

Cabinet – 7 February 2007

Council motion regarding Community Meals tender

Portfolio:	Councillor Alan Paul – Social Care, Health and Housing
Service:	Social Care and Inclusion
Wards:	All
Key decisions:	No
Forward plan:	No

Summary of report

At their meeting on 30 November 2006 the Health, Social Care and Inclusion Scrutiny and Performance Panel received a progress report regarding the provision of the community meals service. The Panel resolved that the following recommendations be presented to cabinet:

“The Health, Social Care and Inclusion Scrutiny and Performance Panel is dismayed to learn that the current tender process for community meals does not specify the provision of a prime cooked meal choice for the people of Walsall, and therefore may not meet the quality standards that scrutiny envisaged. We would therefore recommend that the process be re-tendered or alternative means found to guarantee the same outcome.”

These recommendations were reported to cabinet on 20 December 2006. On 20 December 2006 Cabinet, in response to the report from the Panel regarding the tendering of the community meals service, decided

“(1) That the concern raised by the scrutiny panel be noted. (2) That the concerns previously expressed in the panel’s recommendations to Cabinet were also noted. (3) That Cabinet reaffirms its original decision, that the option to provide the service as either a prime cooked meal or a regenerated frozen meal should remain open and subject to the tendering process and that the tendering process already commenced will be completed.”

This decision by cabinet was subject of a call-in by the Panel who met on 11 January 2007. Following consideration of the matter at call in, the Panel subsequently referred the item to Council. The panel resolved

“The Panel requests that their resolution on 30 November 2006 re community meals be referred for consideration at Council on 15 January 2007. Should this not be possible for genuine practical or legal reasons as explained to the Chair of the Panel then it is resolved that the strength of our views be reiterated to Cabinet.” and recommend that

the Council consider the resolution of the Panel on 30 November 2006 in relation to the community meals service and the subsequent decision taken by Cabinet.

Following discussion of the matter at Council on 15 January 2007, it was determined that the decisions about the community meals service were within policy and budget, and the matter was referred back to Cabinet with a call upon the Cabinet to reconsider pursuing all (legal and imaginative) avenues to ensure that users of the service retain an option for a prime cooked daily meal.

The context behind this is that there has been an extensive review of the community meals service which has attracted sustained union and staff opposition to any proposals to change the existing in-house provision of a prime cooked meal. Clearly, any proposal to change services will highlight a tension between the need to improve service delivery and provide better outcomes for service users, and the perceived or real risk to jobs. The debate that has since ensued within the scrutiny panel appears to be based on two key assertions:

- 1) a populist view that a freshly (prime) cooked hot meal is the only method of ensuring quality and as such should be the option of choice
- 2) that the scrutiny panel have been misled by either cabinet or officers in that a decision was originally made to provide a prime cooked hot meal and that this decision was subsequently changed without scrutiny being informed.

This report outlines the background and the current position regarding the remodelling of the Community Meals service, and addresses questions raised by the Scrutiny Panel at Council. The report provides evidence to demonstrate that the panel have not been misled by either cabinet or officers and the panel have provided no evidence to support this allegation; that the message regarding quality and the proposal to open the method of delivery of the hot meal element to tender has been consistent; and no decisions were made and subsequently changed.

Recommendations

- (1) That Cabinet note the concerns raised and have been reassured that at no time has the Scrutiny Panel been misled and that the decision to leave the method of delivery of the hot meal component of the service has always been clear, and was based on the outcome of consultation with service users.
- (2) That Cabinet reaffirms its original decision, that the option to provide the service as either a prime cooked meal or a regenerated frozen meal should remain open and subject to the tendering process.

Resource and legal considerations

Agreement to the development of the community meals service will enable the Council to meet the legal duties and powers conferred upon it by the National Health Service and Public Health Act 1968, the Chronically Sick and Disabled Persons Act 1970 and the National Health Service Act 1977 and all related guidance. It will also ensure compliance with the Fair Access to Care Services guidance. No new revenue resources would be required to implement this option.

Should the contract for the provision of a home freezer delivery scheme, a hot meals service and the delivery of the same be awarded to an outside contractor, then it is likely that TUPE will apply. However this is subject to legal scrutiny when the contract position is finalised, and so can not be confirmed at this point.

The proposals are within the Council's policy framework and budget.

