

MIXED TENURE CONTRACT (£500,000.00+) - Taken In-House? - With only 1 report and 1 email? Open and Transparent?

Posted by RM64 - 22 Jun 2021 07:53

MIXED TENURE CONTRACT

Background

It would appear Council now want to take this 'IN HOUSE'

This was the report submitted to the Cabinet meeting 28 January 2021 saying they had 'forgotten' to renew the contract !

EAST RENFREWSHIRE COUNCIL

CABINET

28 January 2021

Report by Director of Environment

MIXED TENURE SCHEME

PURPOSE OF REPORT

1. The purpose of this report is to advise the Cabinet on the current circumstances with regard to the expiry of the contract with the Council's third-party provider for the management of the Mixed Tenure Scheme.

In particular the report advises on the continuation since November 2019 of the previously competitively tendered contract on the same terms and conditions and contract rates which demonstrates that it was continued on a best value basis.

RECOMMENDATIONS

2.It is recommended that the Cabinet,

(a)Notes that the contract with VERG (the Council's third-party Mixed Tenure Scheme provider) expired at the end of November 2019 and that due to an oversight and subsequently coronavirus related issues the contract was not retendered within the timescale required;

(b)Notes that the tendered contract was considered to have provided from December 2015 important high-quality services and value for money;

(c)Notes that for the reasons outlined in this report the contract has been continued on the previous terms and conditions and competitively tendered rates between the period from December 2019 to February 2021 at a projected cost of £375,000 (to 31 March 2021 should the Cabinet agreed to extend the current arrangement until then);

(d)The total expenditure is above EU threshold but is appropriate under thePublic Contracts (Scotland) Regulations 2015, Regulation 33 (1) (C) which permits a negotiated contract without prior publication for reasons of urgency due to events unforeseen by the contracting authority;

(e)Approves the continued use of the contract on this basis until 31 March 2021which is within the budgetary provision which had been made for the scheme over that period; and(f)Notes that the contract will be competitively retendered to run from 31 March2021.

BACKGROUND AND REPORT

3.The Mixed Tenure Scheme was established in 2013 to improve the condition of mixed tenure estates which comprise both Council houses and private properties.

The existing contract was subject to competitive tender and awarded in December 2015.

4. The existing contract has provided a much-needed very high quality service and good value for money.

It is highly appreciated by our residents and also by Elected Members.

In addition, it has provided added value for the local economy, employability and opportunities for our Care Experienced Young People.

This is explained in further detail in this report.

5. The scheme, which has an annual budget of £500,000, is managed on behalf of the Council by a third party contractor (called VERG).

It should be noted the annual budget pays for the services provided directly by VERG as well paying for the services tendered to Private Contractors.

6. The main element of the contract with the third party contractor is the provision of a “Hit Squad” of around 10 operational staff.

This squad deals with problems such as fly tipping or litter picks in Council areas regardless of housing tenure.

They also undertake small remedial works, garden clearance, tree management and small project development.

7. In addition to the hit squad, the third party contractor manages on the Council's behalf services procured through a number of private contractors appointed by the Council through competitive tender and standard Council contract procedures.

The services provided through these contracts includes:

- Garden and hedge maintenance.

- Close cleaning and painting to enhance the cleanliness and visual appearance of block properties

- Smaller improvements to the physical fabric of the estate (such as fence painting, minor repairs, fence replacement, bin store demolition, footpath improvements and slabbing etc)

8. Overall in the financial year 2019/20 the substantial number of projects delivered through the hit squad and contractors amounted to around:

- 2500 ad hoc requests (uplifts relating to garden and household waste and regular uplift of flytipping hotspots), (hit squad)

- 3829 close cleans

- 3250 garden maintenance visits (Contractor& HIT Squad)

- 60 tree cuts

- 100 repairs to fences

- 40 path/slabbing remedial repairs

- 40 close paintings

9. The Mixed Tenure Scheme also provides added value to the local economy and other Council strategic objectives by providing training for local people and creating and sustaining local employment.

With the exception of the Project Officer, all 10 members of the current squad are from East Renfrewshire.

The project further supports the Council Family Firm initiative for Care Experienced Young People (CEYP) in offering work experience.

This particular element of the scheme is provided free of charge by the third party contractor.

