Growth be recommended to:

- (i) Accept the cultural consortium funds from Historic England, which includes the requirement to act as the accountable body and authority to make payments as directed; and**
- (ii) Enter into the relevant agreements between the Council and Historic England in relation to this funding.**

123 NATIONAL TERMS AND CONDITIONS FOR TERM TIME ONLY (TTO) EMPLOYEES

Consideration was given to a report of the Executive Leader / Executive Member for Economic Growth. The report detailed that in order to ensure proper and fair pay provisions for Term-Time-Only employees it was imperative to implement the Term-Time-Only model calculation, as set out in the Green Book based on the national agreement reached on 18 February 2019.

It was reported that to ensure proper and fair pay provisions for Term-Time-Only employees it was imperative to implement the Term-Time-Only model calculation, as set out in the Green Book based on the national agreement reached on 18 February 2019. Implementation of the Term-Time-Only model calculation on 1 November 2021, backdated to 18 February 2019, for eligible employees.

The report proposed a compensation payment of either £50, £75 or £125 to be paid to all affected employees in post on the 31/8/2021 in recompense for the late payment and implementation for the relevant period in post since the terms and conditions change in February 2019 to the implementation date (1 November 2021).

Members were advised that Trade Union consultation on the proposed changes commenced through the Joint Employment Consultation group from April 2021. Trade Unions had expressed that they could not reach a collective agreement on this matter, but had provided valuable feedback in reaching the proposals.

The changes for Council and Community Schools would be implemented in November 2021, backdated to 18 February 2019 for eligible employees and subject to normal deductions. Community Schools, with an external payroll provider, would be advised of the changes and will be required to affect them through their chosen provider. Implementation would be backdated to 18 February 2019.

It was stated that affected individuals would be advised in writing upon implementation, and issued with an updated contract of employment along with the updated Term-Time-Only calculation details. The cost of which was circa £2.5k, excluding the resource costs for the HR, Payroll and Systems Teams.

It was explained that payroll calculations based on annual weeks to be amended to 52.143 weeks on a phased basis between January and February 2022, to implement the green book terms and conditions of pay. There will be no back pay provision for this change.

AGREED

That the Executive Leader and Executive Member for Finance and Economic Growth be recommended agree that:

- (i) The Tameside Term-Time-Only calculation is amended in accordance with the national terms and conditions for NJC employees as set out in the Green Book, effective from 18 February 2019 and updated on 28 June 2021.**
- (ii) The updated Term-Time-Only calculation is implemented on 1 November 2021, with back pay from 18 February 2019 the date of the revised Green Book calculation for eligible employees.**
- (iii) Approval to implement the Supreme Court judgment in Brazel v The Harper Trust when**

determined to be heard on 9 November 2021.

- (iv) A late payment compensation payment of either £50, £75 or £125 to be paid to all affected employees in post on the 31/8/2021 to reflect the delay in implementation
- (v) That, payroll calculations based on annual weeks be amended on a phased basis between December 2021 to February 2022 to implement the green book annual weeks of 52.143, with no back date provision.

124 HOUSEHOLD SUPPORT FUND

Consideration was given to a report of the Executive Leader / Executive Member for Economic Growth / Executive Member for Lifelong Learning, Skills & Employment. The report set out options for allocating the Household Support Fund to provide support to families over the half-term period who could struggle without Free School Meals (FSM) and similarly supporting families over the winter period.

The Assistant Director for Policy and Communications reported that the Department for Work and Pensions announced in late September that a winter fund of £500m national would be given to Councils to support the most vulnerable families in their borough who would likely face the pressures mentioned above. The fund covers the period 6 October 2021 – 31 March 2022. Tameside was to receive £2,224,686.33

It was proposed that the fund should initially be used to cover the October, Christmas and February school holiday periods, the period of time when families will face more acute financial pressure while FSM was not available. This would be in the form of a £15 supermarket voucher for all FSM eligible children. The total cost of this element of the scheme was expected to be around £840,000.

Members were advised that the cohorts eligible would be:

- All low income children under five attending child care settings. All FSM eligible school pupils. All low income sixth form and college students. All Tameside Care Leavers up to the age of 21.
- Any families who were not eligible for FSM but were in need to support online contact the Early Help Access Point for help, support and advice.
- Administration of grants to students via the colleges would be formalised by letter to the colleges containing any appropriate conditions in relation to the administration of the grants on behalf of the Council
- Further an amount of money would be invested in welfare rights to provide food vouchers to those who were in financial need (£50,000)

AGREED

That the Executive Leader / Executive Member for Economic Growth / Executive Member for Lifelong Learning, Skills & Employment be recommended to agree that:

- (i) **The Household support grant is used to fund Free School Meals for all eligible school pupils for October 21, December 21, and February 21. To a value of £15 per pupil**
- (ii) **The award of £15 per week of the school holidays also be made to the following cohorts: All Care Leavers to the Age of 21. Low income Tameside College and Ashton 6th form pupils. All under 5s from low income households in nursery provision.**

125 FORWARD PLAN

The forward plan of items for Board was considered.

CHAIR