

Report of Head of Commissioning

Report to Interim Director of Adult Social Services

Date: 19 February 2015

Subject: Waiver of Contract Procedure Rules (CPR) 8.1 and 8.2, using the authority in CPR 1.3, in order to award a contract for twelve months to the Association of Blind Asians for the provision of a Support Service for Blind and Partially Sighted Asian People.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

- The Association of Blind Asians (ABA) currently receives an Annual Grant for the provision of a Support Service for Blind and Partially Sighted Asian People. No other organisation is providing a similar culturally-appropriate service in Leeds.
- A Service Review identified a major issue facing ABA to be uncertainty over continuity of funding. The Review recommended that ABA's funding arrangements be changed to a Contract.
- The contract arrangements recommended for ABA in this report allow future re-alignment with the Leeds Severely Sight Impaired and Sight Impaired Service contract.

Recommendations

- The Interim Director of Adult Social Services is recommended to use the authority under CPR 1.3 to waive the requirements of CPR 8.1 and 8.2 and award a contract of £25,116 to the Association of Blind Asians for the provision of a Support Service for Blind and Partially Sighted Asian People. The contract would commence on 1 April 2015 and last for twelve months.
- If this recommendation is accepted the relevant Commissioning Officer will submit contract documents to the Public Private Partnerships and Procurement Unit, who will arrange for the contract to be awarded to ABA

1 Purpose of this report

- 1.1 The purpose of this report is to obtain a waiver to award a contract to the Association of Blind Asians for the provision of a Support Service for Blind and Partially Sighted Asian People, for a period of 12 months commencing 1 April 2015.

2 Background information

- 2.1 ABA provides support to visually impaired adult Asian people in Leeds. One of ABA's main sources of funding is a discretionary annual grant from Adult Social Care. The current level of the grant is £25,116pa.
- 2.2 A Service Review of ABA was carried out in 2012/3. This concluded that ABA is an organisation which has the respect of its Stakeholders and is highly valued by its Service Users. It is highly unlikely that its Users would be receiving a similar culturally-appropriate service elsewhere.
- 2.3 None of the 48 Service Users spoken to during the Review felt their needs could be catered for elsewhere in Leeds. Of the 17 Stakeholder organisations that contributed to the Review none identified another organisation that is currently or potentially able to provide a similar Service to ABA.
- 2.4 The main finding of the Review was the uncertainty ABA experiences over its finances – in particular being unsure whether the annual grant from ASC will be renewed.
- 2.5 The Service Review was considered at Adult Commissioning Board. The report was accepted including the recommendation that ABA's funding be changed from a grant to a contract.

3 Main issues

- 3.1 A change in ABA's funding arrangements from a grant to a contract will ensure continuity of service to Service Users for 2015-16.
- 3.2 Under CPRs 8.1 and 8.2, competition is required for contracts valued between £10k and £100k. However, no other known organisation in Leeds currently offers a similar culturally-appropriate service to Asian people (see 2.3). Therefore it is proposed to award the contract to ABA without competition.
- 3.3 The contract for the Leeds Severely Sight Impaired and Sight Impaired Service (LSSISIS – which is currently held by the Leeds Vision Consortium) expires in March 2016. It is the intention of the Council to re-tender this contract and widen its scope to include the service currently provided by ABA. This would allow an integrated service to be provided to those Users who currently require elements of care from both a mainstream organisation and a specialist culturally-based organisation.

- 3.4 Therefore it is proposed to only offer ABA a contract for one year. This would expire when the LSSISIS contract is due for re-tendering. From 2016 onwards both LSSISIS and the Support Service for Blind and Partially Sighted Asian People can be combined into a single contract which will be subject to competition. ABA will be able to work with other interested parties in a joint bid for the new contract. Other parties will be free to enter the market if they wish.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 During the Service Review (see 2.2 and 2.3) both Service Users and Stakeholders emphasised the value of the service provided by ABA. No other organisation was identified by either Service Users or Stakeholders that provides a similar culturally-appropriate Service to Asian people in Leeds.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality, Diversity, Cohesion and Integration screening tool has been completed and is available at Appendix 1. When the tendering exercise for the wider service is carried out a full screening or impact assessment will also be carried out.

4.3 Council policies and City Priorities

- 4.3.1 ABA contributes towards the Leeds Vision Strategy by ensuring that services for visually impaired people are available to the Asian community.
- 4.3.2 ABA also contributes to a number of priorities of the Health and Wellbeing Strategy including:
- 4. Increase the number of people supported to live safely in their own home;
 - 6. Ensure more people cope better with their conditions;
 - 8. Ensure people have equitable access to services.