Since its creation the scheme has provided opportunities for work experience for 10 CEYP, 2 which are from East Renfrewshire and are still employed on the squad.

The scheme has also provided volunteering opportunities with WorkER and Adult Education Services to 10 local residents, 2 of which are now employed.

10. The contract with the third party contractor expired in November 2019.

Unfortunately, due to an oversight the re-tendering process was not started on time.

When this was recognised and the re-tendering process recommenced just prior to March 2020 it was then further delayed due to staff having to deal with emerging Covid related issues.

11. At around the same time (March 2020) the Council began to identify a developing urgent need for additional resources to supplement Council resources in a number of areas.

Initial COVID-19 related restrictions on undertaking certain types of work meant that the hit squad were likely to have surplus capacity.

This meant that there was an opportunity for the scheme to assist with wider Covid related services

12. It was felt that without the Mixed Tenure Scheme the condition of local mixed tenure estates would deteriorate significantly during the lockdown period placing significant pressure on existing Council services.

To have suspended this service due to the tendering/contract issue would have created health and safety risks for residents and in buildings had they not been addressed.

13. Given all the circumstances outlined above the contract with the third party contractor was allowed to continue to run on a monthly basis on the same terms and conditions and previously tendered rates particularly given the satisfaction with the quality of the service and perceived value for money provided through the existing contract.

The contract payments continued to be invoiced by the contractor and paid monthly.

14. As a result of this decision the hit squad were then able to proceed to

- Assist ERC with delivering food parcels and equipment to the distribution points for those vulnerable residents in East Renfrewshire.
- Assist the wider Environment Department in providing bank holiday cover
- Sanitise handrails, door handles and lift panels at Montgomery Court Sheltered Housing complex.
- Remove the waste generated by an increase in fly tipping & remove contaminated bin and fire hazards in communal areas.
- Remove excess garden waste.

15. A re-tender exercise has commenced for the Mixed Tenure Scheme from 2021/22 with the aim of letting a new contract from 31 March 2021.

FINANCE AND EFFICIENCY

16. The total cost of the ongoing monthly continuation of the third party contract will be £375,000 for the period from December 2019 until the end of March 2021.

There is no additional financial consequences for the Council in this respect.

Budgetary provision of that level already exists.

17. Colleagues within Procurement are currently working on the development of an online contracts register which will be visible across the Council to all officers, ensuring a single source of accurate information for contract data.

The system will include alert functionality for contract end dates ensuring sufficient time for officers to prepare for re-tendering activity.

The system is expected to go live in the new financial year with training provided for appropriate staff dealing with contracts.

CONSULTATION1

8. Legal Services and Procurement have been advised of the current position and the proposal to retender the scheme as quickly as possible (from 31 March 2021) and have raised no concerns given the particular circumstances.

PARTNERSHIP WORKING

19 . This project will continue to be overseen by ERC Housing Services.

IMPLICATIONS OF THE PROPOSALS

20. There are no staffing, IT, legal, equality or financial implications directly associated with this report at this point in time.

CONCLUSIONS

21. The Mixed Tenure Scheme delivers essential rapid response neighbourhood services, ensuring mixed tenure areas within East Renfrewshire are well maintained for all residents.

In order to support key Council services it was essential that this service was continued to ensure local mixed tenure estates were maintained effectively.

For this reason it was felt that to discontinue the service during COVID would have been significantly detrimental to residents

RECOMMENDATIONS

22. It is recommended that the Cabinet,

(a) Notes that the contract with VERG (the Council's third-party Mixed Tenure Scheme provider) expired at the end of November 2019 and that due to an oversight and subsequently coronavirus related issues the contract was not retendered within the timescale required;

(b) Notes that the tendered contract was considered to have provided from December 2015 important high-quality services and value for money;

(c) Notes that for the reasons outlined in this report the contract has been continued on the previous terms and conditions and competitively tendered rates between the period from December 2019 to February 2021 at a projected cost of £375,000 (to 31 March 2021 should the Cabinet agreed to extend the current arrangement until then);

(d) The total expenditure is above EU threshold but is appropriate under the Public Contracts (Scotland) Regulations 2015, Regulation 33 (1) (C) which permits a negotiated contract without prior publication for reasons of urgency due to events unforeseen by the contracting authority;

(e) Approves the continued use of the contract on this basis until 31 March 2021 which is within the budgetary provision which had been made for the scheme over that period; and

(f) Notes that the contract will be competitively retendered to run from 31 March 2021.

