



AGENDA

OVERVIEW AND SCRUTINY EDUCATION BUSINESS PANEL

Date: TUESDAY, 13 OCTOBER 2020 at 7.00 pm

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Remote – via Microsoft Teams

Members of the public are welcome to observe the meeting via the Council's website at www.lewisham.gov.uk

MEMBERS

Councillor Bill Brown	Chair of Overview & Scrutiny Committee	L
Councillor Sophie Davis	Vice-Chair	L
Councillor Peter Bernards	Chair of Housing Select Committee	L
Councillor Juliet Campbell	Chair of Safer Stronger Communities Select Committee	L
Councillor Patrick Codd	Chair of Public Accounts Select Committee	L
Councillor Liam Curran	Chair of Sustainable Development Select Committee	Labour Co-op
Councillor Kim Powell	Labour Group Representative	L
Councillor Joan Millbank	Labour Group Representative	L
Councillor John Muldoon	Chair of Healthier Communities Select Committee	Labour Co-op
Councillor Luke Sorba	Chair of Children and Young People Select Committee	L

Non-elected Voting Members

Lilian Brooks	Primary School Parent Governor Representative
Monsignor N Rothern	Roman Catholic Archdiocese of Southwark Commission for Schools and Colleges
Oluwafela Ajayi	PGR- Special Schools
Clive Caseley	PGR (Secondary Schools)

Members are summoned to attend this meeting

Kim Wright
Chief Executive
Lewisham Town Hall
Catford
London SE6 4RU
Date: Monday, 5 October 2020



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

ORDER OF BUSINESS – PART 1 AGENDA

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Lewisham



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Overview and Scrutiny (Education) Business Panel

Minutes

Date: 13 October 2020

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive / Head of Business and Committee

Outline and recommendations

Members are asked to consider minutes of that part of the meeting of the Overview and Scrutiny (Education) Business Panel of 5 May 2020, which were opened to the press and public

1. Recommendation

It is recommended that the minutes of those parts of the meeting of the Overview and Scrutiny (Education) Business Panel which were open to the press and public held on 5 May 2020 be confirmed and signed.

Kim Wright
Chief Executive,
Lewisham Town Hall,
Catford SE6 4RU

5 October 2020

MINUTES OF THE OVERVIEW AND SCRUTINY EDUCATION BUSINESS PANEL

Tuesday, 5 May 2020 at 8.10 pm

PRESENT: Councillors Bill Brown, Sakina Sheikh, Peter Bernards, Juliet Campbell, Patrick Codd, Liam Curran, Jim Mallory, Joan Millbank, John Muldoon and Luke Sorba

ALSO PRESENT: Monsignor N Rotheron and Clive Caseley.

8. Minutes

RESOLVED that the minutes of the open meeting held on 2 October 2018 be confirmed as an accurate record.

9. Declarations of Interests

None was declared.

10. Exclusion of the press and public

Noted.

The following is a summary of the discussion at the closed meeting.

11. Decision Made by the Mayor on 25 March 2020 - closed session

School Meals Contract Extension

The Chair informed Panel Members that Councillor Sorba, Chair of the Children and Young People Select Committee, had sent six questions to the Senior Contracts Officer in advance of this meeting. The officer responded to these questions at the meeting as follows:

Q1. To what extent were the performance deductions taken into account when deciding to extend Chartwells' contract to July 2021?

A1. The decision to further extend the contract is driven by school leaders, many of whom would like more time to decide if the model could work for them and give thought to how they would resource and manage it in the longer term. During the ongoing negotiations regarding extension, a considerable amount of discussion and negotiation continues on the PMS (Performance Management System). The contractor feels that the system does not offer enough incentive to carry out and report back on remedial measures. Any points above 100 attract the maximum deduction and as the points are often running in the thousands it makes the area managers feel helpless to reduce it enough to stop the penalty. It is hoped that this review, along with a new member of staff dedicated to rectifications, will improve performance during the extension period.

Q2 The Council agreed to change its penalty system. Is the new sliding scale more or less strict than the current capped monthly deduction model?

A2. The new system will identify critical performance indicators e.g. special diet management, temperature testing, continuing to penalise failures in these key areas but will reduce the weight of non-critical factors, e.g. menu on display, theme days. The current maximum cap will remain the same although falling under this should be more manageable for Chartwells. The deduction will be applied separately for each school inspected instead of the current system which totals the points lost across all schools.

