



NOTICE OF MEETING

The Executive

Tuesday 21 November 2017, 5.00 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Executive

Councillor Bettison OBE (Chairman), Councillor Dr Barnard (Vice-Chairman), Councillors D Birch, Brunel-Walker, Mrs Hayes MBE, Heydon, McCracken and Turrell

ALISON SANDERS
Director of Resources

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Published: 16 November 2017



The Executive
Tuesday 21 November 2017, 5.00 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

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AGENDA

Page No

1. **Apologies**

2. **Declarations of Interest**

Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.

Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

Any Member with an affected Interest in a matter must disclose the interest to the meeting and must not participate in discussion of the matter or vote on the matter unless granted a dispensation by the Monitoring officer or by the Governance and Audit Committee. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.

3. **Minutes**

To consider and approve the minutes of the meeting of the Executive held on 17 October 2017.

5 - 12

4. **Urgent Items of Business**

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

Executive Key Decisions

The items listed below all relate to Key Executive decisions, unless stated otherwise below.

5. **"Unlocking Opportunities for all Children" Special Educational Needs and Disability Improvement Strategy (2017-2020)** 13 - 40
 To approve the draft Special Educational Needs and Disability Improvement Strategy which has been written in partnership with schools, colleges, early years settings, parents/carers, young people and other stakeholders to raise the achievement of children and young people with Special Educational Needs (SEN) and Disabilities.
6. **Local Government and Social Care Ombudsman Annual Review Letter 2017** 41 - 48
 To receive the Local Government and Social Care Ombudsman Annual Review letter 2017.
7. **Exclusion of Public and Press**
 Agenda items 9 and 10 are supported by annexes containing exempt information as defined in Schedule 12A of the Local Government Act 1972. If the Executive wishes to discuss the content of these annexes in detail, it may choose to move the following resolution:

 That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2012 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of items 9 & 10 which involve the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

 (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).

NB: No representations were received in response to the 28 day notice of a private meeting in either case.

 Agenda item 8 was also originally to be considered in private but is instead to be discussed in public and has now been made available to view online with the rest of the public reports.
8. **Establishment of a People Directorate** 49 - 56
 To inform the Executive of the initial steps being taken towards the long term streamlining of the Council's senior leadership team.
9. **Award of the Contract for the Management of Leisure Services** 57 - 78
 To award the contract for the management of Bracknell Leisure Centre, Coral Reef and Downshire Golf Complex.
10. **Commercial Property Investment Strategy Update** 79 - 84
 To set out progress to date in implementing the Commercial Property Investment Strategy and propose that additional capital resources of up

to £25m are made available for further acquisitions, in order to secure additional income.



**EXECUTIVE
17 OCTOBER 2017
5.00 - 5.18 PM**

Present:

Councillors Dr Barnard (Vice-Chairman, in the Chair), D Birch, Brunel-Walker, Mrs Hayes MBE, Heydon, McCracken and Turrell

Apologies for absence were received from:

Councillors Bettison OBE

26. Declarations of Interest

There were no declarations of interest.

27. Minutes

RESOLVED that the minutes of the meeting of the Executive on 26 September 2017 together with the accompanying decision records be confirmed as a correct record and signed by the Leader.

Executive Decisions and Decision Records

The Executive considered the following items. The decisions are recorded in the decision sheets attached to these minutes and summarised below.

28. Urgent Items of Business

There were no urgent items of business.

29. Youth Justice Strategic Plan 2017 - 2019

RECOMMENDED that the Youth Justice Plan 2017-19 be adopted.

30. Children, Young People & Learning Post Ofsted Action Plan

RESOLVED:

- 1 That the Ofsted report (Annex 1 of the Director of Children, Young People & Learning's report) which concludes that the overall effectiveness of Bracknell Forest services for children in need of help and protection, children looked after and care leavers are good, with areas of outstanding practice be noted.
- 2 That the action plan and departmental vision be endorsed.
- 3 That the Council's thanks to partners and staff on the successful outcome of the inspection be formally recorded.

31. Local Safeguarding Children Board (LSCB) Annual Report

RESOLVED that the key messages and recommendations made in the annual report of the LSCB are noted.

32. **Exclusion of Public and Press**

RESOLVED that the pursuant to Regulation 21 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, members of the public and press be excluded from the meeting for the consideration of item 8 on the agenda (item 33 on the minutes) which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) Information relating to the financial or business affairs of any particular person (including the authority).

33. **Residential Nursing Care Service Contract Award**

RESOLVED that the procurement plan for Adult Social Care, Health and Housing to enter into a maximum of four block contracts to purchase a maximum of twenty two nursing beds with local providers be approved and that the contact award decision be delegated to the Executive Member for Adult Services, Health and Housing.

LEADER

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I071137
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1. **TITLE:** Youth Justice Strategic Plan 2017 - 2019
2. **SERVICE AREA:** Children, Young People and Learning
3. **PURPOSE OF DECISION**

For the Executive to recommend the adoption of the Youth Justice Plan 2017-19 to Council.
4. **IS KEY DECISION** Yes
5. **DECISION MADE BY:** Executive
6. **DECISION:**

RECOMMENDED to Council that the Youth Justice Plan 2017-19 be adopted.
7. **REASON FOR DECISION**

The Crime and Disorder Act 1998 places a statutory duty on Local Authorities to prepare a Youth Justice Plan. This needs to be endorsed by Council.
8. **ALTERNATIVE OPTIONS CONSIDERED**

None applicable.
9. **PRINCIPAL GROUPS CONSULTED:** Children's Social Care Management Team.
Children, Young People & Learning
Departmental Management Team.
Youth Offending Service Management
Board
10. **DOCUMENT CONSIDERED:** Report of the Director of Children, Young People & Learning.
11. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
17 October 2017	24 October 2017

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I069260
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1. **TITLE:** Children, Young People & Learning Post Ofsted Action Plan

2. **SERVICE AREA:** Children, Young People and Learning

3. **PURPOSE OF DECISION**

For the Executive to endorse the Action Plan and vision following the Ofsted inspection of services for children in need of help and protection, children looked after and care leavers.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

1 That the Ofsted report (Annex 1 of the Director of Children, Young People & Learning's report) which concludes that the overall effectiveness of Bracknell Forest services for children in need of help and protection, children looked after and care leavers are good, with areas of outstanding practice be noted.

2 That the action plan and departmental vision be endorsed.

3 That the Council's thanks to partners and staff on the successful outcome of the inspection be formally recorded.

7. **REASON FOR DECISION**

Every Local Authority will have an inspection of services for children in need of help and protection, children looked after and care leavers. The Local Authority is required to prepare and publish a written statement of the action it intends to take in response to the report within 70 working days of receiving the final report

8. **ALTERNATIVE OPTIONS CONSIDERED**

None applicable.

9. **PRINCIPAL GROUPS CONSULTED:** Not applicable

10. **DOCUMENT CONSIDERED:** Report of the Director of Children, Young People & Learning.

11. **DECLARED CONFLICTS OF INTEREST:** none

Date Decision Made	Final Day of Call-in Period
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17 October 2017	24 October 2017
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**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I069713
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1. **TITLE:** Local Safeguarding Children Board (LSCB) Annual Report
2. **SERVICE AREA:** Children, Young People and Learning
3. **PURPOSE OF DECISION**

For the Executive to receive the annual report of the LSCB and to note the key messages and recommendations made.
4. **IS KEY DECISION** No
5. **DECISION MADE BY:** Executive
6. **DECISION:**

The key messages and recommendations made in the annual report of the LSCB are noted.
7. **REASON FOR DECISION**

To enable ensure ongoing accountability of the department and the development of continually improved outcomes for children and young people in Bracknell Forest in accordance with statutory expectations.
8. **ALTERNATIVE OPTIONS CONSIDERED**

None applicable.
9. **PRINCIPAL GROUPS CONSULTED:** Members of Children, Young People & Learning Leadership Team
Members of Corporate Management Team
Local Safeguarding Children Board Partners
10. **DOCUMENT CONSIDERED:** Report of the Director of Children, Young People & Learning.
11. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period	
17 October 2017	24 October 2017	

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I071761
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1. **TITLE:** Residential Nursing Care Service Contract Award

2. **SERVICE AREA:** Adult Social Care, Health & Housing

3. **PURPOSE OF DECISION**

To approve the recommendation to award a number of block contracts for Residential Nursing Care Services following a competitive tender.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the procurement plan for Adult Social Care, Health and Housing to enter into a maximum of four block contracts to purchase a maximum of twenty two nursing beds with local providers be approved and that the contact award decision be delegated to the Executive Member for Adult Services, Health and Housing.

7. **REASON FOR DECISION**

1. Since 2013/14; the council has seen an overall reduction of 205 residential and nursing beds. Whilst the demand has not reduced, the supply has, which has led to much higher prices than we should be paying. Recent cost modelling evidences that the situation is getting worse.

2. Whilst placement costs are becoming unsustainable, they are also becoming increasingly less reflective of a client's needs and more about how much a provider can get paid for a bed. Other Berkshire local authorities also report experiencing the same problems, as care managers vie for the limited beds available, regardless of the true cost of care and value for money.

8. **ALTERNATIVE OPTIONS CONSIDERED**

1. To approach current nursing providers in the market and negotiate better rates. A large number of beds are now being sold privately at well above market value, leaving providers less inclined to sell to social services or enter into a block contract at competitive rates. Following several conversations with local providers and other Berkshire Commissioners; this option does not seem realistic without a shift in the current supply/demand climate.

2. To adopt a similar approach to West Berkshire Council's Residential & Nursing Care Placement Policy (2012-ongoing), which has helped them to maintain sustainable rates. Among other things, the policy recognises:

- that they do not have enough affordable supply to meet demand within borough;

- that the ability to have services available from a wider geographical market means that they are better able to manage demand within existing resources and provide enhanced choices for their residents;
- local authorities may take their resources into account when considering how to meet needs.

Whilst it would be beneficial to seek to implement something similar to this policy in addition to the block contract option, it cannot immediately fix the problems that we are facing and would be more of a long-term solution.

9. **PRINCIPAL GROUPS CONSULTED:** None.
10. **DOCUMENT CONSIDERED:** Report of the Director of Adult Social Care, Health & Housing
11. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
17 October 2017	24 October 2017

**TO: EXECUTIVE
21 NOVEMBER 2017**

SPECIAL EDUCATIONAL NEEDS AND DISABILITY IMPROVEMENT STRATEGY

Director of Children Young People & Learning

1 PURPOSE OF REPORT

- 1.1 The Executive is requested to approve the draft strategy which has been written in partnership with schools, colleges, early years settings, parents/carers, young people and other stakeholders (attached as Appendix 1) to raise the achievement of children and young people with Special Education Needs (SEN) and Disabilities.
- 1.2 The Council has a number of statutory duties in relation to Special Education Needs and Disabilities and works to statutory guidance in a detailed Code of Practice, published following the Children and Families Act 2014. "Thrive in Learning" sets out the three year strategic direction and priorities for Special Educational Needs and Disability (SEND) for children and young people aged 0-25 years. It sits as a section of the Learning Improvement Strategy.
- 1.3 The LA has the lead for the partnership in Bracknell Forest (BF) that coproduced the plan, but recognises that its success will lie in the effectiveness of the partnership between all stakeholders

2 EXECUTIVE SUMMARY

- 2.1 This plan has been coproduced with everyone who has an interest in Special Educational Needs and Disability in Bracknell Forest. The first stage began in March 2017 and after considerable discussion has resulted in this final draft.
- 2.2 There was overwhelming support for the four principles we agreed for our strategy and the five priorities which we decided upon.