Citizen impact

Agreement to this development will ensure that all citizens needing a community meals service will be able to access the service following formal assessment of their needs. This service would form part of the Council's prevention strategy and contribute to enabling older people to live at home in their chosen community.

Community safety

The model includes "safe and well" checks for vulnerable service users to safeguard their welfare and safety.

Environmental impact

None directly as a result of this service re-provision.

Performance and risk management issues

The delivery of the Community Meals service is directly relevant to BV54 (Older people helped to live at home). A report to Cabinet on 6 September 2006 on the BVPI Exception Report states that *"Performance will not improve significantly until the delivery of service re-modelling to develop increased availability of community based services. This is a major programme that includes the re-provision of in-house residential and daycare services and their replacement with extra care housing and the delivery of new community meals service."*

The remodelled service will ensure that performance improves.

The Community Meals service was considered, in part, to be the kind of service which drew criticism from the Joint Review Team in 2001, as being out-dated, poorly targeted, and expensive. The service was criticised for not having been reviewed in terms of user needs and future requirements. Compared to other councils, Walsall provides a "traditional" service and has been slow to consider options for redesign. The Commission for Social Care Inspection is actively monitoring the council on its delivery of the re-provision of services for older people, including the Community Meals service, and has set a clear expectation that the council needs to complete the tendering process and implement the new Community Meals service as quickly as possible. Any further slippage to the implementation of the new service will put at serious risk the council's likelihood of progressing to 2 stars for adult services and any perceived reluctance on the part of the council to modernise its services will be taken seriously by the external regulators.

Equality implications

The current service does not meet the needs of people from Black and Ethnic Minority Communities. The new service will address this shortfall and will also ensure a more equitable service across all service users based on assessed needs or via a preventative service.

Consultation

There has been extensive consultation with service users and other stakeholders, including potential service recipients such as those from Black and Ethnic Minority Communities.

During November 2004, food taster sessions were completed with 116 service users, 63 carers & staff and 37 older people of Asian origin. This was followed up by a Stakeholder Day on 24 February 2005 to consult on the options appraisal, which was very well attended by older people, ethnic minority organisations and Age Concern. The outcome of the consultation process was consensus that the service needs to be remodelled, should include a hot daily meal, a frozen meal delivery service and safe & well checks. The conclusions state that there was "a general but not universal acceptability of frozen food".

Following cabinet agreement on 23 March 2005 that further consultation should be undertaken, there was a further consultation exercise with recipients of the current service and with black and ethnic minority groups. A consultation exercise was completed with a random sample of 40 recipients. This found that there was a high acceptability of the use of frozen food with almost half of service users already using frozen ready meals themselves and there was a positive interest in the wider choice that would be offered the frozen foods model. Half of the respondents said they would find a reheated frozen meal an acceptable alternative to the current model. The outcome of the consultation was that the option to provide the service as either a hot meal cooked on the same day, or a reheated frozen meal should remain open and be subject to the tendering exercise, and that the tendering evaluation process should take into account all of the factors within the meals specification for hot food, including nutritional content, food safety and special dietary needs. These findings were reported to the scrutiny panel on 29 September 2005 and to cabinet on 19 October 2005.

On 11 March 2005, a letter was sent to all existing recipients of the service to inform them of the outcome of the review and that no decision had been made on whether to provide the hot meal as a freshly cooked or a reheated frozen option.

Vision 2008

The proposed remodelling of the Community Meals service contributes to

Priority 5 – Make Walsall a healthy and caring place

Priority 9 – Listen to what people want

Priority 10 – Transform Walsall into an excellent authority.

Background papers

'Modernisation of the Community Meals Service' report to Cabinet 23 March 2005

'Community Meals' report to Health and Social Care Scrutiny Panel 29 September 2005

'Modernisation of the Community Meals Service' report to Cabinet 19 October 2005

'Community Meals Services' report to Health, Social Care and Inclusion Scrutiny and Performance Panel 30 November 2006

'Community Meals Services' report to Cabinet from the Health, Social Care and Inclusion Scrutiny and Performance Panel 20 December 2006

'Community Meals Service' report to Cabinet 20 December 2006.

Letter from the Executive Director to community meals recipients dated 11th March 2005.

Letter from the Executive Director to all councillors dated 21st March 2005.