Q3. A survey of Lewisham schools' satisfaction rating with Chartwells had previously shown that a low percentage of schools were against contract extension but that now schools were largely in favour. Please detail what changed their minds?

A3. When schools responded to the initial survey, many were largely of the opinion that the alternative to contract extension was a return to market and a continuation of outsourcing. One of the features of the insource models included the management of kitchen staff by (most likely) school business managers and for a large number of the schools included, this is a daunting prospect. Some Heads do not feel there is capacity to absorb this task amongst their senior management teams and are also reluctant to import the risks associated with the delivery of the service. Some schools have given notice to withdraw from the central arrangement as they continued not to be in favour of the extension and have returned to tender exiting the current arrangement in July 2020. This includes 8 primary schools and 7 secondary schools.

Q4. The London Living Wage has gone up by 2%. Chartwells are raising prices per meal by 15%. What persuaded the Council to accept this as reasonable?

A4. Although the price per meal paid to Chartwells had been uplifted over the term to reflect increases in the London Living Wage, the payment for other on costs including food and overheads had not increased from the tendered price. The meal price includes items such as utilities, waste removal, deep cleans, and pest control and these costs were underestimated in the original tender. The pricing proposal is transparent and back up evidence has been supplied to support the increased pricing proposal. The increase can be broken down as follows;

Labour Costs

Some of this is due to a change in LLW from £10.55 to £10.75. An additional increase has been applied to reflect the real costs of providing absence cover and back up evidence has been supplied. Some continued discussion on this element is ongoing.

Food Costs – The national average according to a survey by APSE in 2018 is 80p and so the increase would not seem unreasonable. It also falls below the increase in food costs reported by the ONS since 2015.

Overheads – The contractor has provided some back up information to support the proposed increase including e.g. Utility costs, deep cleans (sub contracted), software, soil association, filter changes etc.

The management fee per meal is unchanged.

Q5. Schools strongly support maintaining a centralised arrangement for catering. Lewisham's agreed corporate strategy commits us to a presumption of in-sourcing services when contracts end. How successful do you think we have been in promoting the in-house catering option? Might it not allow schools more flexibility in the use of their kitchens such as for after school events?

A5. The advantages of the insource model remain, including the use of kitchens after school, and officers have made every effort to identify and promote the wider implications to school leaders. Despite the obvious benefits to the local economy, pupils and the staff employed in kitchens, schools remain concerned about the resources they are required to manage for the service day to day and the additional pressure they feel it puts on already stretched members of staff. Schools are autonomous in deciding how they procure the school meals service and despite the offer of the insource model from the authority, may go in a different direction. A minimum of 40 schools would be required to keep the insource model affordable. The option has not been dismissed but schools have been given until July 2020 to decide if they would like to take up the offer. This is the reason for the longer extension being sought. If the insource model is not taken up, an outsourced contract may take up to another year to put in place.

Q6. In-house catering offer to schools involved back-room staff being employed by the Council and on-site staff being employed by the schools. How feasible and how popular might an arrangement be where all catering staff were employed by the Council?

Q6. Feedback from schools is that this would be a much more popular arrangement but this option was originally dismissed due to cost. The tiers of management required to service a work force of circa 450 kitchen staff and the additional cost of accommodation, IT, pensions, and payroll would be substantial.

Councillor Sorba said that in the report, Chartwells is recognised as having consistently provided poor performance and failed to rectify problems, yet it claims that it is easier to incentivise improvement with less punitive sanctions. Councillor Sorba did not understand the logic of this. He had also considered the break down for the reasons for the increase of 15 % for the cost of meals. One of the reasons claimed for the increase was a rise in overheads, which they calculate are going up by 35% which he considered to be exorbitant. In conclusion, he considered that Lewisham's school children deserve a better service than Chartwells are providing and further discussions should be held with Headteachers regarding the long term provision of school catering.

Councillor Sorba asked about the future of training kitchens. The Green Man provides training for school catering staff and he asked whether this was part of this contract. The contract officer said that this comes within the contract. If

Chartwells fail to deliver this service, the training kitchen would be returned to the authority or awarded to another provider.