The agreed priorities are:

1. We will work to ensure that Emotional Wellbeing and Child and Mental Health Services (CAMHS) are available to all eligible children and young people
2. We will support Early Years settings, schools and others to improve the inclusion and educational outcomes for children and young people with SEN and Disabilities.
3. We will improve post 16 destinations for young people with SEND and reduce the NEET population.
4. We will ensure that SEN and disability systems and decision-making (including specialist place planning) are robust and funding is used effectively to deliver positive outcomes.
5. We will develop a joint "Outcomes Based Commissioning" approach to commissioning across the children and young people's partnership.

3 RECOMMENDATION

- 3.1 That the Special Educational Needs and Improvement Strategy be approved.**

4 REASONS FOR RECOMMENDATION

- 4.1 There is a statutory requirement for all Local Authorities to have a Special Educational Needs and Disabilities (SEND) Strategy.
- 4.2 There is a necessity for the Local Authority to lead the partnership in developing services and provision for Children and Young People with Special Educational Needs.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 None. This is a statutory requirement.

6 SUPPORTING INFORMATION

- 6.1 During the coproduction process, the key issues that resulted included the need for specialist education to be more local, more training for staff and better working between services. There was also strong support for continuing to develop inclusive practices in mainstream schools, encouraging the closer involvement of parents and increasing the number of SEN staff in services.
- 6.2 Social care and health services to disabled children and young people are valued and should continue to develop support and guidance processes for families.
- 6.3 The strategy will be delivered within available funding through re-prioritisation, improved early help and prevention and more effective, value for money commissioning etc

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 7.1 The relevant legal requirements are addressed within the report.

Borough Treasurer

- 7.2 The financial implications arising from the strategy will need to be considered each year as part of the normal budget setting process with the anticipated impact from any changes in service delivery needing to be financed from within available resources.

Equalities Impact Assessment

- 7.3 An equalities impact assessment indicated no negative issues but many opportunities for positive engagement. All action plans supporting this document will have an EIA.

Strategic Risk Management Issues

- 7.4 The substantial risks associated with this strategy relate to:
- i. Ensuring timely action to address the issues included in the strategy and
 - ii. Maintaining the partnership momentum.
 - iii. Working within the financial constraints.

These have been mitigated by careful planning and ensuring maximum joint accountability during the coproduction stages.

Other Officers

- 7.5 None appropriate.

8 CONSULTATION

Principal Groups Consulted

- 8.1 A full list of those who help coproduce the strategy is included in acknowledgements section of the strategy. The main groups were:
- Senior leaders (including governors) from schools and colleges:
 - Senior leaders from the East Berkshire Clinical Commissioning Group (CCG) and Berkshire Health Foundation Trust (BHFT).
 - Representation from Frimley Health NHS Foundation Trust (FHT)
 - Connected care
 - The Bracknell Parent Forum:
 - The Voluntary sector (INVOLVE)
 - LA services (both Children and Adults services)
 - Public Health Programme Manager
 - The Youth Council.

Method of Consultation

- 8.2 Coproduction included seminars, workshops, presentations, individual comments (written and verbal) and a letter inviting comments including a questionnaire.

Representations Received

- 8.3 Various over the coproduction period. All these have been included in the final draft. There is now overwhelming support for the four principles and the five priorities which we decided upon for the strategy.

Background Papers

[Children and Families Act 2014](#)

[Special educational needs and disability code of practice: 0 to 25 years](#)

Contact for further information

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Special Educational Needs and Disability Improvement Strategy 2017 – 2020



**“Thrive in learning and
not be left behind”**

(A key priority in the Learning Improvement Strategy)



Foreword



This strategy sets out clearly how we will all work together to make a real, positive and lasting difference for all children and young people in Bracknell Forest. It recognises what we have achieved so far through joint working but it also poses us a clear and real challenge on how to take our collective leadership and involvement to the next level. Bracknell Forest is a Borough where there will be much change in the years ahead both in terms of regeneration and new housing. We need to be sure that our children and young people are well placed to take full advantage of all of the opportunities on offer to be active, fulfilled and engaged citizens of the future.

Cllr Gareth Barnard

Executive Member
Children, Young People & Learning



As Director of Children, Young People and Learning, it is my great pleasure to be part of “Thrive in Learning”, a key priority in our Learning and Improvement Strategy “Unlocking Opportunities for Children and Young People”, for children and young people with Special Educational Needs and Disability.

This document sets the key priorities for children and young people up to the age of 25. It is rooted in a determination to make Bracknell Forest a great place to be a child.

We want the best start in life for all children and young in Bracknell Forest. This will be achieved through inspirational leadership which will ensure high quality school places for all of our children. A curriculum that is designed to allow children to develop their talents, maximises potential and empowers them to lead independent lives into adulthood. We want children and young people to be proud to succeed and to experience an education that meets their individual needs. We know that this will ensure that children and young people thrive in their learning and no-one is left behind.

We want the best possible outcomes and the brightest future for all children and young people. Therefore we must all ensure that young people enter adulthood confident and equipped to meet life’s challenges and opportunities. Working together towards a better future for all children and young people.

Nikki Edwards

Director
Children, Young People & Learning

Bracknell Forest Council believe that

“In targeting our services, we will prioritise people and areas with the greatest need, through early help and prevention so struggling or vulnerable people can maximise their opportunities to become independent”

This document must be read in conjunction with the

Bracknell Forest Learning Improvement Strategy





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1. Introduction

1.1 This document describes Bracknell Forest Council's (BFC) and the Bracknell and Ascot Clinical Commissioning Group's (BACCG) three year strategy for children and young people aged 0-25 years with SEND. It should be read in conjunction with BFC's "Creating Opportunities – Positive futures" Early Help strategy, the Children and Young Peoples Plan (2016) and the Emotional Health and Wellbeing Strategy 2016-19.

1.2 The overall aim of this strategy is to:

- Raise expectations,
- Unlock opportunities,
- Improve our performance,
- Provide better services and
- Produce enduring outcomes

for all children and young people with SEND.

1.3 It replaces the previous SEND strategy and reflects the ambition and drive of the Green Paper¹. We began a review of our approach to SEND in 2014 following the publication of the Children and Families Act 2014² and the Code of practice 2014³. This review was further energised by the publication of the Children, Young People and Learning service plan 2016 -2019⁴ which has been developed from the Council Plan 2015 - 2019⁵ and "Seamless Health" Bracknell Forest Joint Health and Wellbeing Strategy 2016-2020⁶. They collectively describe the operating context, vision, values and aims and objectives of the service for the next 3 years.

1.4 This plan is part of the 'golden thread' of plans and strategies which underpin the work of all partners in the borough.

1.5 Delivery of the plan will be monitored within the council by the BF Children, Young People and Learners (CYPL) Departmental Management Team (DMT) and the CCG governing body. External monitoring of performance will be undertaken through the multiagency East Berkshire SEND Strategic partnership Board which is chaired by the Director of Strategy and Operations, East Berkshire CCGs. (Membership is listed in Appendix 1) and the Head teachers SEND Strategic Group.

1.6 Whilst we are clear about what we want to achieve with partners over the next three years, we know we must be flexible in our approach so that we can respond to on-going changes. Annual reviews of the strategy will help to keep the progress on track.

1.7 Educational attainment of children and young people with SEND and inclusion in mainstream provision is largely dependent on the leadership and governance of the various educational settings throughout the borough.

¹ Support and aspiration: A new approach to special educational needs and disability 2011

² Children and Families Act 2014 <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

³ Code of practice 2014 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

⁴ Children, Young People and Learning service plan 2016 -2019 <https://democratic.bracknell-forest.gov.uk/documents/s85220/09%20CYPL%20Service%20Plan%2015-16%20FINAL%20VERSION.pdf>

⁵ <https://www.bracknell-forest.gov.uk/council-plan/council-plan>

⁶ Bracknell Forest Joint Health and Wellbeing Strategy 2016-2020 <https://files.bracknell-forest.gov.uk/sites/bracknell/documents/seamless-health-2016-2020.pdf?VbHtb6FT0hPqbPRCL2RPD9jMojnYt52q>

2. Background

2.1 In Bracknell Forest we are committed to developing inclusive communities which are welcoming to all. Our vision for Special Educational Needs and Disabilities (SEND) is:

“Working together towards a better future for all children and young people”.

2.2 To achieve this we will support mainstream educational settings in their continuing lead in developing inclusive approaches to education. This will enable more children and young people with SEND to access mainstream opportunities. Through the leadership role of the local authority we will drive professionals and others to work together to achieve still greater inclusivity in Bracknell Forest

2.3 We will develop our information, advice and guidance services, short breaks offer and other family support services. Parents and carers will have greater confidence, better access to information and opportunity to participate in decision making. We will make our SEND processes more flexible and transparent.

2.4 We will improve and extend our processes to support all children and young people from 0-25 years of age. This will smooth the transition from childhood to adulthood.

2.5 We are ambitious for our children and young people with SEND and this strategy sets out how we will achieve our vision.

2.6 The LA has the lead for this strategy but recognises that its success will lie in the effectiveness of the partnership between all stakeholders. Hence when the strategy sets out what ‘we’ will achieve, the ‘we’ refers to the partnership between the LA, schools and settings in the maintained and non-maintained sectors, parents, children and young people, other agencies and services in health and social care, including adult services and the voluntary sector.

2.7 Bracknell Forest Council (BFC) will work closely with all specialist placements out of borough and in neighbouring authorities in to ensure that CYP who cross local authority borders for their education will experience similar rights and consistency in approach.



3. Principles

3.1 We are committed to securing the best possible outcomes for children and young people with SEND. We want them and their families to feel valued, able to participate and have a greater sense of choice and control. We recognise that all children and young people have important rights including being safe, feeling valued, enjoying learning and achieving success through participation in education, community and family.

3.2 To protect these rights, we are committed to four key principles. The principles recognise that children and young people with SEND and their families have the right to the same quality of life as those who do not live with a disability. We are committed to ensuring that Bracknell Forest's children, young people and families have the right support, at the right time, as a matter of course.

3.3 We recognise that all families are different, so they will need different types and levels of support depending on the age of their child and the impact of their SEN or disability.

- Principle One

We will involve children and young people and their parents and carers in all decisions about them, promoting independence and autonomy through to adulthood.

- Principle Two

We will ensure inclusion and participation in all aspects of family, educational and community life in a local and inclusive setting. We recognise that some children and young people will require a specialist setting in order for them to thrive educationally. We will endeavour to make this as local and inclusive as possible.

- Principle Three

We will make the best use of available resources by minimising the use of specialist setting out of the borough and providing targeted specialist provision within borough.

- Principle Four

We will secure the right support at the right time for families, through timely and accurate assessment and by working in partnership with educational settings, health, social care and other key partners of a CYPL's needs.

4. SEN and Disability

4.1 In this strategy we recognise that SEND includes children and young people with a broad range of needs. For some, the focus of support will be wholly educational, for others their families will need support from a number of statutory services and this will continue throughout their childhood and may continue into adulthood. A child or young person may have special educational needs (SEN) or a disability or both.

4.2 Children and young people have SEN if they have a learning difficulty which calls for special educational provision to be made for them.

4.3 Children and young people have a learning difficulty if they:

- A. Have a significantly greater difficulty in learning from the majority of children and young people of the same age; or
- B. Have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

4.4 Definition of disability

“A person has a disability under the Equalities Act 2010 if they have a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day-to-day activities.”