Director of Environment6

Further information can be obtained from Phil Daws Head of Strategy Environment department 0141577

3186

Convener contact details

Councillor Danny Devlin Home: 0141 580 0288

(Convener for Housing & Maintenance Services) Office: 0141 577 3107

January 2021

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Re: MIXED TENURE CONTRACT (£500,000.00+) - Taken In-House? - With only 1 report and 1 email? Open and Transparent?

Posted by RM64 - 22 Jun 2021 07:56

Background -

Some further information regarding the Mixed Tenure service.

Request for information regarding -

- Details of the names and locations of mixed tenure estates

Answer -

By definition a mixed tenure estate is defined by the existence of multiple tenures within its boundaries.
I.e. Council, Housing Association, Owner Occupier, Private Lets.

For the purposes of recording these are set as Barrhead, Neilston ,Eaglesham,Thornliebank ,Busby and Newton Mearns although these can be further drawn own to smaller areas for the purposes of project development

Request regarding -

- 'For the purposes of recording these are set as Barrhead, Neilston, Eaglesham, Thornliebank, Busby and Newton Mearns although these can be further drawn down to smaller areas for the purposes of project development'

Would appreciate if you can give the names/details of these 'smaller areas' that Barrhead, Neilston etc can be further drawn down to.'

Answer -

This comment relates, mainly to the larger of our areas, Barrhead, which for the purposes of clarity/instruction can be further defined as Auchenback, Dunterlie, Centre, Craigheads, etc. We do not collect specific monitoring information however at these levels

Please provide the following information –

Concerning para 8 in the report -

'8. Overall in the financial year 2019/20 the substantial number of projects delivered through the hit squad and contractors amounted to around:

- 2500 ad hoc requests (uplifts relating to garden and household waste and regular uplift of fly tipping hotspots), (hit squad)
- 3829 close cleans
- 3250 garden maintenance visits (Contractor& HIT Squad)
- 60 tree cuts
- 100 repairs to fences
- 40 path/slabbing remedial repairs
- 40 close paintings'

Answer -

As the provision of detailed addresses, where held may identify residents who have accessed the service this information is provided on an area basis only.

The nature of the service is that in addition to ad hoc requests a regular weekly pick up is carried out in each of the identified mixed tenure estates.

Where debris, rubbish is found it is cleared ,where not the squad move on.

As such no detail can be provided on the breakdown requested below

Request concerning previous reply -

'The nature of the service is that in addition to ad hoc requests a regular weekly pick up is carried out in each of the identified mixed tenure estates. Where debris, rubbish is found it is cleared ,where not the squad move on. As such no detail can be provided on the breakdown requested below'

Answer -

At the risk of seeming pedantic the issue in the question is the difference between “request” and “uplift”.

The nature of this element of the service, whilst it does respond to specific requests, is that it is based on a regular “sweep” of certain areas to determine if “unreported” debris or rubbish has been deposited.

As previously mentioned – sometimes this produces work other occasions not . As such detail on this cannot be provided.

Request for information regarding -

'for the provided number of 2500 ad hoc requests

- names and location of Fly Tipping hotspots
- Number of uplifts relating to garden waste broken down by locations
- Number of uplifts relating to household waste broken down by locations
- Number of uplifts relating to regular uplift of fly tipping hotspots broken down by locations

and for the other work/services'

Answer -

In relation to the location of weekly picks ups and “hotspots” – these are identified through regular complaints made.

They are intended to supplement, not necessarily replace, already existing Neighbourhood Services and by their nature focus on areas which these already existing services are not sufficient.

I am however not in a position to provide locations as to do so would/could unfairly identify residents and imply they were responsible for any issues at the location.

