

TRAFFORD COUNCIL

Report to: Executive
Date: 18 March 2019
Report for: Response
Report of: Scrutiny Committee

Report Title

Scrutiny Committee Task & Finish Group Review of the One Trafford Partnership.

Purpose

In May 2018, it was agreed that a Scrutiny Committee Task & Finish Group would be formed to conduct a review of the One Trafford Partnership. Some Members had raised concerns about Amey's performance, and sought to gain a better understanding of the issues and how these were being addressed.

This report sets out the findings of the Group following a number of meetings with different stakeholders, including the Council's Client Team, Amey Officers and Union representatives.

Recommendations

The Scrutiny Committee propose the following recommendations for Consideration by the Executive:

Recommendation 1 - That the Executive conduct an assessment of the feasibility of the three options laid out in section nine.

Recommendation 2 – That an update be provided to Scrutiny once the Executive has considered the report.

Contact person for access to background papers and further information:

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Background Papers: None

1. Background

In July 2015, the Council entered into a Joint Venture Contract with Amey PLC, who were awarded the contract to deliver a number of services on behalf of the Council, including Environmental, Highways, Professional, Technical and Infrastructure Services. Amey were awarded the contract based on their tender application, which promised significant savings whilst maintaining a good standard of service.

The Executive set four high level desired outcomes to be delivered through the procurement exercise (as set out in the report considered at the Executive meeting on 25th March 2015), specifically:

To deliver a minimum of 20% savings against the net budget from contract commencement.

To deliver further, future efficiency savings through continuous improvement and innovation in service provision through the contract life.

To have flexibility, recognising the challenging financial climate facing local authorities at the moment.

Protect jobs and maintain service standards in so far as practicable.

This arrangement combined a number of environmental and technical services within one procurement exercise with the aim of achieving better value for money and providing alternative sustainable delivery options for those services.

The contracts were procured through a single procurement exercise, with services being offered in three Lots, including two sub-Lots. Potential Service Providers were able to tender for any combination of Lots (and sub-Lots) as detailed below. Amey were awarded the contract for all Lots and sub-Lots).

Lot 1: Environmental Services:

Lot 1a: Trafford Environmental Services

Domestic waste;
Commercial waste;
Grounds maintenance; and
Street cleansing.

Lot 1b: Manchester Environmental Services

Domestic waste; and
Street cleansing.

Lot 2: Highways & Street Lighting (operational):

Lot 2a: Highways:

Highways;
Winter maintenance; and

Gully cleansing.

Lot 2b: Street Lighting

Street lighting infrastructure;
LED street lighting project; and
Street furniture.

Lot 3: Technical Services:

Highways and Bridges (engineering etc.);
Professional Services including Engineering Design; Asset, Project and Contract Management; and Developers Interface;
Building Professional Services including Major Building Projects; Structural Engineering; Mechanical and Electrical Engineering; Landscape Architects; Operational Estate/Asset Management for the Corporate Estate and Schools; Property Development; and Land Sales;
Management of Trafford's Investment Estate;
Major Projects Team (Capital Build Team); and
Capital Development Team.

Amey's tender proposals promised to deliver an annual saving of circa £3m for the Council, and the contract was agreed for an initial 15 year period, with an option to extend this by a further 8 years (to 23 years in total). There would be a review of the contract at 7 years. The contract specifications state

*No later than 18 months before the 7 Year Review Date, the Council shall begin a review to assess the overall performance of the Service Provider against the criteria set out in Clause 12.13 and consider any improvements or alterations in respect of the Services which the Council may require (**7 Year Review**). The Council shall conclude the 7 Year Review no later than 12 months before the 7 Year Review Date.*

Contract Timeline

Service Commencement Date: 6 July 2015;
7 Year Review Date: 1 July 2022;
First Expiry Date: 30 June 2030;
Second Expiry Date 30 June 2038

Contract Performance Issues

Over the course of the contract, a number of issues have been raised by residents and Elected Members, and the contract has been the subject a previous Task & Finish Group review by the Council's Scrutiny Committee. This review had a particular focus on the contract specifications and communication, and concluded in March 2017.

In May 2018, it was agreed that a new Task & Finish Group would be formed to conduct a review of Amey's performance. A number of Members and residents had raised concerns about the delivery of some services, and the Group sought to gain a better understanding of the issues and how these were being remedied.