5. Local context

General⁷

5.1 The borough's population is 118, 928 (ONS mid-year statistics 2015, based on the 2011 Census), of which almost 26% of the population is aged between 0 – 19 years. The 0 – 14 age group as a percentage in Bracknell Forest has decreased from 21% in 2001 to 19% in 2011, but is still slightly higher than the national average which is 18%. Within this the 0 – 4 age group has increased from 7,699 to 8,027. This increase has significance in terms of school places.

5.2 Bracknell Forest is one of the least deprived areas of the country (ranked 287 out of 326 local authorities in England on the Index of Multiple Deprivation 2015). Property prices and levels of car ownership are significantly higher than the national average and average free school meals eligibility remains relatively low in the national context 7.6% in January 2017.

5.3 These headline figures mask significant pockets of deprivation. Five wards in the borough have free school meal entitlements ranging from 11.9% to 17.3%. Poverty in Bracknell Forest has risen and is now 10.4% (as defined by the Department for Work and Pensions). Five wards in the borough have child poverty figures above the South East average of 14.6%. No wards are above the England average of 19.9%.

5.4 17,839 pupils are on roll in primary, secondary and special schools in Bracknell Forest (January Schools Census 2017).

5.5 Children and Young People (CYP) with SEN⁸

5.6 As of September 2017, there are 716 children or young people from Bracknell Forest with a statement or EHCP.

Of this:

- 1 child is in the early years/nursery.
- 97 children are in mainstream primary (BFC).
- 146 CYP are in mainstream secondary schools (BFC).
- 8 children are in out of borough mainstream primary schools.
- 23 CYP are in out of borough mainstream secondary schools.
- 137 CYP are in our special school (BFC).
- 139 CYP are in out of borough special schools
- 71 young people are in the local FE college (BFC).
- 56 young people are in FE colleges out of borough.
- 11 young people are NEET
- 1 is EOTAS
- 14 young people are on apprentice-ships
- 6 young people are (Newly) In employment
- 4 are In the process of ceasing their EHCP
- 2 young people are moving into Adult Social Care

⁷This is an overview of the context for Bracknell Forest, more detailed information on key areas of need can be found by accessing the Joint Strategic Needs Assessment; this provides a wide range of information on the health and wellbeing of the population, broken down in detail to ward level wherever possible. (<http://jsna.bracknell-forest.gov.uk>)

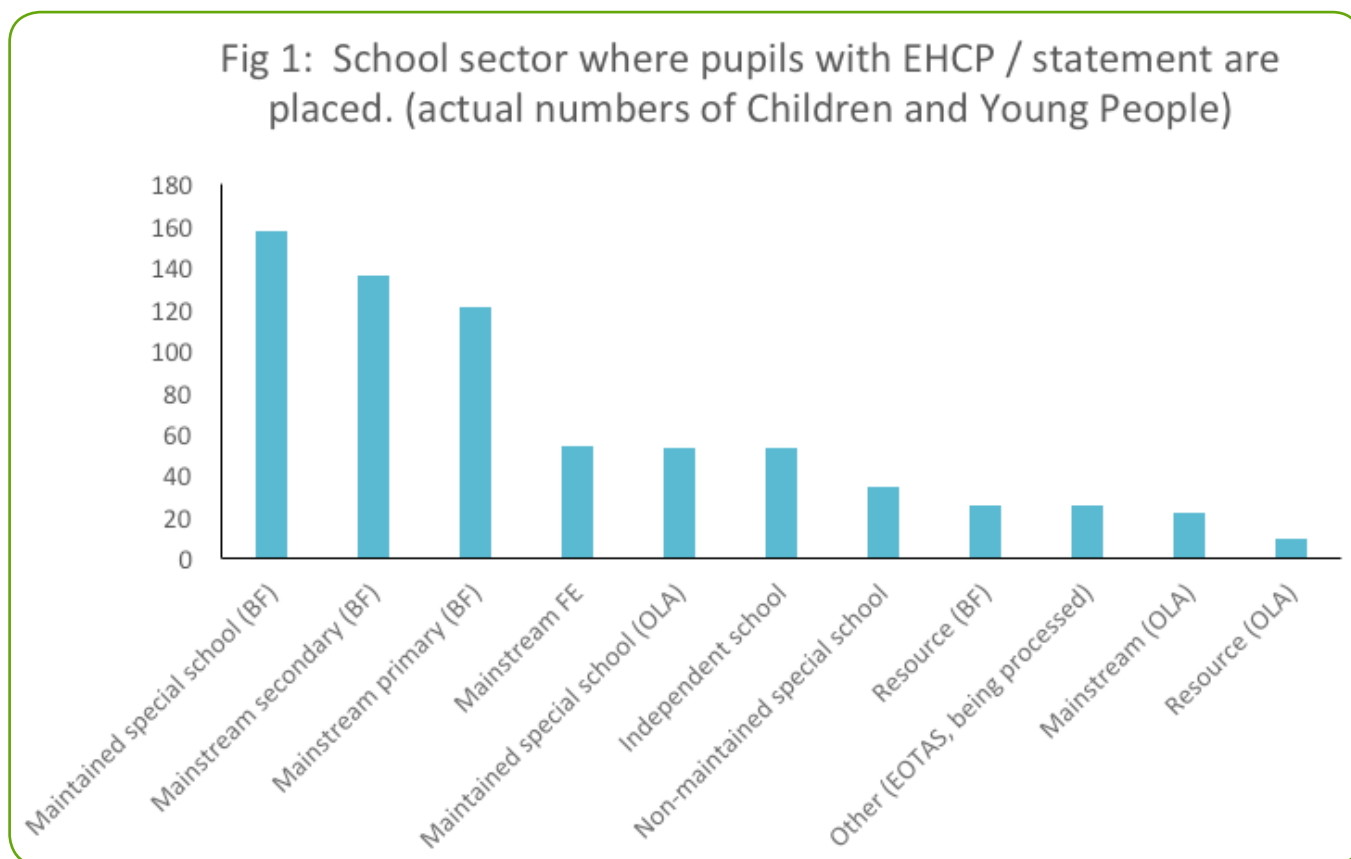
⁸Full data sets can be found at http://lginform.local.gov.uk/reports/view/send-research/local-area-send-report?-mod-area=E06000036&mod-group=AllRegions_England&mod-type=NamedComparisonGroup

That translates to :

- 199 children in attend primary phase schools
- 347 young people attend secondary schools
- 127 young people are 16 or older and educated at FE college
- 43 other

5.7 BFC has one maintained special school and two off site units. (See Appendix 2 for descriptions)

5.8 Fig 1 gives a more detailed breakdown of where our children and young people are educated. As would be expected the vast majority attend either mainstream schools or resource centres (280) or Kennel Lane (137) whilst another 87 attend either mainstream or state special schools in other LAs.



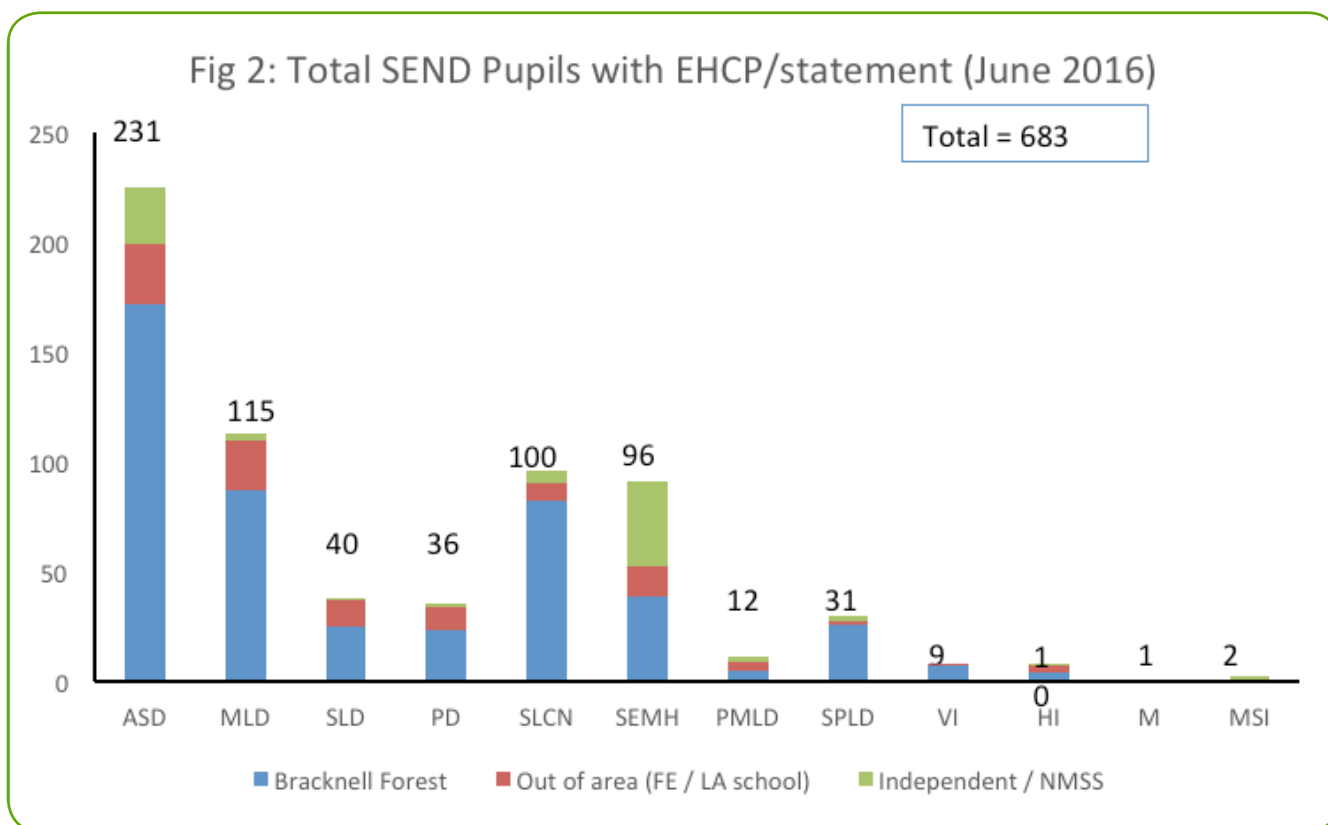
5.9 Fig 2 shows the primary SEND need of the children and young people as recorded on their EHCP or statement who are Bracknell Forest residents.