Request for information regarding -

- Provided Number of close cleans broken down by locations

Answer -

Thornliebank 44

Busby 2

Eaglesham 2

Newton Mearns 6

Neilston 19

Barrhead 152

Each close cleaned on average 17 times in year

Request for information regarding -

- Provided Number of garden maintenance visits (Contractor& HIT Squad) broken down by locations

Answer -

Neilston 260

Newton Mearns 34

Thornliebank 96

Barrhead 2860

Request for information regarding -

- Provided Number of tree cuts broken down by locations

Answer -

Newton Mearns 13

Neilston 10

Barrhead 25

Eaglesham 4

Busby 4

Thornliebank 4

Request for information regarding -

- Provided Number of repairs to fences broken down by locations

Answer -

Barrhead 72

Neilston 18

Newton Mearns 4

Busby 6

Request for information regarding -

- Provided Number of path/slabbing remedial repairs broken down by locations

Answer -

Barrhead 18

Neilston 6

Eaglesham 3

Thornliebank 3

Busby 4

Newton Mearns 6

Request for information regarding -

- Provided Number of close paintings broken down by locations

Answer -

Barrhead 28

Eaglesham 12

Request for information regarding -

'CHARGES/PAYMENTS

- Number and charges issued for each of all of the above services

to Council Tenants(Council houses)

to Private Tenants/Owners (private properties)

- Number and payments made for each of the above services

by Council Tenants(Council houses)

by Private Tenants/Owners (private properties)'

Answer -

As the service is funded by the Housing Revenue account and General Fund no charges are made to individual residents for the services received/delivered

Request for information regarding -

'Requesting one of the above services.

How does an East Renfrewshire Council Tax Payer/Resident request one of these services as described in the report –

Requests for the service can be made by contacting Customer Service Centres of the Council

- garden waste uplift
- household waste uplift
- fly tipping hotspots uplift
- uplift relating to fly tipping
- close clean
- garden maintenance visit (Contractor& HIT Squad)
- tree cuts
- repairs to fences
- path/slabbing remedial repairs
- close paintings

Answer

- 'Requests for the service can be made by contacting Customer Service Centres of the Council '

Request for information regarding -

- 'Requests for the service can be made by contacting Customer Service Centres of the Council '

Answer -

I can confirm that any resident of East Renfrewshire, irrespective of tenure, can make a service request to our Customer Service Centres.

If the request cannot be accommodated via traditional service routes the staff can pass the request to Mixed Tenure scheme for consideration.

The request will be assessed by a manager in Housing Services and if approved work carried out.

No charge is made for the service to any resident if the work is approved.

To qualify the location of the work has to relate to a common issue.

i.e not be specific to a property and lie within an area which is mixed tenure in nature, that is to say not have only one tenure type such as owner occupation or indeed council owned.

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Re: MIXED TENURE CONTRACT (£500,000.00+) - Taken In-House? - With only 1 report and 1 email? Open and Transparent?

Posted by RM64 - 22 Jun 2021 08:18

Then this appeared on Agenda for Cabinet Meeting.

Agenda Item No: 5

EAST RENFREWSHIRE COUNCIL

CABINET

15 April 2021

Report by Director of Environment

MIXED TENURE SCHEME

PURPOSE OF REPORT

1.The purpose of this report is to seek the Cabinet's approval to bring in-house the Mixed Tenure Scheme which is currently provided through an external contractor and transfer the existing relevant staff into the employment of the Council.

RECOMMENDATIONS

2.It is recommended that the Cabinet:-

a)agree that for the reasons detailed in this report in relation to Best Value the service provided under the existing contract be brought in-house;

b)note that the relevant employees from VERG will transfer to the Council as employees through Transfer of Undertakings (Protection of Employment) Regulations 2006, (TUPE);

c)agree to extend the contract for a few months on the same terms and conditions and rates and within the existing budget as noted in the 28 January 2021 report until the transfer can take place which will be done as quickly as possible;

d)note that there are no financial implications at this stage since budgetary provision already exists for the delivery of the scheme; and

e)delegates to the Director of Environment in consultation with the Chief Officer –Legal and Procurement and Deputy Chief Executive to make the necessary arrangements for the transfer.

BACKGROUND

3.The Mixed Tenure Scheme contract was awarded in 2015 to help the Council improve the condition of mixed tenure estates which comprise both Council houses and private properties.

4.The Mixed Tenure Scheme is currently managed on behalf of the Council by a third party contractor – the Vocational Education Resource Group (VERG).

