

**Report of** Mick Ward, Head of Commissioning

**Report to** Director of Adult Social Services

**Date:** 5 November 2015

**Subject:** To seek approval from the Director of Adult Social Services to waive Contract Procedure Rules (CPRs) 8.1, 8.2, 9.1 and 9.2 to enter into four interim Sensory Impairment contracts with Sign Health, The Association of Blind Asians, Leeds Vision Consortium and BID Services for a period of six months (with an option to extend for a further period up to six months) from the 1 April 2016.

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

1. There are currently four commissioned sensory impairment services in Leeds and this report sets out proposals to enter into interim contracts with the existing providers to allow for consultations to take place with service users and stakeholders on the future model of service delivery.
2. The four existing contracts end on the 31 March 2016 therefore this report is seeking approval to enter into interim contracts which will also ensure there is service continuity.

**Recommendations**

3. For the Director of Adult Social Services to waive Contract Procedure Rules (CPRs) 9.1 and 9.2 to enter into interim contracts with:
  - i. Leeds Vision Consortium (LVC) for the provision of a service for adults with a visual impairment or dual sensory loss for a period of 6 months (with an

option to extend for a further period up to six months) from 1 April 2016 in the sum of £233,675; and

ii. BID Services for the provision of a service for adults who are deaf or hard of hearing for a period of 6 months (with an option to extend for a further period up to six months) from 1 April 2016 in the sum of £275,000.

4. For the Director of Adult Social Services to waive CPRs 8.1 and 8.2 to enter into interim contracts with;

iii. Sign Health for the provision of a service for adults who are deaf or hard of hearing with a mental health problem for a period of 6 months (with an option to extend for a further period up to six months) from 1 April 2016 in the sum of £39,800; and

iv. The Association of Blind Asians (ABA) for the provision of a service for adults from the Asian Community with a visual impairment for a period of 6 months (with an option to extend for a further period up to six months) from the 1 April 2016 in the sum of £12,558.

5. That the Director of Adult Social Services notes:

- PPPU will be requested undertake the procurement exercise and issue the new contracts
- The decision will be implemented once call-in has expired and the decision has been published.
- Sinead Cregan, Adult Commissioning Manager is the officer responsible for implementation.

## **Purpose of this report**

- 1.2 To seek approval from the Director of Adult Social Services to waive CPRs 8.1, 8.2, 9.1 and 9.2 to enter into four interim Sensory Impairment contracts with Sign Health, the ABA, LVC and BID Services for a period of six months (with an option to extend for a further period up to six months) from the 1 April 2016. The contracts are required to allow for sufficient time to consult on the proposed service model set out in this report.

## **2 Background information**

- 2.1 Adult Social Care (ASC) currently has four contracts for the provision of sensory impairment services across Leeds. The services provided by LVC and BID Services were procured in 2010/11 and the services provided by ABA and Sign health have not been subject to any competitive procurement.
- 2.2 The services provided by LVC and BID Services came into effect in June 2011 following a competitive procurement exercise. During 2014/15 1997 services users accessed LVC and 846 accessed BID Services. Sign health supported 57 service users and ABA supported 62.
- 2.3 A Section 256 agreement is in place for the provision of an Eye Clinic Liaison Officer post based at LVC and St James Eye Clinic. This agreement with South and East CCG currently expires on 31 March 2017 therefore ASC will need to negotiate with the CCG for this agreement to be continued as part of the new Sensory Impairment contract. This funding from the CCG also sits within the Better Care Fund.
- 2.4 ABA provides city wide support services to visually impaired people in Leeds. ABA is a culturally diverse group and has been running since 1989. It provides multi-cultural services that takes account of an individual's background and aims to reduce stigma within communities and overcome the barriers that affect people with visual impairments. Their overarching purpose is to reduce social isolation and improve the health and wellbeing of an individual. They provide support to carers and families and information, advice for people with disabilities.
- 2.5 Sign Health is a national charity with a service in Leeds. They provide an outreach support service for Deaf adults, especially Deaf adults with mental health problems. They provide a drop in service which is available three times a week and also offer housing related floating support. They assist with managing finances, developing self-care and daily living skills, maintaining relationships, integration into the community, and access to healthcare, either by establishing links with health professionals or accessing interpreting services.
- 2.6 BID's service in Leeds is called Deaf Across Leeds Enablement Service (DALES) and the service is delivered across Leeds, supporting adults aged 18+ who are deaf, hard of hearing or deafblind, and whose hearing loss causes difficulties for independent living.
- 2.7 DALES provides a range of support services including: general information and advice, initial and needs led assessments, support planning and reviews, access to

relevant advocacy services, drop in facilities (single point of access), assistive technology/equipment assessments, access to mental health and wellbeing support, community development and outreach service, support with the personalisation agenda, support to access recreation and leisure facilities, Specialist social work service and support to maintain independence.