This report sets out the Group’s findings following a number of meetings with different stakeholders, including the Trafford Council Client Team, Trade Union representatives, and Amey Officers.

2. Membership of the Scrutiny Task and Finish Group

The review was carried out by

Councillors: D. Acton (Chair), R. Bowker, C. Boyes (Vice-Chair), J. Coupe, B. Shaw, S. Thomas and A. Williams.

3. Review Approach

At their first meeting in June 2018, it was agreed that the Group would aim to gain a better understanding of the contract and its performance by conducting a number of meetings with the relevant stakeholders.

The first task would be to understand the contract specifications, followed by information gathering sessions to understand where issues had arisen and the reasons for this. The Group sought to understand what was required of Amey under the contract specifications, and whether these requirements were being met.

The Group’s aim would be to make relevant recommendations to the Executive on how the delivery of these services could be improved. These recommendations are set out in section nine of the report.

4. Meetings & Timeline

The Chair and the Vice-Chair met with the Acting Corporate Director, Economic Growth, Environment and Infrastructure (now Corporate Director, Place) in the first instance to set out the Group’s aims and objectives. All Group Members were given an opportunity to view the full contract specifications before the formal information gathering sessions began.

Meeting Timeline

Date	Meeting	Information
13 June 2018	Initial Meeting of the Group	Initial meeting of Scrutiny Members to discuss the scope of the review.
22 June 2018	Chair and Vice-Chair Meeting with Corporate Director for Place	Meeting to discuss the Group’s intentions and possible areas of concern.
27 June 2018	Meeting of Group Members	Further scoping meeting.
30 July 2018	Contract Specifications Session	Members were given the opportunity to view the contract specifications and method statements in full. The Director of the One Trafford Partnership was in attendance to answer Members’ questions.

31 July 2018	Meeting with Director, One Trafford Partnership	The Group were provided with a presentation detailing the work of the Client Team so far.
22 August 2018	Meeting with Trafford Client Team	The Group met with the Client Team to discuss the KPI validation process in more detail.
5 September 2018	Meeting with Union Representatives	The Group met with Union representatives to garner their views on how the contract was performing from an employment / working arrangements perspective.
19 September 2018	Meeting with Amey Officers	The Group met with senior Amey Officers to discuss the Group's findings and concerns from the earlier meetings.
22 January 2019	Meeting to discuss report content and recommendations	The Group met to discuss the content of the report and agree on the recommendations to be made to the Executive.

The Group feel that all the relevant stakeholders were engaged during the review, and feel that this report fairly represents the Group's findings.

5. Meeting with Trafford Council's Client Team

The Acting Corporate Director, Economic Growth, Environment and Infrastructure advised the Group of the ongoing work of the Council's Client Team to validate Amey's self-reported KPI performance data. The Group received a presentation of the Director, One Trafford Partnership on the work already conducted, and a follow up meeting was held with the Client Team Officers to gather further information.

From these meetings, a number of high-level issues were identified:

Strategic

- Poor relationship management with a disconnect between individual organisation aspirations and objectives
- Lack of visible leadership and governance.
- Limited awareness of partnership principles and agreements
- Continual governance focused on success rather than challenges
- Annual Service Planning did not take place
- Contractual documentation – complex and cumbersome to interpret requirements in a simplified manner
- Limited innovation and focus on continuous improvement to drive efficiency and increased savings

Tactical / Operational

- Operational delivery plans not aligned to contractual expectations
- High staff vacancy ratios and poor people engagement
- Promised high efficiency drivers through new technology not implemented – heavy reliance on paper administration
- Poor performance management and limited evidence of “self-monitoring”
- Time delays in issue resolution
- Poor data quality impacting performance outcomes and poor use of intelligent information – linked to limited investment in technology
- Insufficient client side capacity – linked to principles of “self-monitoring” contract
- Poor communication across all stakeholder groups

The following section provides more detail on certain issues which were identified as part of the review.

Poor Contract Performance in Some Areas

A number of areas of contract performance have been highlighted as areas of concern by the Group, most notably the correction of missed bins, grounds maintenance, highways maintenance, and complaints dealt with within the required timescales.

These areas of concern are the experience of Elected Members and are reflected in the number of complaints received by the One Trafford Partnership in relation to these areas. The 2017/18 KPI performance data (appendix 1) also reflects the poor performance in some areas of the contract.