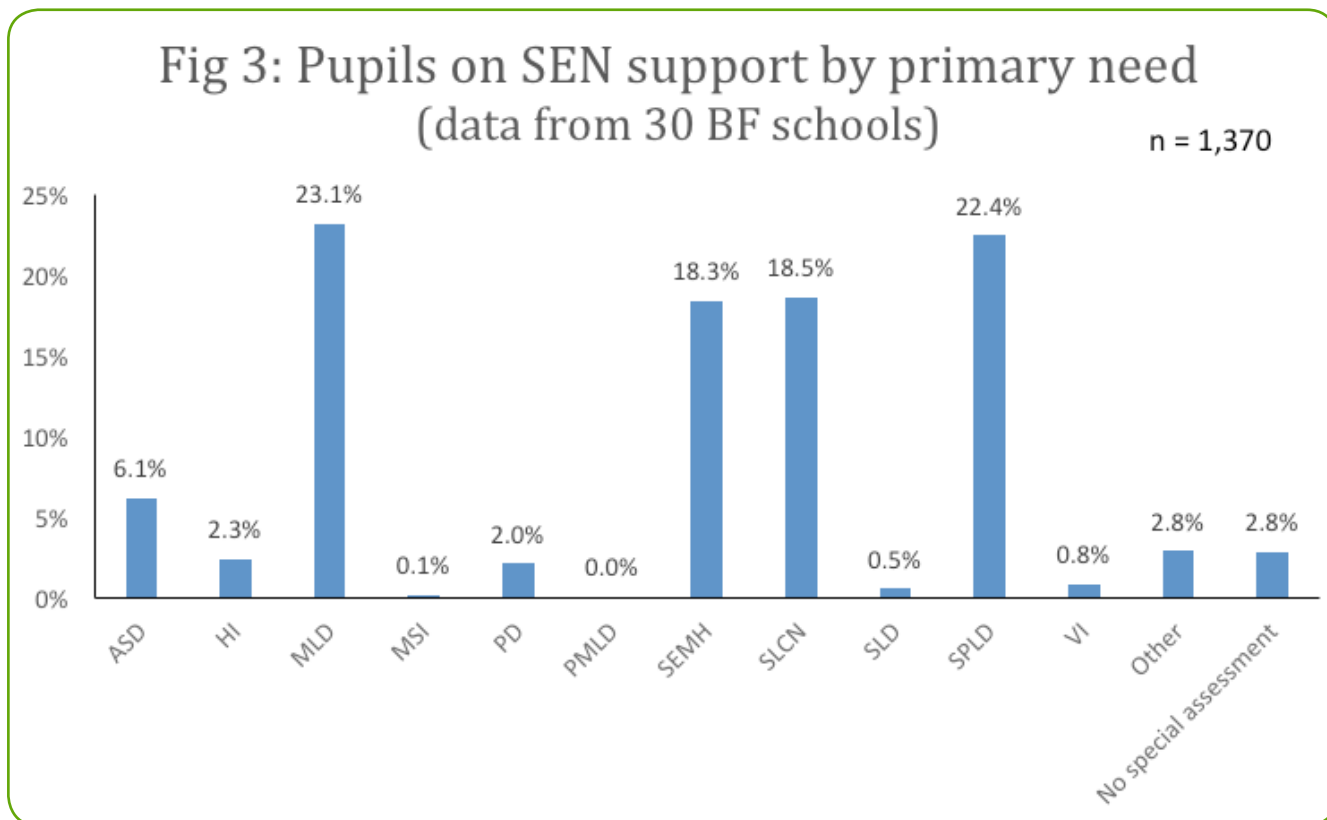
5.10 This shows that the largest group are those with Autistic spectrum condition (ASC) who makes up 34% of these pupils.

5.11 Although, those with autistic spectrum condition (ASC) as a primary need form the largest single group of pupils nationally, the proportion in Bracknell Forest is nearly 10% above the average for England.

5.12 Fig 2 also shows whether pupils, by need, are placed within or outside of Bracknell Forest. This shows that those with social, emotional and mental health needs (SEMH) are the largest group of pupils educated outside of Bracknell Forest (and in independent provision), followed by those with ASC.

5.13 The other group of school learners with SEND are those assessed by schools as requiring ‘SEN support’. The largest two categories by primary need are ‘moderate learning difficulties (MLD)’ and ‘specific learning difficulties (SPLD)’, 23% and 22% respectively (fig 3). When comparison is made with national data, it is notable that the proportion identified in Bracknell Forest schools as having a ‘specific learning difficulty’ is 7% higher than nationally reported and ASC is about 2% higher in Bracknell Forest. A total of 45 pupils, out of the sample of 1,370, are identified as having a sensory need, whether ‘hearing impairment (HI)’, ‘visual impairment (VI)’ or ‘multi-sensory impairment (MSI)’.





5.14 Table 1 sets out the comparative proportions of pupils with SEND for Bracknell Forest with its statistical neighbours and for England as a whole. These data indicate that the proportion of pupils with statements / EHCPs has reduced in Bracknell Forest since 2013 and, at 2.6% of the school population, is a reasonable level. This also contrasts with the broadly level trend across statistical neighbours and England. Similarly, the proportion of pupils on SEND support is reducing too, though faster in secondary schools than in primary. The data for 2016, however, show an upturn across all categories.

Table 1	% EHCP/statments all schools				% SEN support primary				% SEN support secondary			
	2013	2014	2015	2016	2013	2014	2015	2016	2013	2014	2015	2016
Bracknell Forest	2.9	2.7	2.4	2.6	14	13.4	12.0	12.7	13.3	12.2	9.5	10.1
Statistical neighbours	2.7	2.75	2.75	2.65	14.2	13.4	11.3	10.7	14.2	13.8	11.0	10.6
England	2.8	2.8	2.8	2.8	16.0	15.2	13	12.1	17.0	15.9	12.4	11.0

(Source: DfE and LAIT 2016)

5.15 A note of caution must be sounded about ‘SEN support’ data: schools alone assess needs and decide whether a pupil meets thresholds for SEN support. There is evidence that there is varied practice between schools and that the definition of SEN is open to interpretation.

5.16 Attainment data (all children and young people January 2016)

5.17 In 2016 the % of pupils at the Early Years Foundation Stage achieving a good level of development was 74%, compared to 69.3 % nationally.

5.18 In 2016, 56.5 % achieved 5+ A* -C including English and mathematics. This compares to 57.7% nationally and 60.7% for statistical neighbours.

5.20 Attainment data (children and young people with SEND)

5.21 Attainment of children and young people in Bracknell Forest is generally good and exceeds the statistical neighbour and national average. The two main areas for improvement are in the Early Year’s foundation stage and post 16. Table 2 shows a summary of performance in the areas which require improvement. A full data set can be found at LG Inform website here or with reference to the Bracknell SEN Dashboard (on the local offer)

Table 2 Summary of performance for CYP with SEND in the areas which require improvement.

	BF		Statistical Neighbours			National		
	Latest	Trend	Rank	Average	Difference	Rank	Average	Difference
EYFSP Good level of development - SEN Support	19%	down	10th of 11	25%	-6.0%	127th out of 152	26%	-7%
Qualified to Level 2 inc Eng & Maths by 19 - EHCP	12.2%	down	10th of 11	15.6%	-3.4%	100th out of 152	14.1%	-1.9%
Qualified to Level 3 by 19 - SEN Support	21.5%	down	10th of 11	31.2	-9.7%	137th out of 152	31.8%	-10.3%

(SEN Dashboard April 2017)

6. Financial and policy context

6.1 In the current economic climate the financial pressure on public sector services is acute. Nevertheless, we recognise that within these financial constraints there is a genuine opportunity to reduce bureaucracy and increase effectiveness. To achieve this we must ensure that our provision targets the right children and young people at the right time.

6.2 Since June 2012 the DfE has published a series of policy documents detailing national changes to the school funding arrangements with implementation from April 2013. All the published documents including the latest ones can be accessed electronically on the DfE website here.

6.3 Mainstream school funding has been the subject of extensive consultation resulting in the DfE moving towards a national funding formula for schools.

6.4 The approach for SEN funding from the DfE is called ‘place-plus’ funding and involves 3 elements: -

- i. Element 1 – Core Education Funding based for pre 16 pupils on pupil led funding Age Weighted Pupil Unit (AWPU) of up to £4,000 already delegated in the Schools Block.
- ii. Element 2 – Additional Support Funding of up to £6,000 from Notional SEN funding already delegated in the Schools Block.
- iii. Element 3 – Top up funding from the commissioner, usually a Local Authority (LA), funded from the HNP Block.

6.5 This means up to £10,000 per High Needs Pupil (HNP) is to be funded from the schools delegated budget.

6.6 Academies, although funded centrally, are expected to provide a high quality education for all children and young people, including those with SEND.

6.7 Bracknell Forest’s spend on SEND is high compared to national average and statistical neighbours. (See table 3)

Table 3. SEN - S251/Outturn weekly unit costs (approximate)⁹

	BF		Statistical Neighbours			National		
	Latest	Trend	Rank	Average	Difference	Rank	Average	Difference
SEN - S251/ Outturn weekly unit costs (approx.)	£120	up	9th out of 11	£98	+£22.4	121st out of 152	£95	+£25.5

⁹LG Inform local area SEND report 2017. LAIT 2017. SEN Dashboard 2017.

7. Co-Production

7.1 An essential and valuable contribution to this strategy came from our children and young people, their parents and carers, educational providers, our own services and other partners like health services and voluntary groups.

7.2 We carried out the coproduction of this strategy in two stages. The first stage began in March 2017 and lasted nine weeks. This involved discussing with all stakeholders what they considered important and essential to help children and young people achieve their fullest potential.

7.3 They told us that they wanted schools and other educational providers to be more local, developing more local special school places, more training for staff and better working between services. There was also strong support to continue to develop inclusive practices in mainstream schools and to encourage closer involvement of parents with this. There was a request to increase the number of SEN staff in school support services.

7.4 Existing social care and health services for disabled children and young people are valued.

7.5 There was overwhelming support for the four principles we agreed for our policy and the five priorities which we decided upon for the strategy.

7.6 The second stage was consultation on this draft strategy.

7.7 This second stage was useful in collecting ideas and objectives to inform the action plan to deliver the strategy.

7.8 Our coproduction provided feedback and evidence of good and excellent practice. However there was a clear message that we should not be complacent but ambitious for continued progress and improvement.



8. Our priorities

1. We will work to ensure that Emotional Wellbeing and Child and Mental Health Services (CAMHS) are available to all eligible children and young people
2. We will support Early Years settings, schools and others to improve the inclusion and educational outcomes for children and young people with SEN and Disabilities.
3. We will improve post 16 destinations for young people with SEND and reduce the NEET population.
4. We will ensure that SEN and disability systems and decision-making (including specialist place planning) are robust and funding is used effectively to deliver positive outcomes.
5. We will develop a joint “Outcomes Based Commissioning” approach to commissioning across the children and young people’s partnership.

Action Plan to Follow.



Acknowledgements:

Thank you to senior leaders including governors for their contributions from the following schools/colleges:

- Birch Hill Primary School.
- Meadow Vale Primary School
- Kennel Lane Special School
- Edgbarrow School
- Garth Hill College
- Harmans Water Primary
- College Hall
- Easthampstead Park Community School
- Holly Spring Infant & Nursery School
- Whitegrove Primary School
- Brakenhale Academy
- Bracknell and Wokingham College

Thank you to senior leaders for their contributions from the CCG and BHFT:

- Interim Head of Children and Families (CCG)
- Director of Nursing and Quality (CCG)
- Designated Medical Officer (CCG)
- Director – Strategy & Operations (CCG)
- Clinical Director (BHFT)
- Head of Integrated Services for Children, Young People and Families (BHFT)
- CYPF Locality Lead for CYPIT Bracknell and Wokingham (BHFT)
- East Berkshire CCG Children's & Families Commissioners from the three CCGs
- Representation from Frimley Health NHS Foundation Trust (FHT)
- Acting Head of specialist Children (BHFT)
- Connected care
- Head of Continuing Healthcare and Placement Governance (CCG)

Thank you for the contributions from the Bracknell Parent Forum:

Thank you to senior leaders for their contributions from the Voluntary sector (INVOLVE)

Thank you to the following LA services who were also involved within the strategy:

- Standards and Effectiveness Team
- Targeted Services
- SEN
- Education Psychologists
- Virtual School
- Transformation Programme Manager
- Early Years
- Youth Service
- Local Offer team
- Adult Social Care
- Children's Social care
- School Sufficiency
- Children's Disability services
- Public Health Programme Manager

A special thank you to all the young people from the Youth Council that gave up many evenings to consider the proposed strategy and for their contributions.