The Group are essentially a training and employability service provider and deliver the Council's Mixed Tenure Scheme "hit squad" service. (They also deliver other employability services for the

Council including the Family Firm initiative which provides training and support for care experienced young people).

5. The annual budget of around £500,000 pays for the hit squad and contractor management services provided directly by VERG as well as paying for the services tendered to private contractors (close cleaning and grass cutting).

6. The Cabinet in January 2021 considered a comprehensive report on the future of the Mixed Tenure Scheme given that the existing contract had expired in November 2019.

7. In essence, the Cabinet:-

- noted that the contract with VERG (the Council's third-party Mixed Tenure Scheme provider) expired at the end of November 2019 and that due to an oversight and subsequently coronavirus related issues the contract was not retendered within the timescale required.

- approved the continued use of the contract until 31 March 2021 based upon the previously agreed terms, conditions and tendered rates (for which budgetary provision already existed).

- noted that the contract would be competitively tendered to run from 31 March 2021.

REPORT

Option appraisal

8. During the process of developing tender documentation further in parallel consideration has been given to the options available to the Council in respect of ongoing performance of these services at best value to the Council. These considerations involve not only the financial cost of performance of these functions to the Council but also the effectiveness, efficiency and strategic benefits which the various service provision options provide.

9. An options appraisal has been carried out assessing the respective merits of stopping delivering the service, retendering to the market or bringing the service in house which are essentially the three options available to the Council. Option one: Stop delivering the service

10. The service to date has been highly valued and widely acknowledged by both Elected Members and local residents as positively addressing small scale issues across local housing. It has dealt effectively and efficiently with problems such as fly tipping or litter picks, close cleaning, grass cutting and environmental improvements in Council areas regardless of housing tenure. It has also provided social benefits. Terminating the service would be unpopular with customers and viewed as a backwards step by the Council in achieving its strategic objectives.

Option two: Go to the market on a competitive tendering basis.

11. Retendering would allow the Council to test the current marketplace with a view to identifying whether better value could be obtained. However, it is recognised that the previous tender exercise did not elicit multiple bids, the nature and scope of the service has not to any extent changed in the interim whilst the range of potential bidders for work of this sort does not appear to have increased in that time. This suggests that a similar level of response may be likely.

12. Beyond that, it is also noted that the Council's rules on the financial standing of acceptable bidders has changed since the original tender process and smaller businesses may struggle to qualify as potential bidders for any new contract. Given only one bid was previously received there is a strong possibility the time and cost invested in any new tendering process would not attract any bids at all.

13. Even if bids are received, it is also the case that any new service provider would require to take on any transferring employees from the current incumbent in terms of TUPE and will cost this added burden in their bids in all likelihood raising the contract price to the Council.

14. This means that there is a risk to the Council through pursuing a tendering process that no tenders may be received (because of TUPE implications) or that those received may be at a significantly higher price reflecting the bidders perception of the financial risk associated with a TUPE transfer.

15. Under the circumstances if no tenders are received it would not be possible to continue to deliver the service.

16. There is also a concern that the appointment of any new third party supplier would not bring the same key social, economic, and employability benefits and flexibility that the existing contract has provided.

Bring the service in-house.

17. Given the above concerns and risks consideration has been given to the possibility of bringing the service in-house to be run directly by the Council.

18. It would be possible to bring the service in-house and transfer the relevant existing staff employed by VERG through the contract into the direct employment of the Council (to be managed and located within Housing Services).

19. Bringing the service in-house also triggers TUPE and the Council would require to take on the existing staff complement in the same way as any new contractor would.

20. Whilst bringing this service in-house would permit the Council to maintain key services and benefits it should be noted that this places a permanent cost on both the General Fund and the Housing Revenue Account which fund this service on a 50/50 basis.

21. The terms and conditions provided by the Council as an employer may also result in an increase in salary costs along with other employment related liabilities by transferring the existing staff. As yet the amount of the additional cost is not known. However, it is expected that this could be managed through adjustments within the overall budget available for the scheme.

22. However, there would also be additional potential advantages and benefits in bringing the scheme in-house around issues such as knowledge, reputation, social responsibility and responsiveness. For example, the scheme has to date;

- Built up considerable experience and knowledge of Council services and practices.

- Established good relationships with local residents.