Self-Reporting / Financial Deductions

It is evident that the self-reporting element of the contract has not worked as it was intended. Trafford Council have operated with a limited Client Contract Team meaning monitoring by Trafford has been difficult, although the client team size reflected expectations provided by Amey during the procurement process regarding their ability to self-monitor the contract.

Following a rise in the number of complaints from residents about certain aspects of performance in March 2017, the Council instructed its Client Team to perform a deep-dive exercise to validate the KPI performance figures reported by Amey. This exercise revealed a number of variances, with the Client Team’s findings varying significantly from the figures reported by Amey in some areas. This has resulted in substantial financial deductions being levied against Amey for not achieving the contract’s KPI performance targets.

Following the deep dive exercise, the Client Team have reported that the accuracy of Amey’s performance reporting has improved for the majority of KPIs, and is now more in line with the Council’s analysis. The Group were advised that Amey’s implementation of the technology to replace the need for manual logging and reporting of performance would improve things further and will reduce the amount of resources the Client Team would need to dedicate to monitoring the contract.

The Group have been told that the Council will continue to monitor KPI performance. However, it would be unsustainable to continue to commit the amount of resources currently dedicated to this in the medium to long term. The continuation of the current level of financial deductions would also impact on the commercial viability of the contract.

Failure to implement new technology as promised during the tender process

As mentioned previously, a contributing factor to the performance issues and variances in performance data has been the delay in implementing the new technology that was promised as part of Amey's tender application and subsequent contact specifications. Manual logs have been used heavily since July 2015.

Amey are now investing in the implementation of the new technology. The intention is to systemise service delivery, however due to the complexities of this implementation manual work methods will continue to be used during the transition phase, up until full implementation.

As of the meeting on 5 September 2018, Union representative confirmed that the majority of waste management operatives were still using paper job sheets to record their work.

Communication & Complaints

The Group feels that poor communication continues to be an issue, something which was highlighted as part of the previous Task & Finish Group Review conducted by the Scrutiny Committee in 2017. The Group notes that this has been a recurring issue since commencement of the contract in July 2015, and the Client Team had experienced similar communication issues in their attempts to validate performance data as part of the deep dive exercise.

The number of complaints received in relation to services managed by Amey remains high. However, the number of complaints responded to within the required timescale has improved, and analysis conducted by the Client Team in July 2018 showed almost all complaints were responded to in time. Some Members have queried this analysis, as they continue to have instances where queries are not responded to within the required timescale.

Amey Management Team

It is clear that poor management personnel at Amey was a contributing factor to the poor performance in some areas of contract delivery, as well as the poor communication experienced. Amey have recently appointed a completely new middle management team and Contract Director to oversee the delivery of the contract, and assurances have been given that the newly appointed team are in a better position to manage the contract.

6. Meeting with Union Representatives

Following a number of meetings with the Client Team, the Group met with Trade Union representatives from Trafford UNISON and GMB Trafford to garner their views on how the contract was performing from an employment / working arrangements perspective. At the time of the meeting, GMB represented 121 members of staff who

worked on the Amey contract, whilst Trafford UNISON represented 44 members of staff. Approximately 300 members of staff are employed by Amey on the One Trafford Partnership.

Loss of Trust between Frontline Staff and Management and Low Staff Morale

Trade Union representatives feel that the trust has been lost between frontline staff and management personnel. This has been an issue since the partnership began, with frontline staff feeling there is an 'us and them' mentality. The Managers' office is in a separate location to where frontline staff work, and communication with staff has been poor.

The Group were advised of instances where management had tried to implement new working arrangements without consulting staff. For example, it was announced to the waste management staff one morning that waste collection vehicles would now have a driver and only one loader (a reduction from two loaders) – staff refused to accept this as they had not been consulted, and following discussions with Trade Union representatives about safety and workloads, the system was not implemented. These types of incidents contributed to the poor relationship between managers and staff.

Trade Union representatives felt that staff morale is generally poor, which is having an effect on service delivery, and although the change in management personnel has been welcomed, the high turnover of managers has meant there has been no continuity resulting in poor communication with staff, and has meant issues that should be easily resolvable have taken a long time to address.