4.4 Resources and value for money

- 4.4.1 The contract value is the same as the annual discretionary grant that ABA currently receives.
- 4.4.2 The culturally-appropriate service currently provided by ABA is not available elsewhere in Leeds – as demonstrated by the findings of the Service Review (see 2.2 and 2.3). Failure to fund the service would result in ABA having to significantly scale back its activities. Some Users would be displaced to other statutory and third sector organisations which would be ill-equipped to deal with them. Value for money will be further explored when the wider contract is tendered.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This decision is a significant operational decision and therefore call-in will not apply.

- 4.5.2 Although no completion has been sought it is unlikely that this could be challenged, because (as described in 2.2 and 2.3) there is no other known organisation in Leeds capable of providing a similar culturally-appropriate service.
- 4.5.3 Additionally, the Council intends carry out a single competitive tendering exercise in April 2016 that will cover both the current LSSISIS contract and the Support Service for Blind and Partially Sighted Asian People contract. That will provide the opportunity for any other organisation(s) that believes it(they) could provide the range of services required to bid for the contract.

4.6 Risk Management

- 4.6.1 The risk of challenge from other providers who are not able to tender for this contract will be mitigated by the fact that this is clearly an interim situation and there will be a competition for a widened contract in 2016.

5 Conclusions

- 5.1 Waiving the requirements of CPR 8.1 and 8.2 will ensure continuity of Service for ABA's Service Users for the year 2015-16.
- 5.2 Limiting the contract to one year will facilitate the inclusion of the service in a wider LSSISIS contract which will be subject to competition and will commence in April 2016.

6 Recommendations

- 6.1 The Interim Director of Adult Social Services is recommended to use the authority under CPR 1.3 to waive the requirements of CPR 8.1 and 8.2 and award a contract of £25,116 to the Association of Blind Asians for the provision of a Support Service for Blind and Partially Sighted Asian People. The contract will commence on 1 April 2015 and last for twelve months.
- 6.2 If this recommendation is accepted the relevant Commissioning Officer will submit contract documents to the Public Private Partnerships and Procurement Unit, who will arrange for the contract to be awarded to ABA.

7 Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Adult Social Care	Service area: Adult Commissioning
Lead person: A Harter	Contact number: 3957195

1. Title: Waiver of Contract Procedure Rules (CPR) 8.1 and 8.2, using the authority in CPR 1.3, in order to award a contract for twelve months to the Association of Blind Asians for the provision of a Support Service for Blind and Partially Sighted Asian People.

Is this a:

☐

Strategy / Policy

☐

Service / Function

☒

Other

If other, please specify Waiver of Contract Procedure Rules

2. Please provide a brief description of what you are screening

Proposal to waive Contract Procedure Rules (CPR) 8.1 and 8.2, using the authority in CPR 1.3, in order to award a contract for twelve months to the Association of Blind Asians (ABA) for the provision of a Support Service for Blind and Partially Sighted Asian People.

N.B. ABA already receives an annual discretionary grant of the same value as the proposed contract. The change in funding arrangements will have no effect on the service delivered, other than giving ABA the certainty of a contract rather than a discretionary grant.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	✓	
Have there been or likely to be any public concerns about the policy or proposal?		✓
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		✓
Could the proposal affect our workforce or employment practices?		✓
Does the proposal involve or will it have an impact on <ul style="list-style-type: none">• Eliminating unlawful discrimination, victimisation and harassment• Advancing equality of opportunity• Fostering good relations	✓	 ✓

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

• **How have you considered equality, diversity, cohesion and integration?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

A Service Review has been undertaken that included gathering information from ABA itself, individual members of Staff, Service Users, Volunteers, and Stakeholders.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

The Review confirmed that ABA helps to redress the difficulties that people from the Asian community experience in accessing mainstream services due to language and cultural issues.

ABA has received discretionary grant funding for many years; hence the proposals merely provide ABA with greater certainty of funding than is currently the case. The proposals will not affect service delivery.

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

By maintaining ABA's funding the existing positive impact of providing access to support service for visually impaired Asian people is maintained. Therefore no further actions need to be taken.

5. If you are *not* already considering the impact on equality, diversity, cohesion and integration you *will need to carry out an impact assessment*.

Date to scope and plan your impact assessment:	N/A
Date to complete your impact assessment	N/A
Lead person for your impact assessment (Include name and job title)	N/A

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
J Wright	JCS PLD Manager	16 January 2015
Date screening completed 9 January 2015		

7. Publishing

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality screening should be attached as an appendix to the decision

making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to Governance Services	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent: