

**Report of Senior HR Officer Organisational Development**

**Report to Director of Adult Social Services**

**Date: 28 March 2015**

**Subject: Waiver of Contract Procedure Rules to award contracts with organisations for the delivery of training services commissioned by Adult Social Care from 1 June 2015**

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 type="checkbox"/> Yes	<input checked="" 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**

Organisational Development for Adult Social Care wish to award contracts to a number of established trainers who contribute to the workforce development programme for the delivery of consistently high quality, good value training.

This report seeks permission to waive contract procedure rule 8.1 and 8.2 to award contracts to a number of providers for the delivery of a range of training courses

The contracts will be call off contracts for 3 years. Training will be called off according to need so the contract value will vary. The value per trainer will be in the range of £2,074 pa to £5,220 pa which reflects the volume and quality of the training (see Appendix 1).

In agreeing this waiver, Adult Social Care will benefit in the following ways:

The continuation of the current provider base will ensure continuity in service delivery. Contract monitoring arrangements indicate that current providers are meeting their performance objectives.

**Recommendations**

The Director of Adult Social Services is recommended to waive contract procedure rule 8.1 and 8.2 using the authority set out in CPR 1.3 and award contracts to established trainers

in Appendix 1 for the provision of training for a range of social care and health related specialisms for a period of 3 years with an option to review after 18 months.

The contracts shall commence on the 1<sup>st</sup> June 2015 and expire on the 31<sup>st</sup> March 2018.

## **1 Purpose of this report**

- 1.1 To seek approval for the award of a contract to each of the suppliers identified in the Appendix 1 (attached) for the delivery of high quality health topic training.
- 1.2 The report seeks a waiver to CPRs 8.1 and 8.2 in respect of a number of specialist training courses in Adult Social Care. Each individual contract is valued above £10,000 over a 3 year period and will be subject to supplier agreement with a specification, pricing schedule and terms and conditions.

## **2 Background information**

- 2.1 There is an on-going need for specialist social and health care training. Organisational Development for Adult Social Care call off this training from the suppliers in the attached Appendix 1 grid in response to staff development requirements. The aim of these contracts is to ensure robust contract arrangements are in place to ensure quality delivery and value for money.
- 2.2 The training is essential to promote learning and skills development and contribute to effective work with customers with a range of chronic health conditions with a view to maintain them in the community and support them with their condition to reduce or prevent the need for higher levels of care or hospitalisation. This training requires specialisms not available within OD resources and therefore needs to be provided by external training specialists with higher levels of expertise.
- 2.3 Currently a range of training services are externally commissioned by Adult Social Care. The current arrangements under consideration have values above £10,000 over 3 years but do not comply with CPRs as they have the value of the contracts has not been valued as above £10,000 and competition has not been undertaken. The arrangements have been reviewed in terms of continuing value for money and strategic fit as determined in 3.1.
- 2.4 The current budget position has led to an annual detailed analysis on a case by case basis of whether the service purchased continues to be required and represents good value. This has identified the arrangements where services currently commissioned externally are required in the longer term. In the experience of Adults Social Care OD WFD Team there is a dearth of quality trainers in the required specialisms. Trainers are needed who practice professionally in their specialism and are topic experts and not generalist trainers. The training providers currently commissioned meet this essential requirement and represent best value for money.
- 2.5 Adults Social Care OD WFD Team reviewed the proposed expenditure on external training for 2014/15.

2.6 The review noted in 2.4 concluded that there is a need for robust contract arrangements to be put in place to ensure quality delivery and value for money for the training listed in Appendix 1.

### **3 Main issues**

3.1 Soft market testing was undertaken prior to commissioning specialist trainers, by seeking three quotes where feasible. Searches and enquiries have been made across specialisms which best meet required development outcomes to achieve the minimum spend possible for the skills and experience of trainers. Additionally, neighbouring local authorities have been contacted and recommendations and feedback sought on training suppliers. Pilot sessions have taken place for all new commissioned training.

3.2 Waiving the contracts procedure rules for selected specialist training suppliers will ensure retention of their services. It will ensure that their understanding of adult social care services, key processes and policy developments are maintained. This is of considerable value to ongoing service delivery.