- Dealt effectively and efficiently with problems such as fly tipping or litter picks in Council areas regardless of housing tenure.

- Provided added value to the local economy and other Council strategic objectives by providing training and creating and sustaining employment almost exclusively for local people (including our care experienced young people as part of the Council's Family Firm initiative).

- Provided invaluable support to the Council during the pandemic by, for example, delivering food parcels, undertaking uplifts and providing cleaning services.

- Shown a clear and flexible commitment towards supporting other Council services in various situations including emergencies.

23. Also, bringing this service in-house would provide wider flexibility in relation to supporting existing Council services possibly across a range of departments.

24. There would be opportunities for better integration of the scheme with the Council's ambitions and activities with regard to training and employment opportunities for example in relation to apprentices, school leavers, care experienced young people and building capacity within the Council. It would be easier to adapt and develop the scheme outwith the restrictions of a formal contract.

25. Importantly, bringing the service in-house would provide additional employment security to the existing staff who live locally.

Best Value

26. In terms of Best Value authorities should consider overall value including economic, environmental and social value and not just price when reviewing service provision. As a concept, social value is about seeking to maximise the additional benefit that can be obtained above and beyond the benefit of merely the goods and services themselves.

27. Given all of the above in terms of an options appraisal it is felt that bringing the service in-house represents best value in the circumstances. This avoids the uncertainty over future service provision and the potential additional cost of going to the market. It also ensures the continued delivery of added social value in relation to employment and the local economy.

FINANCE AND EFFICIENCY

28. The total cost of the ongoing monthly continuation of the third party contract will be approximately £24,000 per month under the current arrangements and until the transfer is completed.

There are no additional financial consequences for the Council in this respect.

Budgetary provision of that level already exists.

CONSULTATION

29. Legal Services, Procurement, Housing and HR have been consulted in the development of this proposal.

PARTNERSHIP WORKING

30. This project will continue to be overseen by ERC Housing Services.

IMPLICATIONS OF THE PROPOSALS

31. This proposal has staffing, legal and financial implications all of which are being assessed in partnership with the Environment Department Business Partners for Legal Services, Procurement, Housing, Human Resources and Accountancy.

This assessment is still underway.

32. There are no IT, equality, Subsidy Control and Trade and Cooperation Agreement or sustainability implications directly associated with this report at this point in time.

CONCLUSIONS

33. The Mixed Tenure Scheme delivers essential rapid response neighbourhood services ensuring mixed tenure areas within East Renfrewshire are well maintained for all residents.

In order to support key Council services it is essential that this service is continued to ensure local mixed tenure estates are maintained effectively.

However, to attempt to renew this service as an external contract would risk incurring additional costs, the possibility of no tender being submitted and also the loss of essential economic, employability and social benefits for the reasons explained in this report.

It is proposed therefore that the best option for the Council and the one carrying the lowest risk would be to bring the service in-house.

RECOMMENDATIONS

34. It is recommended that the Cabinet:-

a) agree that for the reasons detailed in this report in relation to Best Value the service provided under the existing contract be brought in-house;

b) note that the relevant employees from VERG will transfer to the Council as employees through Transfer of Undertakings (Protection of Employment) Regulations 2006, (TUPE);

c) agree to extend the contract for a few months on the same terms and conditions and rates and within the existing budget as noted in the 28 January 2021 report until the transfer can take place which will be done as quickly as possible;

d) note that there are no financial implications at this stage since budgetary provision already exists for the delivery of the scheme; and

e) delegates to the Director of Environment in consultation with the Chief Officer – Legal and Procurement and Deputy Chief Executive to make the necessary arrangements for the transfer.

Director of Environment

Further information can be obtained from

Andrew Cahill, Director of Environment 0141 577 3036

Convener contact details

Councillor Danny Devlin

(Convener for Housing & Maintenance Services)

Home: 0141 580 0288

Office: 0141 577 3107

April 2021

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**Re: MIXED TENURE CONTRACT (£500,000.00+) - Taken In-House? - With
only 1 report and 1 email? Open and Transparent?**

Posted by RM64 - 22 Jun 2021 08:22

FOI Request

Made On Line

12/04/2021

101002507385

To: East Renfrewshire Council

Freedom of Information(FOI) request.