Author

Kathy McAteer
Acting Executive Director
☎ 652700
✉ mcateerk@walsall.gov.uk



Kathy McAteer
Acting Executive Director

Date: 26 January 2007



Councillor Alan Paul
Portfolio holder

Date: 26 January 2007

Remodelling of the Community Meals Service

Introduction

The Council is moving to the delivery of a modern, high quality, community meals service that will provide older people and people with disabilities greater choice and flexibility. The new service will include both a daily hot meals service for those in the greatest need and who are unable to prepare a meal for themselves, as well as a new frozen meals delivery service for those who are more able, but will benefit from a preventive service. The meals services will also include 'safe and well' checks at the point of delivery.

The Community Meals service was considered, in part, to be the kind of service which drew criticism from the Joint Review team in 2001, as being out-dated, poorly targeted, and expensive. The service was criticised for not having been reviewed in terms of user needs and future requirements. Compared to other councils, Walsall provides a "traditional" service and has been slow to consider options for redesign.

The model developed has been based on "best in class" – following a benchmarking comparison with LAs of a commensurate size and demography the project team identified the service delivered by Bolton as being nationally recognised by external regulators as an example of best practice.

The Commission for Social Care Inspection is actively monitoring the council on its delivery of the re-provision of services for older people, including the Community Meals service, and has set a clear expectation that the council needs to complete the tendering process and implement the new Community Meals service as quickly as possible. Any further slippage to the implementation of the new service will put at serious risk the council's likelihood of progressing to 2 stars for adult service and any perceived reluctance on the part of the council to modernise its services will be taken seriously by the external regulators.

The review

In 2004 external consultants reviewed the service and found that it was not meeting needs as there had been no needs analysis, people from black and ethnic minority communities are not getting a service and people who need a service are either not getting one or are refusing the service. The service was not targeted at those who most need it most in line with Fair Access to Services eligibility criteria and the current service is not offering sufficient choice or flexibility. The service is not representing value for money. It was recommended that the council move to delivery of a weekly or fortnightly frozen meals delivery service that people can reheat at home.

A Project team was established and completed more detailed needs analysis and extensive consultation. The project team evaluated 5 options, one of which was the delivery of a mix of frozen meal delivery and a choice of both a freshly cooked hot meal and reheated frozen meals – this option was quickly rejected as being too complex, unmanageable and costly. The project benchmarked against Bolton as "best in class" and used this as the model for the future delivery of service and also to assist in mapping future demand for both a daily hot meals service and a fortnightly frozen delivery service. The model in Bolton is the delivery of a hot daily meal for those who need it, a frozen meals delivery service, a range of additional specialist meals provision

for those from black and ethnic minority communities and there is significantly higher take up of services than in Walsall. In Bolton, the method of delivery of the hot meal is a reheated frozen meal which is produced in-house. The key findings of the consultation exercise were that reheated frozen meals are acceptable to service users, some people need a hot meal delivered daily and would not be able to reheat or prepare a meal themselves, and some people need a “safe and well” check. It was concluded that a frozen meals delivery was needed as a preventative service alongside a daily hot meal for those too frail or disabled to reheat or prepare a meal themselves. Further consultation with existing meals recipients tested the acceptability of a reheated frozen meal (the meal is regenerated in the van at the point of delivery) and found that half of respondents would value the extra choice of menu this would offer and others were happy with the current freshly cooked meal. The outcome of the consultation was that the method of delivery of the hot meal as either a freshly cooked meal or reheated frozen meal should be kept open and subject to the tendering evaluation.

On 11 March 2005, following discussion about the model at Scrutiny panel, a letter was sent to all existing community meals recipients to keep them informed about the outcome of the review and to advise them that it had not yet been decided whether to provide the hot meal as a freshly cooked meal or a frozen meal.

The model

Following an options appraisal it was recommended that the model for future service delivery should include 3 elements

- Delivery of a hot daily meal
- Frozen meals delivery service
- Safe and well checks at point of delivery

It was also determined that the provision of the hot meals element will not be reduced, and that the service overall will be increased immediately with further increases over next 5 years. A Community care assessment will ensure that service users are offered most appropriate service with service users not meeting FACS eligibility criteria being able to access frozen delivery as a preventive service. Existing recipients of community meals will be reassessed.