The contract officer said that she did not disagree with Councillor Sorba's comments. She had recommended the in-source model and still believed that this is the best option for providing food to Lewisham's school children, however, it was for schools to make a decision on how they want food delivered and they had stated clearly that they want this extension.

The contract officer said that the 35% increase in overheads had been on the original tender not on the original cost.

Monsignor Rotheron said that post virus, consideration would need to be given to how things will be managed in the future, particularly with regard to protecting staff serving food in the canteen and in the kitchens. He said that the extension of the contract will be for an extra year and asked what funding would be available to address these needs. The contracts officer said that serving staff were still going to work and social distancing had been difficult to maintain. Risk assessments continue, Chartwells are responsible for managing staff. There had been attempts to serve children at several different times during the day, particularly in the larger schools. Chartwells had put forward some proposals about how and where children could be served and this will continue to be reviewed prior to all children going back to school.

RESOLVED that the report be noted.

The meeting ended at 8.31pm

Chair

Agenda Item 2



Overview and Scrutiny Education Business Panel

Declaration of Interest

Date: 13 October 2020

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive / Head of Business and Committee

Outline and recommendations

Members are asked to declare any personal interest they have in any item(s) of the agenda relating to educational matters

1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct:-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.

- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member’s knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes , or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members’ Interests (for example a matter concerning the closure of a school at which a Member’s child attends).

(5) Declaration and Impact of interest on members' participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

Agenda Item 3



Overview and Scrutiny Education Business Panel

Decisions made by Mayor and Cabinet

Date: 13 October 2020

Key decision: Yes

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive / Head of Business and Committee

Outline and recommendations

Members are asked to consider decisions taken at a meeting of the Mayor and Cabinet held on 7 October 2020 in open session

1. Recommendation

To consider decisions taken by the Mayor on 7 October 2020, which will come in to force on 14 October 2020, unless called in by the Overview & Scrutiny (Education) Business Panel on 13 October 2020.

2. Background

2.1 The Mayor and Cabinet considered the following decisions on 7 October 2020:

- i. School Meal Provision
- ii. Greenvale School Expansion Project

2.2 The notice of the decisions in respect of this report are attached below.

2.3 Under the provisions of Standing Orders Part IV E 14, Members may call in an executive decision within 7 days. If this report is not called in, the decisions will come into force on 14 October 2020.



NOTICE OF DECISIONS MADE BY THE MAYOR & CABINET

The Mayor and Cabinet made the following decisions on 7 October 2020. All recommendations shown were agreed by a 9-0 vote of voting members in attendance. The decisions will become effective on 14 October 2020, unless called in by the Overview & Scrutiny Education Business Panel on 13 October 2020.

1. School Meal Provision

Having considered an open officer report, and a presentation by the Cabinet Member for Children's Services and School Performance, Councillor Chris Barnham, the Mayor and Cabinet agreed that:

- (1) the procurement of a school catering contract for a period of 4 years with an option to extend for up to an additional period of 2 years be approved; the contract having a maximum value of £48 Million over the 6 year period; and
- (2) the procurement of a schools kitchen maintenance contract for a period of 4 years with an option to extend for up to an additional 2 years be approved; the contract would having a maximum value of £1.44 Million over the 6 year period.

2. Greenvale School Expansion Project

Having considered an open officer report, and a presentation by the Cabinet Member for Children's Services and School Performance, Councillor Chris Barnham, the Mayor and Cabinet agreed that:

- (1) the award of the construction phase contract for the Greenvale School Expansion project be made to Geoffrey Osborne Limited;
- (2) the construction budget set out in Part 2 of this item be approved;
- (3) authority be delegated to negotiate final contract terms within the parameters set out to the Executive Director for Children and Young People.

Kim Wright
Chief Executive,
Lewisham Town Hall,
Catford SE6 4RU

8 October 2020

Agenda Item 4



Overview and Scrutiny Education Business Panel

Exclusion of the Press and Public

Date: 13 October 2020

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive / Head of Business and Committee

Outline and recommendations

Members are asked to note an item that will be considered in closed session

Recommendation

It is recommended that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12(A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006:-

Decision made by the Mayor and Cabinet on 7 October 2020:

- i. Greenvale School Expansion Project

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

Document is Restricted