Appendix 1

Membership of the East Berkshire SEND Strategic Partnership Board

- Director of Strategy and Operations, East Berkshire CCGs (Chair)
- Designated Medical Officer (Vice Chair)
- East Berkshire CCG Children's & Families Commissioners from the three CCGs
- Representation from each Local Authority and the Children's Trust including Adult Care for Transition Work
- Representation from Berkshire Health NHS Foundation Trust (BHFT)
- Representation from Frimley Health NHS Foundation Trust (FHT)

Appendix 2

Specialist SEND provision.

Kennel Lane School

Kennel Lane School is a maintained special school which caters for pupils with learning difficulties and disabilities aged between 2 and 19 years. The pupils have a wide variety of needs including Autistic Spectrum Disorder (ASD), communication difficulties, profound and multiple learning difficulties, physical difficulties, severe learning difficulties and sensory impairments.

College Hall

College Hall is a pupil referral unit serving Bracknell Forest and the surrounding area. The unit has 46 full time places for young people in Key Stages 3 and 4 who have experienced difficulty in maintaining a place in mainstream education.

Through providing a safe and secure environment, an experienced and supportive staff team, a flexible curriculum and proactive working with schools, parents and carers, we aim to get these young people back on track.

College Hall also makes provision for a small group of young people who are persistently unable to attend their mainstream school placement due to factors such as acute anxiety associated with school attendance or other mental health needs. These pupils attend a satellite building on the main site at College Hall called 'The Cottage'. Pupils will attend either full or part time and may gradually reintegrate from 1-1 teaching.

College Hall also provides an Outreach Service to local mainstream schools, supporting young people to maintain their placement and is also responsible for the delivery of Home Tuition on behalf of Bracknell Forest Local Authority.

The Rise

The Rise is a specialist unit serving pupils aged 11-19 with high functioning autistic spectrum conditions living in Bracknell Forest and other local authorities.

The centre is part of Garth Hill College, but operates in dedicated buildings within a ten minute walk and two minute drive of the main Garth Hill site.

Meadow Vale School Speech & Language Resource

Meadow Vale has a specialist Speech & Language Resource staffed by qualified teachers, learning support assistants and NHS Speech and Language Therapists. The Resource caters to pupils with speech and language disorders. The Resource staff work alongside the class teachers to ensure that the pupils within the Resource are included in the mainstream classroom while having their speech and language needs met through specialist teaching and intensive therapy.

Meadow Vale School Rainbow Resource Centre.

The rainbow resource centre is a specialist resource within the Borough of Bracknell Forest catering for children aged three to five, with a diagnosis of ASD and/or social and speech and language difficulties. The aim is to support children in the early stages of their learning and school-life, in order to greater prepare them for the next phase of their education. This means that we continually assess and reflect on each child in order to ensure they are given the support they need in an educational setting.

Appendix 3 Bracknell Parent Forum

Bracknell Parent Forum represents children and young people with additional needs up to age 25. We liaise with service providers regarding the needs of SEND children/young adults and their families in Bracknell Forest. We facilitate two-way communication between parent carers and these services. The Forum works to provide feedback on services offers dialogue with current service providers and is part of decision making and planning for future provision.

We hold regular meetings. Any parent/carer can join the mailing list for updates. For further involvement, they can become a member by completing a registration form.

You can find us on the Bracknell Forest Local Offer and follow us on Facebook.

Our email address is: - bracknellparentforum@virginmedia.com

Copies of this booklet may be obtained in large print, Braille, on audio cassette or in other languages. To obtain a copy in an alternative format please telephone 01344 352000.

Nepali

यस प्रचारको सक्षेपं वा सार निचोड चाहिं दिइने छ ठूलो अक्षरमा, ब्रेल वा क्यासेट सून्नको लागी । अरु भाषाको नक्कल पनि हासिल गर्न सकिने छ । कृपया सम्पर्क गनुहोला ०१३४४ ३५२००० ।

Tagalog

Mga buod/ mga hango ng dokumentong ito ay makukuha sa malaking letra, limbag ng mga bulag o audio kasette. Mga kopya sa ibat-ibang wika ay inyo ring makakamtan. Makipag-alam sa 01344 352000

Urdu

اس دستاویز کے خلاصے یا مختصر متن جلی حروف، بریل لکھائی یا پھر آڈیو کیسٹ پر ریکارڈ شدہ صورت میں فراہم کئے جا سکتے ہیں۔ دیگر زبانوں میں اس کی کاپی بھی حاصل کی جا سکتی ہے۔ اس کے لیے براہ مہربانی ٹیلیفون نمبر 01344 352000 پر رابطہ کریں۔

Polish

Streszczenia lub fragmenty tego dokumentu mogą być dostępne w wersji napisanej dużym drukiem, pismem Brajla lub na kasecie audio. Można również otrzymać kopie w innych językach. Proszę skontaktować się z numerem 01344 352000.

Portuguese

Podemos disponibilizar resumos ou extractos deste documento em impressão grande, em Braille ou em audiocassete. Podem também ser obtidas cópias em outros idiomas. Por favor ligue para o 01344 352000.

**TO: EXECUTIVE
21 NOVEMBER 2017**

**LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN
ANNUAL REVIEW LETTER 2017
Chief Executive**

1 PURPOSE OF REPORT

- 1.1 To receive the Local Government and Social Care Ombudsman Annual Review letter 2017.

2 RECOMMENDATION

- 2.1 **To note the Local Government and Social Care Ombudsman Annual Review letter 2017 at Appendix A.**

3 REASONS FOR RECOMMENDATION

- 3.1 The Annual review letter provides the Executive with information to help assess the Council's performance in handling complaints.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None considered.

5 SUPPORTING INFORMATION

- 5.1 The Local Government Ombudsman (LGO) investigates complaints about all local authorities and social care providers in England. Every year it publishes the information it sends to councils to help with transparency and improve local services for residents. This annual summary is the number of complaints and enquiries it has received about the council, and the decisions made about those complaints. The objective of the LGO is to secure, where appropriate, satisfactory redress for complainants and better administration for the authorities.
- 5.2 The LGO usually requires complainants to give the council an opportunity to deal with a complaint against it first, using the council's own complaints procedure. If the complainant is not satisfied with the action the council takes, he or she can complain to the LGO. The LGO's Annual Review letter is therefore, to some extent, an independent measure of the effectiveness of the Council's complaints resolution process.
- 5.3 One of the Ombudsman's main roles is to remedy injustice, and try to put people back in the position they would have been in, had the fault not occurred. Recommendations may include apologies, financial remedies and/or procedural changes to help improve services for others.
- 5.4 The LGO's Annual Review Letter to the Council for 2016/17 is attached at Appendix A. Key points to note are:

- 23 complaints were received by the LGO against the Council in 2016/17, 26 were received in 2015/16 and 18 in 2014/15.
- As in 2016 the number of complaints made to the LGO about the Council was lower than any other Unitary Authority in Berkshire, and around half the national average for all councils.
- The LGO made formal decisions on 24 complaints against the Council (some of which related to complaints from 2015/16).
- Four complaints were subject to a detailed investigation and three were upheld against the Council.
- The upheld figure was lower than any other Council in Berkshire, and half of the national average for all councils.
- Although the upheld rate appears high at 75% the number of detailed investigations carried out was the lowest amongst the Berkshire Councils and nearly a third of the national average investigated.

5.5 The Borough Solicitor, as Monitoring Officer, is required by Section 5A of the Local Government and Housing Act 1989 to prepare a report to the Executive on any cases where the LGO had determined there was maladministration by the Council in the discharge of its Executive functions or the Council for those relating to a non Executive functions. These reports are required to be copied to each Member of the Council. There is an additional and quite separate requirement on the Council which is subject to a finding of Maladministration under the Local Government Act 1974 to notify the LGO within three months from the publication of the LGO's final report of the action which has been taken or will be taken in response to the report.

5.6 During 2016/17 the LGO decided to uphold three complaints against the Council. The full circumstances were reported to the Executive on 11 April 2017, Council on 26 April 2017 and Council on 12 July 2017. In each case, the extent of maladministration and the impact of any errors made by the Council were minimal and no corrective action was suggested by the LGO in any case.

5.7 The new LGO, Michael King, has clarified that the Council should respond to such findings proportionately which is a welcome change given the resources that have had to be used to respond to vexatious or minor complaints during the last year, including one where the LGO actually found maladministration. The Council will therefore follow the guidelines provided whilst continuing to ensure that Members are kept informed of the Council's performance.

5.8 The Council continues to seek to learn from complaints and monitors complaints and their outcomes through the Quarterly Service Reports (QSRs). Separate annual reports are published on complaints received by Adult Social Care, Children's Social Care and Public Health which are governed by statutory requirements.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The Monitoring Officer is required by law to report to the Executive on any Local Government Ombudsman findings of maladministration against the Council relating

to its Executive functions (and the Council in relation to non Executive functions). He has had cause to issue three such reports in 2016/17 as detailed in paragraph 5.6.

Borough Treasurer

- 6.2 There are no financial implications arising from the recommendations in this report.

Equalities Impact Assessment

- 6.3 There are no direct impact issues to be considered.

Strategic Risk Management Issues

- 6.4 This report presents no strategic risk management issues for the Council.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Corporate Management Team

Method of Consultation

- 7.2 Consultation was carried out on the draft information report.

Representations Received

- 7.3 None.

Background Papers

Quarterly Service Reports (QSRs) 2016/17

Contact for further information

Timothy Wheadon, Chief Executive - 01344 352180

Timothy.wheadon@bracknell-forest.gov.uk

Kirsty Hunt, Resources - 01344 353108

Kirsty.hunt@bracknell-forest.gov.uk

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20 July 2017

By email

Timothy Wheadon
Chief Executive
Bracknell Forest Council

Dear Timothy Wheadon,

Annual Review letter 2017

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGO) about your authority for the year ended 31 March 2017. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. I was delighted to be appointed to the role of Ombudsman in January and look forward to working with you and colleagues across the local government sector in my new role.

You may notice the inclusion of the '*Social Care Ombudsman*' in our name and logo. You will be aware that since 2010 we have operated with jurisdiction over all registered adult social care providers, able to investigate complaints about care funded and arranged privately. The change is in response to frequent feedback from care providers who tell us that our current name is a real barrier to recognition within the social care sector. We hope this change will help to give this part of our jurisdiction the profile it deserves.

Complaint statistics

Last year, we provided for the first time statistics on how the complaints we upheld against your authority were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us.

We have chosen not to include a 'compliance rate' this year; this indicated a council's compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.

This is likely to be just one of several changes we will make to our annual letters and the way we present our data to you in the future. We surveyed councils earlier in the year to find out, amongst other things, how they use the data in annual letters and what data is the most useful; thank you to those officers who responded. The feedback will inform new work to

provide you, your officers and elected members, and members of the public, with more meaningful data that allows for more effective scrutiny and easier comparison with other councils. We will keep in touch with you as this work progresses.

I want to emphasise that the statistics in this letter comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

The statutory duty to report Ombudsman findings and recommendations

As you will no doubt be aware, there is duty under section 5(2) of the Local Government and Housing Act 1989 for your Monitoring Officer to prepare a formal report to the council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by my office. I have received several enquiries from authorities to ask how I expect this duty to be discharged. I thought it would therefore be useful for me to take this opportunity to comment on this responsibility.

I am conscious that authorities have adopted different approaches to respond proportionately to the issues raised in different Ombudsman investigations in a way that best reflects their own local circumstances. I am comfortable with, and supportive of, a flexible approach to how this duty is discharged. I do not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

As a general guide I would suggest:

- Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period. In a small authority this may be adequately addressed through an annual report on complaints to members, for example.
- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.
- In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

The duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all authorities in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, whenever my office issues a formal, public report to your authority you are obliged to lay that report before the council for consideration and respond within three months setting out the action that you have taken, or propose to take, in response to the report.