3.3 In allowing the current providers of services to deliver services from June 2015, LCC will benefit in the following ways:

- Continuation of the current provider base ensures continuity in service delivery.
- Contract monitoring arrangements indicate that current providers are meeting their performance objectives.
- Research by OD officers has established that the present providers offer the best market price and quality and would continue to offer the best value for money option
- Each provider will be asked to agree to a delivery plan and specification, including price schedule, which will ensure both value for money in service delivery as compared in the market and that appropriate performance measures are in place to evaluate delivery.

3.4 Consequences if the proposed action is not approved

- An increase in the minimum cost of the training; soft market testing has established that a comparable experienced, alternative provider (e.g. Alzheimer's society specialist trainers for dementia) will result in an increase in the charge for courses and in this instance a doubling of cost.
- Generalist trainers have limited knowledge and understanding of local networks and resources, in contrast to current training provision.
- A resultant loss of expertise of established trainers who have considerable experience of working with adult social care staff and the services.
- Unable to continue to provide same level of specialist training provided e.g. autism; the Autism Society is the best specialist provider in their field and the basis for selection.

## **4 Corporate Considerations**

The contract value is below the current EU threshold, so there is no requirement for the contract to be tendered in accordance with the Public Contracts Regulations but there is a requirement to comply with the Council's Contract Procedure Rules.

### **4.1 Consultation and Engagement**

4.1.1 Initial consultation has taken place with the training providers to identify that they are able to deliver the service required.

4.1.2 Soft market testing has taken place with other potential service providers and the present arrangement remains the best and preferred option.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 The equality, diversity, cohesion and integration screening form is attached as Appendix 2. This form identifies that an impact assessment is not required in this case.

### **4.3 Council policies and City Priorities**

4.3.1 The project will contribute to the Council Plan Better Live priorities to:

- Ensure that the most vulnerable are protected
- Enable a greater proportion of people to be helped to recover from illness or to manage a long-term condition.

### **4.4 Resources and value for money**

4.4.1 The present training represents excellent value for money both in terms of the cost of the training and the flexibility of the provider particularly with maximum course numbers; to mitigate reduced attendance numbers caused by inevitable last minute cancellations it is necessary to accept a higher number on course registers.

4.4.2 The contract will be call off contracts for 3 years. Training will be called off according to need so the contracts values will vary.

4.4.3 The finance for this work is contained in the workforce development budget.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 This is a significant operational decision which is not subject to call-in. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.

4.5.2 We are advised by legal services that awarding a contract directly to these training providers may leave the Council open to a potential claim from other

providers, to whom this contract could be of interest that it has not been wholly transparent as the opportunity is not being advertised. In terms of transparency, it should be noted that it is a requirement of recent case law to consider whether contracts of this value should be subject to a degree of European wide advertising. It is up to the Council to decide what degree of advertising is appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc.) and the geographical location of the place of performance.

4.5.3 However, as further explained by procurement, it is considered that due to the nature of the services being delivered, the relatively low value of these contracts and the requirement to be physically located in Leeds, we are of the view that the scope and nature of the services is such that it would not be of interest to contractors in other EU member states.

4.5.4 Although there is no overriding legal obstacle preventing the waiver of CPR 8.1 and 8.2, the content of the report should be noted. In making their final decision, the Chief Officer Resources and Strategy should be satisfied that the approved course of action represents best value for the council.

## **4.6 Risk Management**

4.6.1 If the current arrangements expire and no provision is in place for the present service to be available it would pose a risk to customer wellbeing, staff confidence and the quality of care service delivery. The training is essential to promote effective work with customers with a range of chronic health conditions. There have been a number of negative, high profile cases in the media regarding callous treatment of people in the hands of ignorant care workers and their organisation. Training and development is a key contributor to ensure that people are supported with dignity with their condition and maintained in their community and to avoid their need for higher levels of care or hospitalization for as long as possible.

## **5 Conclusions**

5.1 A waiver of Contracts' Procedure Rule 8 in order to enter into a contracts with suppliers listed in Appendix 1 will maintain delivery of high quality and consistent training and ensure that training costs are economic and value for money.

## **6 Recommendations**

6.1 The Director of Adult Social Services is recommended to waive contract procedure rule 8.1 and 8.2 using the authority set out in CPR 1.3 and award contracts to established trainers in Appendix 1 for the provision of training for a range of social care and health related specialisms for a period of 3 years with an option to review after 18 months.

The contracts shall commence on the 1<sup>st</sup> June 2015 and expire on the 31<sup>st</sup> March 2018.

## **7 Background documents<sup>1</sup>**

7.1 N/A

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<sup>1</sup> 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.