In general it was felt there had been an improvement following the newly appointed management team at Amey. However, periods of improvement had been seen in the past. These periods of improvement were usually short lived, and recurring issues of poor communication and strained relationships usually resurfaced. This has created scepticism that any new changes improvements would last.

Misled in Transfer of Staff Terms & Conditions

The trust has also been lost between the Trade Unions and Amey. Trade Union representatives feel they were misled at the start of the contract as they were told all Trafford staff would be TUPEd over to Amey on their Trafford Council Terms and Conditions, but this was not the case. Although many of the TUPE agreements were adhered to, it materialised that staff were bound by some Amey HR Policies (e.g. sickness policy, grievance policy). Trade Union representatives said that this was not what was agreed, and only became aware of this when representing a member.

Trafford UNISON and GMB Trafford were also told that Amey recognised trade unions, only to be told afterwards that they did not formally recognise them on a national level. Amey recognise Trafford's Trade Unions as a local arrangement.

Poor HR Service

Trade Union representatives advised the Group of poor HR practices by Amey. It was indicated that Amey's HR Team was almost non-existent at the beginning of the contract, but has improved slightly since. High staff turnover in Amey's HR Team has meant there has been no continuity, meaning issues that should be easily resolvable

have taken a long time to address, with instances of disciplinary action and grievances being pursued when less formal solutions should have been sought. This has contributed to the loss of trust detailed above.

7. Meeting with Amey Senior Officers

Amey representatives were open and forthright in acknowledging difficulties experienced in the past, some of which were having an ongoing impact on service delivery. Great stress was laid on the extent to which the actual work required on the ground was not accurately encapsulated within the original contract specification. An issue was also raised of the extent to which public perceptions were affected adversely by restrictions on the Council's capital expenditure, as opposed to routine operations under the contract.

It has been suggested that frank conversations between the Council and Amey could be beneficial to understand better the precise nature of obligations under the contract, and affordability issues in its operation. The Account Director has expressed the view that none of the current difficulties (from the Council's and Amey's perspective) are insurmountable, and that in a number of respects initiatives were under way to address them; but that time would be needed fully to understand and remedy the issues. It was challenging to set and respond to priorities, in the face of ongoing pressures both from the client and Amey, and the parallel need to manage ongoing service obligations and address the difficulties identified above. The Account Director has assured the Group that she's aware of what needs to be done, and is personally committed to addressing the issues.

The Group welcomes assurances of improvement and the commitments expressed; but note that similar assurances have been received over the three years of the contract's duration. The fact that the same issues – some of which appear to be fairly basic issues of contract and performance management - are still being raised necessarily undermined confidence in any assurance now given. Issues of timing is also concerning, given the service issues which residents have experienced over the course of the contract, and that Members are ultimately held accountable for them. The Group have particular concerns that problems have arisen from the failure by Amey to undertake due diligence in respect of the initial contract specification; also in respect to the absence of continuity of management arrangements on the part of the contractor; and the length of the review / break periods associated with the contract.

8. Summary

Following the meetings held with the relevant stakeholders as detailed above, the Chair concluded that Members would need to review information obtained at the meetings held with the different stakeholders, and would bear a range of options in mind in reaching their conclusions.

It is clear from the Group's meetings that a number of areas of concern remain, most notably: the poor performance as detailed in appendix 1; the self-monitoring aspect of the contract has not worked; poor communication across all aspects of the contract; amongst other things. Although changes and improvements have been (or are in the process of being) made, it is clear that a significant amount of work is required to bring contract performance up to an acceptable standard.

Following due consideration and further discussions amongst Members, the Group's recommendation(s) is / are listed below in section 9 of the report.

9. Recommendations

That the recommendations set out below be endorsed by the Scrutiny Committee for referral to the Executive:

Recommendation 1 - That the Executive conduct an assessment of the feasibility of the following 3 options;

1. Consider alternative models of service delivery, including the development of an In-House Service model, with a view to ending the contract with Amey.
2. Review the contract with Amey with a clear intent that there should be a wholesale reshaping of the contract and partnership between Amey and the Council.
3. Continue the Amey Contract and seek significant improvements to the delivery of existing services.

If it is determined that all options are feasible then option 1 is the preferred option of the Scrutiny Committee.

Recommendation 2 – That an update be provided to Scrutiny once the Executive has considered the report.