I know that most local authorities are familiar with these arrangements, but I happy to discuss this further with you or your Monitoring Officer if there is any doubt about how to discharge these duties in future.

Manual for Councils

We greatly value our relationships with council Complaints Officers, our single contact points at each authority. To support them in their roles, we have published a Manual for Councils, setting out in detail what we do and how we investigate the complaints we receive. When we surveyed Complaints Officers, we were pleased to hear that 73% reported they have found the manual useful.

The manual is a practical resource and reference point for all council staff, not just those working directly with us, and I encourage you to share it widely within your organisation. The manual can be found on our website www.lgo.org.uk/link-officers

Complaint handling training

Our training programme is one of the ways we use the outcomes of complaints to promote wider service improvements and learning. We delivered an ambitious programme of 75 courses during the year, training over 800 council staff and more 400 care provider staff. Post-course surveys showed a 92% increase in delegates' confidence in dealing with complaints. To find out more visit www.lgo.org.uk/training

Yours sincerely



Michael King
Local Government and Social Care Ombudsman for England
Chair, Commission for Local Administration in England

Local Authority Report: Bracknell Forest Council
For the Period Ending: 31/03/2017

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
1	5	3	5	2	1	3	3	0	23

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
1	1	14	4	1	3	75%	24

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
0	1

TO: EXECUTIVE
DATE: 21 NOVEMBER 2017

ESTABLISHMENT OF A PEOPLE DIRECTORATE

CHIEF EXECUTIVE

1 PURPOSE OF REPORT

- 1.1 This report informs Members of initial steps being taken towards the long term streamlining of the Council's senior leadership team.

2 EXECUTIVE SUMMARY

- 2.1 As the Council's transformation programme focusses increasingly on the two highest spending areas of adults and children's social care, the long stated ambition to integrate services and exploit synergies for both client groups becomes increasingly possible. This report outlines the proposals for the first stage of a four stage process to create a single "People" Directorate.

3 RECOMMENDATIONS

- 3.1 **The Executive note and endorse the proposals for creating an integrated "People Directorate".**

4. REASONS FOR RECOMMENDATIONS

- 4.1 The recommendation aims to increase the linkages between services whilst reducing costs in line with the informal targets in the Council's Efficiency Plan that was agreed in October 2016.

5. ALTERNATIVE OPTIONS CONSIDERED

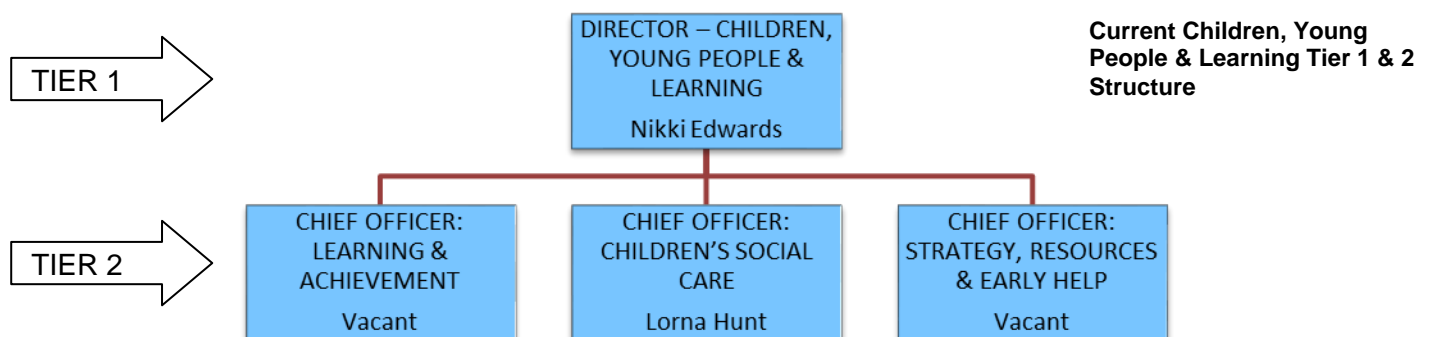
- 5.1 There are any number of ways to organise service delivery in a multi-faceted organisation such as the Council.

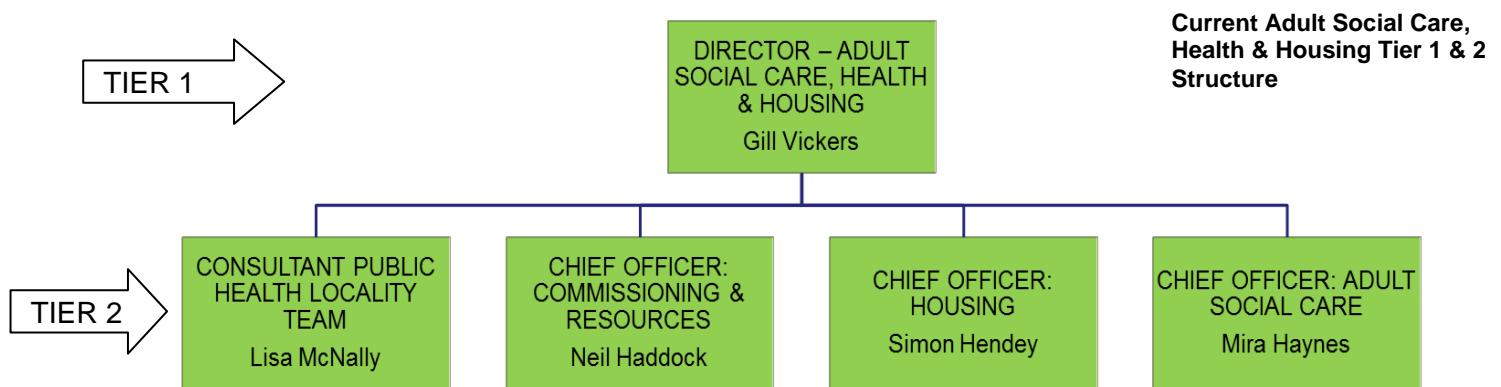
6 SUPPORTING INFORMATION

- 6.1 In 2007 Bracknell Forest was one of the first Councils in the country to combine the roles of Director of Children's Services and Director of Adult Social Care. At the time the integration focussed on the Director role and the provision of support services, reflecting the needs of service delivery at the time.
- 6.2 Subsequently, in 2008, the then Government began to apply pressure to the thirteen authorities who had a joined Adult's and Children's Director posts and published guidance which heavily implied that the two roles should be held by separate people. This effectively destroyed the recruitment market for joint posts and when the then Director of Adults and Children's Services resigned in 2009 the Council reverted to separate posts. That model has served the organisation well and both its children's and adult social care services are widely recognised as being very effective.

- 6.3 Since 2005, however, the environment in which the Council operates has changed significantly. Successive Governments have chosen to prioritise reducing debt by limiting public sector spending. At the same time, there has been a significant increase in demand across the country for both adult and children’s social care and a significant increase in homelessness. In 2013, responsibility for public health was transferred to local government. In addition, despite many seemingly uncoordinated changes of direction in education and schools policy; Councils retain key responsibilities for education and for people with special educational needs.
- 6.4 The Council’s response to these various pressures has been to develop a corporate transformation programme. This has already contributed £6.5m of savings or additional income towards the budget gap. In the longer term, the transformation programme will see the Council moving to a more streamlined, leaner management structure with increasing integration of functions and activities around themes such as “early help” and “commissioning”. The timing of these changes does, however, need to be very carefully judged to ensure that the organisation retains sufficient capacity to actually undertake the transformation that is needed.
- 6.5 The two largest projects currently underway as part of the corporate transformation programme relate to adult social care and services for children and young people. Work on both projects is complex, involving whole system change of services which are currently functioning well, but which are economically not sustainable within the current local government financial framework. Both projects are pointing to synergies between services and an overlapping of client groups. Housing need, for example, is a clear predictor of a heightened potential need for children’s social care. Consequently, the time is right to begin a process of creating a single “People” Directorate in a phased and measured way. This should reduce duplication in some areas and achieve improvements in outcomes for residents and improve overall efficiency.
- 6.6 Current Structure, roles and responsibilities of teams

There are currently seven Chief Officer posts in the two Directorates. All of these posts except for the Consultant in Public Health role are impacted by the proposed changes. The roles are currently in two separate structures as below.





The seven current Chief Officer posts affected are:

Role	Responsibilities
Chief Officer: Learning & Achievement	School Improvement, Governors, Community Learning, Targeted Services, Special Educational Needs, Safeguarding & Inclusion, Education Psychology
Chief Officer: Children’s Social Care	Child protection, looked after children, youth offending, duty & assessment, Under & Over 11s teams, family placement, disabled children
Chief Officer: Strategy, Resources & Early Help	Youth services, Early Help, early years, performance & governance, school admissions, policy, LSCB, property Previously ICT, Finance, HR
Chief Officer: Commissioning & Resources	Joint commissioning, drugs and alcohol service, business intelligence Previously HR, IT, Finance
Chief Officer: Housing	Housing strategy & needs, Forestcare, Benefit Services
Chief Officer: Adult Social Care	Adult Community Team, Learning Disability & Autism Spectrum Disorder, Emergency Duty Service, Safeguarding & Practice Development, Community Mental Health Team, Direct Payments
Consultant in Public Health	

6.7 The proposed changes will support improved outcomes and efficiency in two ways. The first is through aligning support pathways for all people regardless of their age. The aim of this is to enable the Council to provide holistic support to families that address all of their needs rather than run the risk of having two or more departments dealing with them. Bringing leadership, and eventually practitioners, together is intended to facilitate this change and move away from narrowly defined organisational silos. This will be a journey over time that will develop when the right roles, individuals and culture are in place.

A second benefit is the ability to recruit, retain and deploy specialist capability across both adults and children’s. Whilst its track record stands comparison with any Council, as a small organisation, Bracknell Forest does struggle to afford or sustain the level and type of resource needed to effectively support operational services to deliver consistent high quality support. Aligning functions including commissioning,

complaints and quality assurance will be more cost effective, enabling the Council to attract and reward the right calibre of staff and provide consistency.

Stages of development of a People Directorate

The move to a People Directorate will be delivered in stages with the aim of ensuring we have people in place with the right leadership skills to support transformation, whilst minimising disruption to operational services.

The Chief Officer alignment that is the subject of this paper is stage 1. There will be three further stages:

Stage 2 – will focus on Heads of Service that support Chief Officers. The aim of this will be to ensure that the right people are in post, with the right alignment to priorities and resources. Function will be aligned to achieve efficiencies by reducing the number of Tier 3 Managers. Consultation in relation to Stage 2 will start within the next month and will run alongside the Chief Officer Structure.

Throughout the first two phases both Directors will remain in place with two of the Chief Officers posts dealing with cross cutting services reporting to both.

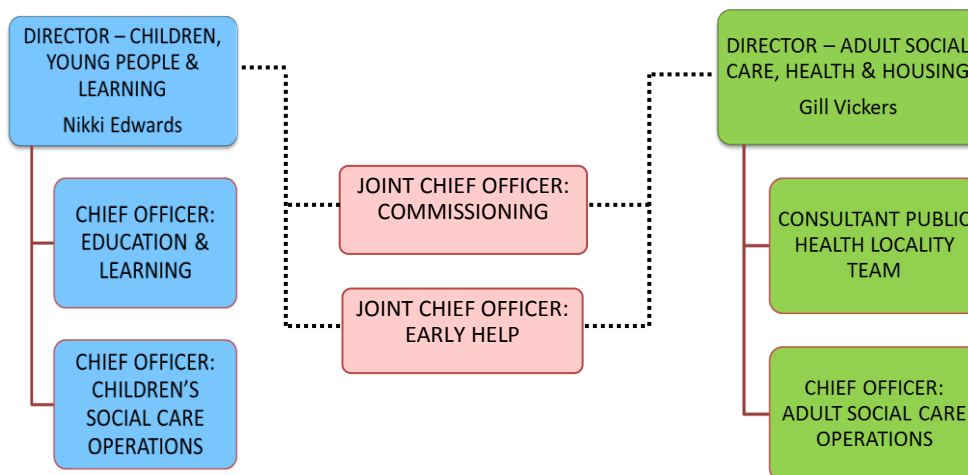
Stage 3 – will see the move to a single Directorate, under a People Director. This will follow the embedding and alignment of early help and commissioning and will take place at a suitable point in time that is supportive of delivery of transformation and operational challenges. At this stage there is no definite timescale for this.