This FOI Request concerns the East Renfrewshire Council(ERC) Cabinet Meeting on 15 April 2021 Agenda Item 5, the Report by Director of Environment MIXED TENURE SCHEME, to seek the Cabinet's approval to bring in-house the Mixed Tenure Scheme which is currently provided through an external contractor and transfer the existing relevant staff into the employment of the Council.

Please provide all information/reports/documents/emails regarding and relating to bringing the Mixed Tenure Scheme in-house.

In particular

Please provide all information/reports/documents/emails regarding

The Options Appraisal

In particular

- Option one: Stop delivering the service Para 10
- Option two: Go to the market on a competitive tendering basis Paras 11 to 16
- Bring the service in-house Paras 17 to 25
- Best Value Paras 26 - 27

Please provide all information/reports/documents/emails regarding

- The Vocational Education Resource Group (VERG) as current providers, indicating that they will not continue to provide the Scheme/Service
- VERG as current providers, indicating that they will not tender to continue to provide the Scheme/Service

Please provide all information/reports/documents/emails regarding

- CONSULTATION

Para 29. Legal Services, Procurement, Housing and HR have been consulted in the development of this proposal.

Please provide all information/reports/documents/emails regarding

- The assessment of IMPLICATIONS OF THE PROPOSALS

Para 31. This proposal has staffing, legal and financial implications all of which are being assessed in partnership with the Environment Department Business Partners for Legal Services, Procurement, Housing, Human Resources and Accountancy.

This assessment is still underway.

Emails should specifically include (but not restricted to) emails between/to and from ERC Officials and others-

Environment Department Business Partners for Legal Services,

Procurement,

Housing,

Human Resources and Accountancy.

Director of Environment

Audit Officials

Finance Officials

Chief Officer (Legal and Procurement)

Council Officials and Councillors

All other ERC Council Officials

The Vocational Education Resource Group (VERG)

All (if any) other Third Party(s)

Electronic response/copies are acceptable.

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**Re: MIXED TENURE CONTRACT (£500,000.00+) - Taken In-House? - With
only 1 report and 1 email? Open and Transparent?**

Posted by RM64 - 22 Jun 2021 08:28

No response was received.

Request for Review.

----- Original Message -----

To:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Cc:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Friday, 14 May, 2021 At 15:46

Subject: Freedom of Information(FOI) Review Request - 101002507385 - (ERC) Cabinet Meeting on 15 April 2021 Report by Director of Environment MIXED TENURE SCHEME - Bring In-House

Chief Officer (Legal and Procurement)

Council Headquarters

Rouken Glen Road

Giffnock

G46 6UG

REQUEST FOR FOI REVIEW

I wish to request FOI review for the following FOI request(attached to email below) -

101002507385 - (ERC) Cabinet Meeting on 15 April 2021 Report by Director of Environment MIXED TENURE SCHEME - Bring In-House

as it is now over 20 working days since the FOI request was made(12 April 2021) and no indication of date when a response can be expected has been received.

Gerry Mahon, The Chief Officer Legal & Procurement, East Renfrewshire Council, has previously stated that FOI is normally a 2 stage process -

'As you will be aware the Council's response to an FOI request does not merely revolve around the initial request but also the review process. It is hoped that any human error in relation to the 1st part of the process is properly remedied at the 2nd stage.'

and The Scottish Information Commissioner has written -

'The duty to advise and assist

Under FOI law, authorities have a duty to advise and assist people who want to access their information. The duty to advise and assist makes sure that customer service and customer engagement are central to FOI practice.

Taking a positive and proactive approach to the duty to advise and assist will strengthen relations with service users and help build trust. Offering help, support and guidance to people looking for information will also reduce the likelihood of more FOI requests.

Legal requirement

The FOI Act requires authorities to provide reasonable advice and assistance to people who have made, or are planning to make, a request for information (section 15).

The EIRs contain a similar provision for requests for environmental information (regulation 9).

Both the FOI Act and the EIRs say that authorities which comply with the Scottish Ministers' FOI Code of Practice when providing advice and assistance are complying with the duty under FOI law.'

I wish to request FOI review.

We all appreciate the consequences the pandemic is having on Council workers and services, and on everyone else who is working hard, and have to deal with loss of earnings, shielding, self-isolating, caring for elderly relatives, not seeing close family members or coping with bereavement after losing family members to Covid -19.

Covid-19 continues to affect everyone and everyone is working hard to overcome the effects of this pandemic.

As can be seen from the emails below, I have shown patience and would have looked at and considered any reasonable timescale/date had it been given.

However, I now feel that the Department are making up their own open ended timescale with no indication of a date when a response can be expected and as the stipulated 20 working days for response have been exceeded, I feel I have been left with no option but to seek FOI Review from ERC Chief Officer (Legal and Procurement).

Thanks

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Re: MIXED TENURE CONTRACT (£500,000.00+) - Taken In-House? - With only 1 report and 1 email? Open and Transparent?

Posted by RM64 - 22 Jun 2021 08:39

Only 1 Report and Email !!!

----- Original Message -----

From: "Mahon, Gerry";

Sent: Tuesday, 15 Jun, 2021 At 15:10

Subject: RE: Freedom of Information(FOI) Review Request - 101002507385 - (ERC) Cabinet Meeting on 15 April 2021 Report by Director of Environment MIXED TENURE SCHEME - Bring In-House

On behalf of the Council I would apologise for the delays you have experienced in obtaining a response to your request.

The service experienced a significant demand for information in relation to a current issue and struggled to meet timescales for response.

Turning to the substance of your request, I have investigated the matter and carried out checks with the service.

I have been unable to find any recorded information pertinent to the matters mentioned in your request other than the report itself which is available for inspection on the Council's website and the e-mail attached.

Having clarified the position with the department, I can however shed some light on the issues you raise.

As regards the options appraisal, the report itself is the initial options appraisal.

Further work will be undertaken by the department before the director finalises his decision.

No information is held regarding VERG's intentions.

I am advised that VERG have not indicated any position as to their future intentions.

The position outlined in the report is a reflection of changes in Council practice which will impact on the likely ability of VERG to successfully bid for any future contract.

The consultation process with the various services indicated was undertaken by way of an on-line meeting.

These types of operational meetings are not recorded and no minute was taken.

The implications of the proposals are currently being assessed as the report makes clear.

The attached e-mail refers.

Certain information has been redacted as it constitutes personal information of an individual, the release of which would breach data protection principles in terms of s38(1)(b) of the Freedom of Information (Scotland) Act 2002.

This concludes the review process. If you are dissatisfied with the outcome of this review, you have the right to appeal to the Scottish Information Commissioner. His address is:

Scottish Information Commissioner

Kinburn Castle

St. Andrews

Yours sincerely

Gerry Mahon

Chief officer – Legal and Procurement

Attached Email -

From: Loudon, Jo

Sent: 29 March 2021 18:20

To: Cahill, Andrew

Subject: Official Sensitive - TUPE

Hi Andy

Following on from last week's call about the potential TUPE I've gathered a bit more background and wanted to make you aware of some of the risks/issues associated and in case of further detail being required at Cabinet.

□ Salary Costs – as indicated last week likely to be additional cost immediately (on basis of mapping across to our existing grades and hours of work) and longer term (if service was withdrawn or scaled back) as a result of current commitment to no compulsory redundancy policy, any headcount reduction would attract enhanced voluntary redundancy terms

□ Additional costs – After TUPE ERC would become liable for all other employment costs in line with current occupational enhancements e.g. sick pay

□ Harmonisation of Terms and Conditions – can't be scoped fully until we have access to VERG T&Cs but immediately note that VERG work on basis of 35 hours, would need to harmonise to 37 hours as per ERC, ERC offer additional annual leave based on length of service, posts would need to go through job evaluation if no comparable role exists. Further costs may be identified as a result of this exercise.

□ Timescale & consultation – once Cabinet approval, requirement to go through usual DCE approval process with memo and consultation following usual Organisational change/restructuring process including job evaluation process. Once that approval given would then need to gather information from VERG, complete an assessment across T&Cs, consult with VERG employees on transfer and negotiate any changes, go through any matching/recruitment and issue appropriate contracts.

That's just a very quick summary of initial thoughts. Happy to discuss further or if you need more information.

Thanks

Jo

Jo Loudon

HR Business Partner (Mon – Wed) – CEO, CCS & Environment

Department of Corporate and Community Services

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