Frozen v freshly cooked debate

A key element of the argument being proposed by the scrutiny panel is that a quality service for Walsall citizens can only be achieved through the delivery of a freshly cooked meal. This appears to be based on a range of misconceptions and populist opinion.

There are national nutritional standards that have been developed for the provision of meals to older people regardless of whether the meal is pre-frozen or freshly cooked. These recommendations have been developed by the National Association of Care Catering and, in line with best practice, Walsall require compliance with these standards as part of the contractual requirement as set out in the service specification. The service specification also requires the provider to submit details of its suppliers and to inspect these regularly – this is so that the quality of ingredients can be guaranteed and to avoid any use of food that has been subject to the sous vide process. Unlike specialist providers of frozen meals, frozen ready meals purchased from a supermarket will not necessarily meet these standards.

Members may be aware of Ivan Lewis's recent statement about malnutrition and older people. The relates to poor nutrition within care homes and hospitals rather than community meals though an earlier speech delivered by Paul Burstow, MP for Sutton and Cheam, refers to the much higher quality service delivered by community based meals on wheels services. A key area of concern highlighted in the Minister's speech refers to older people who may not be able to feed themselves without help and cabinet can be assured that for anyone living in the community, this need will be addressed in their care plan, for example through the provision of a home carer to provide direct assistance.

Older people, when asked, already use frozen meals themselves and there is a high level of acceptability of using these. Service users indicated that they would value the extra choice that the reheated frozen meal option would provide. There has been some confusion of terminology with the reference to the use of "fresh ingredients" being seen as synonymous with "freshly cooked". Most freshly cooked food uses frozen ingredients for example, the current prime cooked meal includes the use of a mix of frozen and fresh produce, with the main frozen items being vegetables (except potatoes), and fish and some vegetarian options such as veggi bakes, and providers of frozen meals also use mostly fresh ingredients in the original meal preparation prior to being deep frozen. A survey of national providers of frozen meals has identified that they commonly use fresh meat, (having their own butchery department with manual removal of meat from bones), a mix of fresh and frozen class A vegetables, and fresh potato products other than chips, wedges, croquettes, with gravies, sauces, pastry being all freshly made and 80% of fresh ingredients used in deserts that are all made on the premises.

There has also been reference to Jamie Oliver's school meals campaign, and an interpretation of this as being "evidence" that frozen meals represent poor quality. Jamie Oliver's campaign was focussed on low nutrition and the use of low quality processed food (turkey twizzlers etc), and not specifically about frozen food per se. It was also focussed on school meals which were not subject to recommended meeting nutritional values, and also linked the delivery of low quality food to the low level of budget spent on a school meal in the boroughs concerned - this is significantly lower than the average cost of producing a community meal or a school meal in Walsall.

During the consultation process there was discussion about perceptions that a frozen meal may not be as nutritious as a freshly cooked meal, and it was also acknowledged that food, once cooked, will lose some of it's nutritional value during the period that it is kept hot in the van and delivered/eaten. The main concern of stakeholders was that the service specifications for both the frozen delivery service and the hot meal, regardless of method of production, were sufficiently robust and set clear nutritional standards and that these are taken into account in the evaluation process. This was taken on board and specialist advice from a dietician/nutritionist has been taken.

The findings of the review identified that nationally there has been a shift from the delivery of freshly cooked hot meals to reheated (regenerated) frozen meals. National experience highlights the challenges to the freshly cooked option in that:

- 1) It is difficult to guarantee the quality of the final product, given that food loses a proportion of its nutritional value during the period between preparation and consumption, with freshly cooked meals being kept warm in a hot lock for an average of 45 minutes during delivery.
- 2) It is not possible to provide a wide choice of meal on a daily basis.

- 3) The model of fresh food preparation and delivery is more costly.
- 4) It is difficult for the service to be fully sensitive to the needs of ethnic minority communities and special dietary requirements.

For this reason, as reported to scrutiny on 10th March, the original options appraisal recommended that the model should include a hot meal service that was regenerated from frozen alongside a frozen meals delivery service. However, the outcome of consultation with service users and other stakeholders identified that the existing meals service is valued by many who receive it – for this reason therefore it was proposed that the method of preparation and delivery should be left open to the tendering process, enabling the existing provider to bid for the service, and also to enable service users to be involved in the evaluation of the bids through tasting sessions. This approach provides an opportunity for the bidder to address the challenges commonly associated with the prime cooked option as well as ensuring that the competitive process includes the views of service users.