Stage 4 - the final stage will focus on alignment of all functions within the People Directorate. This will explore the feasibility of joining Operational Services into a single function and will review the continued need for and remit of the Chief Officer posts that are established as part of Stage 1.

- 6.8 All of the Chief Officers recruited as part of Stage 1 will be expected to be flexible and adaptable to change, as the service will transition into a People Directorate with them in post. They will be expected to have change management skills and experience, as well as showing that they are adept at strategy development and service improvement.
- 6.9 The current proposal therefore is to align some common structures for adults and children's services. In doing so, the current Chief Officer roles, seven in total will be replaced by five newly created roles plus the Consultant in Public Health. Of these there will be two roles within Children, Young People & Learning, one role within Adult Social Care, Health & Housing, and two roles that will be joint between the two.

The proposed phase 1 structure is below:

**Proposed Aligned Structure
Children, Young People & Learning and
Adult Social Care, Health & Housing
Tier 1 & 2 Structure**



The new posts will be:

Role	Responsibilities
Chief Officer: Education & Learning	School Improvement Traded Services Special Educational Needs & Disability Admissions Community Learning
Chief Officer: Children's Social Care Operations	Children's social care practice including access, assessment and review, Specialist children's services
Chief Officer: Adult Social Care Operations	Adult social care practice including intermediate care, complex care, learning disability and mental health
Joint Chief Officer: Commissioning	Quality assurance, governance and standards Transformation Project management and change Market development and contract management Virtual School LSCB
Joint Chief Officer: Early Help & Business Development	Early help and prevention across all ages Housing Development and commercialisation of internal services

The detailed responsibilities of each role will be confirmed in Stage 2 during the re-design of the Head of Service tier of leadership. This will refine the remaining leadership roles and align them to Chief Officers.

The current Public Health arrangements are unaffected by the proposals in this report. Since the transfer of Public Health responsibilities to local government in 2013, Public Health activities have become increasingly embedded in the Councils approach to every day service delivery. However, the overall public health structure is linked in with a pan Berkshire joint arrangement whereby the Strategic Director and core team are hosted by Bracknell Forest but serve all six Berkshire Councils. This arrangement is under review at present and may prompt a set of changes to the local offer that are not linked directly to the proposals set out above. In addition, officers are restructuring the way Business Intelligence is provided and the core skills of the Public Health team make this the natural focus of the unit, thereby offering further chances to integrate and embed public health functions throughout the Council.

6.10 Implications of the proposal

The proposal will place four current Chief Officers at risk. However, there will be five new posts created that these individuals will initially be ring-fenced to although there will be a full selection process to ensure each post is filled by someone with the appropriate skills. The process will be managed under the Councils Protocol for the Management of Organisational Change.

All of the posts in the structure are critical to the success of People services in the Council. As such there will be a rigorous selection process that will utilise the council's Leadership & Management Behaviours Framework to ensure that the appointments meet the value and behaviours that will be needed to lead the organisation through transformation and integration in developing and embedding new ways of working.

7 **ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

- 7.1 Each of the stages proposed will need to have regard to the Council's Protocol for the Management of Organisational Change. Stage 3 envisages the appointment of a People Director. Section 18 of the Children Act 2004 requires every top tier local authority to appoint a Director of Children's Services. The DCS has professional responsibility for the leadership, strategy and effectiveness of local authority children's services. Section 6(A1) of the Local Authority Social Services Act 1970 similarly requires the appointment of a Director of Adult Social Services. There is no statutory encumbrance to these roles being combined under the stewardship of a single officer

Borough Treasurer

- 7.2 Changes to the management structure as proposed in the 4 stages set out in the report are forecast to save in the order of £0.6m across the 2 current directorates, contributing towards the Council's overall Transformation savings.

Contact for further information
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01344 355601

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TO: EXECUTIVE
21 NOVEMBER 2017

**CONTRACT AWARD FOR THE MANAGEMENT OF BRACKNELL LEISURE CENTRE,
CORAL REEF AND DOWNSHIRE GOLF COMPLEX**
Director of Environment, Culture and Communities

1 PURPOSE OF REPORT

- 1.1 To award the contract for the management of Bracknell Leisure Centre, Coral Reef and Downshire Golf Complex.
- 1.2 Whilst every effort has been made to reiterate the message that the three Leisure sites are not being sold, some information has been misinterpreted. To be clear there is no change in ownership of the three sites but there is a change in management from BFC to supplier C. The target date for contract start is the 1st March 2018.

2 RECOMMENDATIONS

- 2.1 **That the Executive awards the contract for the management of Bracknell Leisure Centre, Coral Reef and Downshire Golf Complex to supplier C.**
- 2.2 **That the contract with supplier C begins on the 1st March 2018.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations are based on a detailed evaluation of all tender bids by an experienced senior management team from Environment, Culture and Communities Department, alongside colleagues from the Procurement and Transformation teams.
- 3.2 The assessment process followed the structure identified within the procurement plan which was previously agreed by the Executive. As such there was a 60% weighting towards cost and 40% towards quality for both Lots 1 and 2. Tenderers had to detail how they would provide elements of the service matched with relevant evidence and also provided detailed method statements. Consequently, the recommendations provide the best combination of quality and cost from all tenders submitted.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative option to outsourcing the management of the three Leisure sites named above is to retain them in house. Whilst the sites have been successfully managed in house the financial pressures the Authority is currently under would mean that significant cuts would have to be made to service provision and staff. This option was not acceptable to the Council.

5 SUPPORTING INFORMATION

- 5.1 The review of Leisure is one of a number of Transformation projects which the Council is undertaking. The methodology for all the Transformation Programmes follows a classic strategic commissioning cycle of 'Analyse, Plan, Do and Review'. In relation to the Leisure review the following stages have been undertaken.
- 5.2 **Analyse phase** – A gateway review with Members was undertaken in July 2016 on the current status of Bracknell's leisure facilities, financial performance, user

information and potential options including outsourcing. Members concluded that the project team should proceed with market testing Bracknell Leisure Centre, Downshire Golf Course and Coral Reef with the potential for outsourcing them to a private sector or leisure trust operator if the procurement exercise proved successful.

- 5.3 **Plan phase** – A gateway review with Members was undertaken in December 2016 where the Heads of Terms for the potential outsourcing were agreed. These included –
- Details of protected groups and the options for review of clubs
 - 10 year contract term plus potential for an extension of 5 years
 - Staff arrangements
 - Financial arrangements plus share of excess profits
 - Quality requirements defined
 - Clarity of maintenance responsibilities
 - Risk sharing including property, pensions and utilities
 - Performance Management and KPI's
- 5.4 These Heads of Terms were also presented to a public meeting held at Bracknell Sports Centre on the 5th January 2017.
- 5.5 A procurement plan was approved by the Executive on the 14th February which detailed the procurement strategy and split the sites into two lots -
- Lot 1 – BLC and CR
 - Lot 2 - DGC only
- 5.6 The split of Downshire Golf Complex as a separate lot was due to the view that specialist golf operators are known to exist and this approach might have offered the Council better value for money or quality.
- 5.7 With the approval of the procurement plan by the Executive, Officers commenced a two part procurement exercise for the management of the three leisure sites. This began with an open invitation to the market for expressions of interest in managing the leisure sites. A large number of organisations expressed an interest and each of these was sent a selection questionnaire (SQ) to complete. The SQ set out minimum quality requirements required by the Council along with statutory financial and compliance thresholds.
- 5.8 A panel of Officers met in April and following evaluation suppliers that had met the high standards set by the Council were invited to complete a full set of tender documents.
- 5.9 A bidders day was held in May 2017 where the shortlisted companies were invited in to have a tour round the three facilities as well as having an opportunity to meet with the Executive Member for Culture, Corporate Services & Public Protection, Director of Environment, Culture and Communities and the project team.
- 5.10 During May the project team met with each bidder to discuss the draft contract which had been included in the invitation to tender (ITT) papers. Early debate was required so that BFC understood what issues might prevent the bidders accepting the contract

in full. Common ground was reached on the vast majority of issues most of which were due to misinterpretation of the contract or formatting inaccuracies.

- 5.11 The closing date for tender submission was the 17th July and a number of completed tenders were submitted which were evaluated by a team of Officers first individually and then coming together in order to agree a consensus score. Evaluation criteria is shown in appendix 1.
- 5.12 Each supplier was then interviewed by the Officer panel and the Executive Member for Culture, Corporate Services & Public Protection and following further clarifications a winning bidder was selected (supplier C).
- 5.13 Once the contract has been awarded and the relevant call in and standstill periods have elapsed a detailed mobilisation plan for the transition of management from BFC to the winning bidder will be agreed. The mobilisation period will take three months and will include meetings with the Public and staff to ensure that communication is clear and open. The transfer of management to supplier C will involve the TUPE transfer of circa 270 staff on existing BFC terms and conditions. Staff have been briefed a number of times by the Director of Environment, Culture and Communities staff will continue to be engaged until transfer. Trade Unions have been involved in discussion to date and will continue their involvement up to and beyond transfer.
- 5.14 In the contract there are four pricing elements which are described as –
- Protected Prices
 - Red Diamond Sports Club, Activate GP Referral, Wellbeing & Leisure Team, Fit for Life, Foster Carers
 - Club Prices
 - Bracknell & Wokingham Swimming Club, Bracknell Gymnastics Club Bracknell Lifesaving Club, Bracknell Sub Aqua Club; Bracknell Athletics Club, Downshire Golf Club, Easthampstead Golf Club, Easthampstead Ladies Golf Club
 - Core Prices
 - Predominately made up from the charges agreed by Council
 - Non Core Prices
 - Everything else
- 5.15 In line with the contract, Supplier C has agreed the following charges set out below -

Protected Prices

The Protected Prices can only vary if BFC agrees at its absolute discretion. Supplier C will not be entitled to vary any of the Protected Prices.

Club Prices

Subject to an annual increase in line with inflation Supplier C shall maintain the current Club Prices until 31 March 2019.

In subsequent years Supplier C can submit proposals together with supporting documentation and rationale to the Authority to change the Club Prices at the Facilities in excess of inflation but the Council is under no obligation to accept such proposals. The Council will consider the proposed changes to the Club Prices and shall either agree or reject the proposals. The Council's decision will be final.

Core Prices

Subject to an annual increase in line with inflation Supplier C will maintain the Core Prices until 31 March 2019.

In subsequent years Supplier C can submit proposals together with supporting documentation and rationale to the Authority to change the Core Prices at the Facilities in excess of inflation based on their assessment of market pricing (N.B The Council's current charging policy is market pricing). The Council will consider the proposed changes to the core prices and shall either agree or reject the proposals although changes to prices cannot unreasonably be withheld. The Council's decision will be final.

