

APPENDIX 6 – Implementation Plan

Background

It is recommended the Council withdraws from the operation of the fourteen day nurseries and commence a process to invite expressions of interest for delivery of childcare services by the Private, Voluntary and Independent (PVI) sector, including social enterprises.

The Council will not be providing any funding to the running of the day nurseries after transfers. BCC will not contract manage or seek any KPIs with providers. This will include the transfer of staff via TUPE and the transfer of assets via full cost recovery lease agreements.

Market sounding has indicated that there is an interest from the market in taking on the running of the day nurseries. However, should there be no suitable provider following the due diligence process then the Council will withdraw as the provider of the day nurseries as they are not financially viable.

Procurement Implications

Advice from BCC Legal team states that the process to establish any future arrangements with potential providers for the running of day nurseries does not constitute procurement, therefore a procurement process cannot be completed and there is no contract to be established between the Council and any new provider.

To ensure an effective and transparent due diligence process the Council will mirror the Public Contract Regulations (PCR) 2015 considerations. This will ensure providers are financially and organisationally competent to complete TUPE transfer including pension requirements. Each nursery will be considered on a case by case basis as outlined below:

Day Nursery	Recommended Option
Bertram Road Nursery	Opportunity to TUPE staff to PVI provider. If no viable provider, close service. Asset subject to the usual asset disposal process, which needs to take in to account the HWB lease arrangements for the next 5 years.
Birchfield Nursery	Opportunity to TUPE staff to PVI provider. If no viable provider, close service. Asset subject to the usual asset disposal process.
Cherry Tree Nursery	Service has been temporarily closed due to low demand for places. Staff have been relocated to alternative sites where there are currently vacancies. Permanent closure of service. Asset currently identified for educational use and will be retained until a final decision is made.
Golden Start Nursery	Staff and the building are employed/owned by South & City College and leased to early years. The service will be offered to South & City College in the first instance. Service offered to the market if no interest from South & City College.
Kitts Green Nursery	Opportunity to TUPE staff to PVI provider. If no viable provider close service. Asset subject to the usual asset disposal process.
Ladywood Nursery	Service has been temporarily closed due to low demand for places. Staff have been relocated to alternative sites where there is currently agency staff or vacancies. Permanent closure of service. Asset subject to the usual asset disposal process, which needs to take in to account the HWB lease arrangements for the next 5 years.
Lime Tree Nursery	Opportunity to TUPE staff to PVI provider. If no viable provider, close service. Asset subject to the usual asset disposal process, which needs to take in to account the HWB lease arrangements for the next 5 years.
Oaklands Park Nursery	Opportunity to TUPE staff to PVI provider. If no viable provider, close service. Asset subject to the usual asset disposal process.
Park Road Nursery	Opportunity to TUPE staff to PVI provider. If no viable provider, close service. Asset currently partially occupied by CYP services on the first floor. The remainder will be marketed on the open market as appropriate.
Reameadow Nursery	Opportunity to TUPE staff to PVI provider. If no viable provider, close service. Asset subject to the usual asset disposal process.
Soho Nursery	Opportunity to TUPE staff to PVI provider. If no viable provider, close service. Asset subject to the usual asset disposal process, which needs to take in to account the HWB lease arrangements for the next 5 years.
St Benedicts Nursery	The building is owned by the council and staff are in the BCC early years structure. The service will be offered to school in the first instance with staff transferred internally. If no interest from the school the service will be offered to the market.
Summerfield Nursery	Opportunity to TUPE staff to PVI provider. If no viable provider, close service. Asset subject to the usual asset disposal process.
Sunshine Nursery	Opportunity to TUPE staff to PVI provider. If no viable provider, close service. This is not an education Asset and therefore will be returned to the owning portfolio (Place) This will only apply to the Day Nursery and not the HWB lease arrangements for the next 5 years.

Implementation Timescales

- Cabinet decision – 11th December 2018
- Communications to parents, staff and providers - mid-December 2018
- Publication of opportunity and supporting information to market providers – mid-December 2019
- Provider responses to opportunity – February 2019
- Evaluation of due diligence and potential interviews with providers – March 2019
- Announce outcome of due diligence and agree TUPE date with successful providers – April 2019
- Consultation with staff and TUs closes – May 2019
- Communication with parents – June 2019
- Providers sign lease agreement
- Confirmation to proceed with TUPE (all checks passed)
- Completion of TUPE – June 2019
- Remove other BCC contracts no longer required

Withdrawal – Implementation Plan

Where it is not possible to find a suitable provider for the running of the day nurseries then the recommendation is for the council to withdraw as the provider of the day nurseries which may include staff redundancy.

Withdrawal considerations include:

- Corporate S188 meeting with business case
- 45 day consultation
- Priority movers
- Redundancy dismissal meetings

This will need to be closely linked to the communications plan to be produced for implementation including:

- Service Users – providing signposting support to existing service users. Working closely with any vulnerable residents affected by the removal of the service.
- Service Providers – support to staff affected by any service withdrawal process. HR and legal to provide advice.
- Legal/contractual – managing any legal and contractual issues related to the existing services that will no longer be required, notification to Ofsted?
- Property – any considerations for claw back, asset disposal,
- Equipment – any sale of equipment

Any service withdrawal activity will also be managed by the project board and its officer members.

Resource requirements & Implementation Governance

Officers from the following services will be required to support the process:

- Early Years, Childcare and Children's Centres – Lead service
- Strategic Support Services – Project Management
- Legal – input to process and sign off of agreements
- Human Resources – transfer of staff, data, pensions, ABS, TUPE process
- Procurement – invitation and evaluation process
- Communications – to parents, media management
- Birmingham Property Services – lease agreements and handover of buildings
- Finance – sign off due diligence information, evaluate financial standing

A full Project Plan to be developed with relevant project documents to support the implementation of the recommendations. It is proposed that a fortnightly project board meets to oversee progress of the project and to provide the required levels of governance and assurance. The implementation will require support from a project manager from Strategic Services.