Cabinet decision

On 23 March 2005, a report was submitted to cabinet outlining the outcome of the Community Meals review and it was recommended that cabinet approve the adoption of option 3, that is, the provision of a frozen meals service that can be delivered as hot food or as a weekly or fortnightly frozen food delivery service. Taking into account the outcome of the consultation process, cabinet was also asked to agree to further work to be completed to evaluate the potential for supplying freshly cooked food as an alternative to a reheated frozen meal.

On 19 October 2005, a further report was submitted to cabinet, reporting on the outcome of the further consultation with community meals recipients and on the outcome of the benchmarking against comparator groups. The outcome of the consultation process was that whilst respondents valued the current service there was a positive interest by service users in the reheated frozen meal option.

On 20 December 2006, cabinet received a report from the scrutiny panel recommending that the process be re-tendered or alternative means to guarantee that the method of delivery of the hot meal should be as a freshly cooked meal only. Cabinet were advised that the tendering process was currently in progress and that no decision had yet been made.

A full summary of cabinet reports and decisions is included further on in this report.

Scrutiny Process

Throughout the review and decision making process, reports have been submitted to the Scrutiny panel. It was made clear that the method of delivery should be left open to the tendering process, in line with the outcome of user consultation. It has also been reported to the panel that service users will be involved in the tendering evaluation process through the use of tasting sessions to determine user preferences. The tendering process was also left open for bidders to bid to provide the whole service or bid for specific elements of the service. This met the panels' wishes for the existing service provider to have an opportunity to bid for the delivery of a freshly cooked meal. The panel has suggested that they have been misled, either by cabinet or by officers, and have stated that they were under the impression that the council was tendering for

a freshly cooked meal only, and that they only discovered that this was the case when they had sight of the tender documents (this was provided by the trade unions, who are representing the views of the in-house bidder). The summary of scrutiny reports, panel resolutions, cabinet reports and resolutions outlined below demonstrates that this is not the case – reports have been consistent and clear on this point.

The panel have also expressed dissatisfaction that cabinet ignored their “decision” that the hot meal provision should be freshly cooked only. Throughout the process, the views of the panel have been included in the reports to cabinet. In the cabinet report of 19th October 2005, it was clearly stated that the panel’s preference was for a freshly cooked meal. Cabinet noted this but decided to leave it open to the tendering process on the basis of listening to service users. It should be noted that the scrutiny panel does not have decision making powers and though cabinet may take in to account the views of a scrutiny panel, the final decision rests with cabinet and must be based on consideration of all the factors.

Evidence that the proposals were clear and consistent throughout the cabinet and scrutiny process

This section of the reports addresses the allegation that decisions were changed mid way through the process and that the scrutiny panel had been misled into believing that the council was either tendering for a freshly cooked hot meals option only or for the provision of both a freshly cooked and a reheated frozen meal, with the ultimate choice being with the service user.

On **10 March 2005** the Scrutiny Panel received a report on ‘Community Meals’. The report proposed a way forward, and detailed current provision.

The panel were informed that following the recommendations of the initial consultancy work, the review team had completed an options appraisal of 5 options for future delivery. Option 2 was the provision of “a mixture of traditional and frozen meal provision, regenerated or delivered frozen” i.e. a model that would provide a choice to the service user of either a freshly cooked hot meal or a regenerated frozen meal as the hot meal option. This option was rejected on the grounds that the variety of meal preparation and delivery options would be unmanageable and would be prohibitive in terms of cost, as no element would benefit from economy of scale. There was no challenge on this decision from the panel.

Option 3 was the recommended option, this being ***“move to a full frozen meal provision that can be delivered regenerated (heated) or frozen”***. Members were also advised that based on the findings of consultation with service users, it was recommended that ***further work should be completed to explore further whether the hot meal should be based on the reheated frozen model or freshly cooked***. It was explained that one option for the delivery of the hot meal service would be prime cook and this would be an opportunity for the current service to bid to provide hot food daily (*panel minutes, 10.03.05; pg 2*).