Non-Core Prices

Supplier C can charge customers for activities not covered by the Protected Prices, the Club Prices and the Core Prices. These prices are not authorised by the Council but will be charged at market rates. Typically, these would include classes, new innovations and the like.

- 5.16 Bidder C is looking to increase training and development opportunities for staff that will enhance the partnership with BFC. Staff will be working for part of a large group and as such employment and promotion opportunities will be much greater than within the current Council Leisure structure.
- 5.17 As part of their tender submission Bidder C has proposed significant investment in all three sites. New equipment will be installed along with various building works which will enhance the sites and the quality of the experience for customers as well as creating a better working environment for staff. This investment is unlikely to be secured if BFC retained management of the sites but does now become possible due to the recommended partnership between Bidder C and BFC.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Borough Solicitor was part of the project Board

Borough Treasurer

- 6.2 The Borough Treasurer was part of the project Board

Equalities Impact Assessment

- 6.3 Equalities requirements are detailed within the contract and specification.

Strategic Risk Management Issues

- 6.4 It is considered the proposed course of action minimises risks to the council, gives an enhanced provision to staff and customers and avoids possible reductions in service.

Other Officers: Head of Procurement

- 6.5 The Head of Procurement is part of the procurement team

7 CONSULTATION

Principal Groups Consulted

- 7.1 Members
Public
Staff
Unions

Method of Consultation

- 7.2 Gateway review meetings, Public meetings, Staff meetings Forestviews

Representations Received

- 7.3 A number of questions were asked at the public meeting in January 2017 and these have been answered as part of a Q&A sheet.

Background Papers

Gateway review analyse phase report July 2016
Gateway review plan phase January 2017
Procurement plan February 2017

Contact for further information

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Appendix 1 – Evaluation Criteria – published in tender documents

- 1.1 The quality criteria and weightings used for evaluation are shown in Table 1 below.
- 1.2 Each lot was evaluated and a winning bidder identified for each lot separately.
- 1.3 Contractors bidding for more than one lot were asked to bid for a combined option and identify any quality advantages or financial efficiencies driven by the combination. A winning bidder was identified for the combined option.

Table 1 – Evaluation Criteria for Lot 1 (BLC & CR), for Lot 2 (DGC) and for the Combined Option (BLC, CR & DGC)

Total Price (Management Fee) 60% Quality Criteria (see below) 40%

Quality Criteria: Detailed breakdown	<u>Weighting</u>
Method Statement 1 The facilities and services are operated in the most efficient and effective manner.	20%
Quality Systems	2
Performance Management	1
Ensuring a Safe Environment	3
Maintenance programmes and approaches	4
Staffing	3
Cleaning and Housekeeping	3
Environmental and Energy Management	1
Contract Mobilisation	2
Catering, Functions and Vending	1
Method Statement 2 The facilities are accessible and promoted to ensure maximum utilisation and satisfaction.	8%
Pricing Requirements and Opening Hours	1
Marketing and Promotion	2
ICT Systems	1
Activity Programming	2
Customer Relationship Management	2
Method Statement 3 The facilities and services are developed in line with the Council objectives and customer expectations.	5%
Proposals for Development	5
Method Statement 4 Financial Proposals Robustness.	7%
	40%

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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**TO: EXECUTIVE
21 NOVEMBER 2017**

COMMERCIAL PROPERTY INVESTMENT STRATEGY Borough Treasurer

1 PURPOSE OF REPORT

- 1.1 Commercial property acquisitions, in line with the investment strategy which was approved by Council in November 2016, have been targeted to deliver on-going additional income of £1m per year, rising to £3m by 2019/20.
- 1.2 This report sets out progress to date in implementing the Commercial Property Investment Strategy (CPIS) and proposes that additional capital resources of up to £30m are made available for further acquisitions, in order to secure this level of additional income.

2 RECOMMENDATION

- 2.1 That the Executive recommends to Council that further capital sums of up to £30m are made available to support the Commercial Property Investment Strategy achieving its target level of £3m on-going additional revenue income.

3 REASONS FOR RECOMMENDATION

- 3.1 A Council-wide Transformation Programme has been established to review all services over time and secure savings that will play a large part in enabling the Council to set a balanced budget for the coming years. Commercial property acquisitions have been targeted to deliver on-going additional income of £1m per year, rising to £3m by 2019/20.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Executive could decide that the level of investment already approved, at £60m, should represent the ceiling for commercial property acquisitions. The consequence of this would be the need for alternative savings to be identified in order to achieve a balanced medium-term financial position.

5 SUPPORTING INFORMATION

- 5.1 The Council was presented with an opportunity to acquire a commercial investment on the Western Industrial Estate in Bracknell in 2016, being the office park known as Waterside Park. This acquisition was agreed by the Executive as an opportunistic purchase within the Borough of a site adjacent to existing Council holdings.
- 5.2 The property was purchased for around £4.5M with a headline income of just under £400K per annum, a return excluding costs of around 9%. Since that time two tenants have determined that they will not renew their leases and this is being addressed by the Property team. Indeed, generally the higher the rate of return the more risk associated with the property in terms of tenant covenant, quality of building, rental growth and duration of income stream. In buying Waterside Park the Council was acutely aware of this but the Bracknell location meant that the site offered potential "swing space" to facilitate other options linked to the further regeneration of

the town centre or possible location for activities currently within the Commercial Centre allowing that to be developed.

- 5.3 Having acquired this property the Executive and Directors were keen to establish a formal process and policy to support future acquisitions, which led to the Council adopting a Commercial property Investment Strategy in November 2016.
- 5.4 A Council-wide Transformation Programme has been established to review all services over time and secure savings and additional income that will play a large part in enabling the Council to set a balanced budget for the coming years. Commercial property acquisitions have been targeted to deliver on-going additional income of £1m per year, rising to £3m by 2019/20. As such, this represents the second largest programme by value to date.
- 5.5 Full Council agreed funding to support the acquisition programme initially of £20m per year from 2016/17 to 2018/19. Subsequently, approval was granted to make the full sum of £60m available from July 2017.
- 5.6 Central to the investment strategy is understanding the key elements over each potential deal and establishing minimum parameters below which investment would not be considered. The core principles is to invest in properties where the majority (preferably all) of the income is secure without break for a minimum of 10 years certain, to the best possible tenants and preferably in freehold properties in prime locations and good quality buildings.
- 5.7 The policy is not geographic, type or use restricted to ensure full access to investment opportunities. Mainland England and Wales opportunities are only to be considered as the property law in Scotland is different.
- 5.8 In order to assist the Executive Committee (Commercial property) in considering investment opportunities a matrix “tool” has been created. This illustrates the core elements considered by the committee for each opportunity, showing which parameters are acceptable for consideration and those which are not.
- 5.9 All investments are subject to a full external due diligence process. This includes building condition surveys including all M&E, independent RICS valuations and a legal audit as well as officer site inspection and market consideration. Any items considered less than satisfactory are reported. This has led to one accepted bid being withdrawn following this rigorous due diligence process.
- 5.10 Under the Council’s strategy two investments totalling £30.3m including costs have been acquired. Offers by the Council have also been accepted for two further properties, with a combined value of £28.3m. It is expected that both will complete in November 2017. Should this happen, total investments will be £58.6m, close to the overall funding available. At their initial rental values, which will increase over time to reflect pre-set increases, the four properties will produce an annual rent of £3.6m and a net return after borrowing costs of £2.1m. Further details are provided in Exempt Annexe A.
- 5.11 The four properties will provide an average net yield of 3.63%, rising in five years time to 4.35%. This is below the assumed level of 5% which was used to calculate the target for the Transformation Programme. While it would have been possible to achieve the initial target rate of return, this would have involved taking more risk and more active management of the properties, which is against the purpose and nature of the approved strategy. Indeed since the “low risk” strategy was agreed the

Executive Committee has considered seventeen properties. No bid was made on eight of these and fixed bids were made on nine. Of these nine, five have been successful; although the Council subsequently withdrew from one of these as the exit strategy, if the current lease was not renewed, was unsatisfactory.

- 5.12 It should be noted that there has been heightened public interest in the activities of local authorities buying commercial properties. There have been a number of national press articles in papers such as The Times, The Telegraph and Guardian as well as radio debates and considerable trade press coverage in the leading property journals.
- 5.13 The focus of the media interest has been around some of the larger investors in the market. These have been principally the following:-
- Surrey County Council acquisition of Worcester Retail Park £74m
 - Woking Borough Council acquisition of Dukes Court approximately £70m
 - Surrey Heath, The Mall Shopping Centre Camberley £80m
 - Spelthorne Borough Council £377.5m on BP's office park in Sunbury-on-Thames
- 5.14 Apart from the obvious size of these transactions leading questions have been around Councils' ability to manage such assets as well as exit strategies to repay any borrowings. It is expected that steps will be taken by Government at some point in the relatively near future to restrict or place strict rules around property acquisitions by local authorities.
- 5.15 In this respect, it is felt that this Council's strategy already represents a carefully considered, prudent approach to acquisitions. Within the matrix tool specific consideration is given to the strength of the tenant and the tenancy. Ongoing management of the properties is generally in-house, using staff who have managed commercial properties in the Borough for many years. The exit strategies consider a blend of issues being the existing tenants remaining in occupation, the age and condition of the property at the end of the tenancy in the scenario of the tenant not renewing their lease as well as a market consideration of re-letting the property. If the property is prime location it is generally considered it will re-let in a timely way.
- 5.16 It is therefore possible that more restrictive regulations or changing market conditions could mean that no further acquisitions are able to be effected. However, based on experience to date, it is recommended that the Council should endeavour to procure further suitable properties in order to provide much needed additional funding to support front line services.
- 5.17 Assuming that the same average rate of return can be achieved through further acquisitions, it would require a total investment of £83m to achieve the target level of additional income. However, it is impossible to predict the nature and scale of investment opportunities that may arise. For this reason, it is recommended that an additional sum of up to £30m be made available for further purchases to provide a degree of flexibility and avoid the possibility of having to walk away from a good quality investment that could take the overall level slightly above £83m.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Council has an express statutory power to undertake investment activity pursuant to Section 12 of the Local Government Act 2003 where such investment is for the purposes of the prudent management of its financial affairs. The financial imperative for pursuing further acquisitions has been set out elsewhere in this report.

Borough Treasurer

- 6.2 The financial implications are set out in the main body of the report. While the proposed additional expenditure to be funded by debt is a significant sum for Bracknell Forest, the average level of debt for unitary authorities is forecast to be £290m by 31 March 2018. Additionally, very little of this borrowing is supported by a revenue income stream, which would be the case for the proposal in this report.

Equalities Impact Assessment

- 6.3 There are no implications from this paper.

Strategic Risk Management Issues

- 6.4 Generating additional income as an alternative to reducing expenditure on front line services is a key part of the Council's financial strategy. The risks of CPIS were considered as part of the strategy's development and should be viewed in that context.
- 6.5 While it is impossible to remove all the risks associated with commercial investments, the matrix approach ensures that risk is minimised as far as possible by establishing key criteria that need to be fulfilled before any bid is submitted. A detailed due diligence process is also undertaken that includes the use of external specialists to assess the premises and highlight any possible areas of concern. As a result of this process the Council withdrew its accepted offer for one purchase when a number of issues were highlighted.

7 CONSULTATION

- 7.1 A presentation was made to the Overview and Scrutiny Commission on the Commercial Property Investment Strategy at its meeting on 21 September. Members of the Commission were supportive of the strategy, although there was some nervousness around increasing the level of investment, including in relation to officer capacity to effectively manage additional properties.

Background Papers

Exempt Annexe A – Details of acquisitions made and in progress

Contact for further information

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
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