The panel endorsed the adoption of option 3 (provision of a meals service that can be delivered as hot food or weekly / fortnightly as frozen foods) as the preferred way forward for the development of the Councils’ Community Meals Service and recommended that Cabinet also endorsed that further work was undertaken at the next stage of the project to evaluate the potential for supplying prime cooked (fresh) food as

an alternative to regenerated (frozen) food to meet the hot food element of the scheme. There was no suggestion that this equated to the adoption of option 2, to deliver both models.

On **21st March 2005**, a letter was sent out from the Executive Director to all recipients of community meals to up-date them on the proposals to develop the service. The letter stated:

“It has not yet been decided whether the hot element of the service is best provided through the currently freshly cooked process or an alternative, which requires the heating of frozen meals en route to the customer’s door.”

Also on **21st March 2005**, a letter was sent to all councillors from the Executive Director, in response to all Members receiving a letter from T & G union regarding the proposed changes. This letter addressed the “inevitable concerns that arise when traditional models and patterns of service delivery become challenged and staff feel their jobs are under threat”, and sets out the changes being proposed, the reasons why, and addresses concerns about quality, safety and choice. The letter acknowledges that the existing service “provides high quality provision cooked and delivered by competent and loyal staff” and emphasises the need to “deliver services to that meet the whole range of needs and expectation in the community”. The letter states that:

“In what is proposed there is an assured opportunity for the current service to put itself forward to retain part or all of the future contract” and
“It has not yet been decided whether the hot element of the service is best provided through the currently freshly cooked process or an alternative which requires the heating of frozen meals en route to the customer’s door”.

On **23 March 2005** a report went to Cabinet proposing a way forward, which was to endorse option 3 as recommended by the panel on 10th March 2005. The report also recommended that ***further work was undertaken in the next stage of the project to evaluate the potential for supplying prime cooked food as an alternative to previously frozen food, to meet the hot food element of the scheme, as recommended by the panel 10.03.05.***

The report also recommended that Cabinet agreed a service specifications and draft contracts are developed in consultation with service users and carers, and to be reported to Cabinet for final approval in September 2005, as recommended by the panel 10.03.05.

On **29 September 2005** the panel received a report which contained the proposals regarding the remodelling of the service. This included details of benchmarking completed on Bolton Council, and details of consultation that had taken place. The report clearly states that:

“One of the outcomes from the stage 2 consultation exercise undertaken with community meals recipients is that the option to provide the service as either a hot meal cooked on the same day or a cooked frozen ready meal should continue to remain open and be subject to the tendering process. The tender evaluation process will take into account all of the factors included within the meals specification for hot food, including nutritional content, food safety and special dietary needs”.

The panel “repeated its recommendation for inclusion of this panel’s preference to retain a freshly cooked meal option”.

On **19 October 2005** a report went to Cabinet outlining the proposals as they had been reported to the scrutiny panel. This report included the recommendations of the panel (29 09 05) including “Repeats its recommendation for inclusion of this panel’s preference to retain a freshly cooked meal option”. The report clearly stated:

“One of the outcomes from the stage 2 consultation exercise undertaken with community meals recipients is that the option to provide the service as either a hot meal cooked on the same day or a cooked frozen ready meal should continue to remain open and be subject to the tendering process. The tender evaluation process will take into account all of the factors included within the meals specification for hot food, including nutritional content, food safety and special dietary needs”.

Cabinet noted the preference of the panel for a freshly cooked meal but made the decision to keep this open to the tendering process.

On **20 June 2006** the panel received a verbal update on the current position, and Cabinet’s decision of 29 September 2005 was reiterated. The panel were given information on the current project status, including that 8 organisations had responded to the advertisement, with 5 organisations short-listed.

On **30 November 2006** at the request of the chair, the panel was provided with an update report detailing the background of the issue and the current project status in relation to the tendering process and timescale for delivery. The panel meeting was lobbied by the trade unions and staff who raised questions about the tender evaluation process. These could not be discussed as the unions and staff present represented one of the bidders, and so could not be given information that was not also being given to other bidders. At this meeting the scrutiny panel asserted that they had believed that the tendering process was for the provision of a freshly cooked hot meal plus a frozen delivery service, and asserted their view that the only outcome on the hot meals element they wished to see was the ongoing delivery of the traditional freshly cooked hot meal. The panel resolved that the following recommendations were presented to Cabinet:

“The Health, Social Care and Inclusion Scrutiny and Performance Panel is dismayed to learn that the current tender process for community meals does not specify the provision of a prime cooked meal choice for the people of Walsall, and therefore may not meet the quality standards that scrutiny envisaged.

We would therefore recommend that the process be re-tendered or alternative means found to guarantee the same outcome”.

On **20 December 2006** a report was received at Cabinet with the aforementioned recommendations. Cabinet noted the concerns raised, and reaffirmed their original decision.

On **11 January 2007** the panel called in Cabinet’s decision on 20 December 2006, and referred the matter for discussion at Council.

On **15 January 2007** Council considered the call in referred by the panel and resolved:-

“This Council calls upon the Cabinet to reconsider pursuing all (legal and imaginative) avenues to ensure that users of our meals-on-wheels service retain the option for a freshly (prime) cooked daily meal”.

Current Position

A lengthy and robust review of the community meals service has been completed, with extensive consultation with service users and other stakeholders, to develop a model for the delivery of a modern and high quality community meals service. The scrutiny panel have been engaged throughout the process. The model of delivery of a daily hot meal has been left open to the tendering process based on the views of service users elicited during the consultation process. The tendering process is currently in progress with bids due back on 22 January. Bids will be evaluated against an agreed set of criteria and this will include service user consultation (tastings) so we will take into account service user views in the selection of provider. It is inappropriate to share any further information about the tender evaluation as this would subvert the process by providing information to one or more bidders who may be present. The outcome of the tendering process will be reported back to Scrutiny in May, who will then complete a Gateway Review to ensure that a robust procurement process was undertaken. The cabinet decision on awarding the contract will be made in June. With regard to the request of Council that the service retain the option of a freshly cooked meal, this should remain open to the tendering process as previously recommended and it should be noted that no decision has been made. However, the options appraisal did consider the model (option 2) of providing a choice of both a freshly cooked hot meal or a regenerated frozen meal, and this was rejected as it would not be practicable. It should be noted that if the outcome of the tendering process is the selection of a provider delivering a regenerated frozen meal, it would not be feasible or affordable to also continue offering the existing freshly cooked service.

The key issue underlying this debate is the inevitable and quite understandable concerns that arise when traditional models of service delivery are challenged and staff and unions feel that jobs are at risk. The council however has a track record of protecting staff who are at risk either through TUPE arrangements or redeployment. It should be noted that the trade unions engaged in lobbying the scrutiny panel represent one of the bidders.

Though no evidence has been submitted by the panel, the main thrust of the panel's case is

- a) that they have been misled (either into thinking that a decision had been made to provide freshly cooked only, or a decision had been made to move from option 3 to option 2 of offering the service user a choice of either freshly cooked or reheated frozen)
- b) that the message has been inconsistent and the decision was changed from the provision of freshly cooked to leaving it open to tender
- c) that freshly cooked is the only model that can meet quality and nutritional standards.

All reports have been reviewed and as summarised in this report, there is no evidence to suggest that decisions have been inconsistent or unclear or been changed part way

through. The report also outlines the challenges faced by the freshly cooked option to meet required standards and provide value for money. Cabinet made a decision based on the outcome of user consultation, to open the model to the tendering process which gives bidders the opportunity to submit proposals that address these challenges and also enables service users to have a say in the tender evaluation. No decision has yet been made, and if a freshly cooked option meets the service specification and can compete in terms of cost and quality, then there is no reason why the council would not contract for this model. However, cabinet should note that no council is likely to be in a position to offer separate contracts to provide delivery of both a freshly cooked meal and a reheated frozen meal as this would be unmanageable and unaffordable – though there would be nothing to prevent a bidder developing a model to offer both, perhaps in partnership with another provider.

It was also suggested at Council and elsewhere that it is being left to the commercial providers who bid for the service to decide what is best for local people. This is clearly a misrepresentation of the clear reality of the procurement process as cabinet will make the ultimate decision on who to award the contract to, on the basis of both quality and cost as well as taking into account the preferences of service users.

In summary, cabinet made a clear decision which was subsequently challenged by the scrutiny panel. Cabinet reaffirmed its original decision. At no point has cabinet changed its decision or guaranteed delivery of a freshly cooked meal.