- 2.8 LVC is made up of three organisations Action for Blind People, Sense and the Wilberforce Trust. They support adults who are blind and partially sighted or have dual sensory loss, living in Leeds. The services they provide are; an independent living service, employment support, an eye clinic liaison service, promotion of health and wellbeing, transitions service, assistive technology service, a dual sensory loss service, volunteer development, 'Living with Sight Loss' community outreach programme and drop in.

### **3 Main issues**

- 3.1 It is the intention of ASC to consult on the future model for Sensory Impairment Services in the city. The interim contracts will allow for this to take place and will also provide sufficient time for a procurement exercise to be undertaken. A new service specification will be coproduced as was done previously with service users and stakeholders.
- 3.2 The consultation will not commence until the interim contracts are approved however if approved it is planned to take three months commencing in late November 2015. This allows sufficient time for the procurement exercise to be undertaken and the mobilisation of the new service.
- 3.4 The annual value of the four existing contract is £1,122,067 and it may be feasible to reduce the total budget by 15% generating a saving of £168,000, this would in turn provide an annual total of £954,067 for the proposed new service. This will be looked at as part of the consultation exercise. The existing service providers are aware of this possibility.
- 3.3 The Adult Commissioning Board will act as the Project Board for the duration of this project. It will receive regular updates on the project's progress and it will also be briefed on the risk register. The Better Care Fund Delivery Board will also receive progress reports.

### **4 Corporate Considerations**

#### **4.1 Consultation and Engagement**

- 4.1.1 In terms of the existing services, extensive consultation was undertaken with several hundred services users and stakeholders on the content of the current service specification. Service users were also involved in the previous procurement exercise and this would be the model used for the future procurement exercise.

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

- 4.2.1 An Equality Impact Assessment Screening Tool has been completed and is attached at Appendix 1. If the recommendations are approved an EDCI screening will be undertaken.

### **4.3 Council policies and the Best Council Plan**

- 4.3.1 The four Sensory Impairment services directly contribute to the delivery of key outcomes within the Best Council Plan 2013/17, specifically to improve the quality of life for our residents, particularly those who are vulnerable or in poverty and the delivery of the 'Better Lives' objective.
- 4.3.2 The services make significant contributions to all of the City Priority Plans, but particularly the Health and Wellbeing Plan and its priority to make Leeds the best City for Health and Wellbeing by 2030. This is achieved through supporting clients to make healthy lifestyle choices and to live safely.

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

- 4.4.1 Each of the contracts with LVC and BID Services was reduced by £50,000 during 2014/15 without impacting on service delivery.
- 4.4.2 The total value for each individual interim six month contract is as follows and there is budget provision for these services:
- LVC £233,675
  - BID Services £275,000
  - Sign Health £39,800
  - ABA £12,558

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

- 4.5.1 This is a Key Decision which is subject to call-in as the maximum combined cost of services within this decision is more than £250k. A notice was published on the List of Forthcoming Key Decisions on the 11 August 2015.
- 4.5.2 This report does not contain any exempt or confidential information under the Access to Information Rules.
- 4.5.3 Awarding the new contract direct to the providers in this way could 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. In terms of transparency it should be noted that case law suggests that the Council should always 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 would be 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.
- 4.5.4 The Director of Adult Social Services has considered this and, due to the nature of the services being delivered and the requirement to be physically located in Leeds, is of the view that the scope and nature of the services is such that it would not be of interest to providers in other EU member states.

4.5.4 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. Obviously, the complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.

4.5.5 Although there is no overriding legal obstacle preventing the waiver of CPRs 8.1, 8.2, 9.1 and 9.2, the above comments should be noted. In making their final decision, the Director of Adult Social Services should be satisfied that the course of action chosen represents Best Value for the Council.

## **4.6 Risk Management**

4.6.1 The contracts will continue to be performance managed by officers in ASC. This includes regular reviewing of performance information and quarterly contract management meetings with the provider, at which any delivery issues are discussed. To date the service has delivered in accordance with the service requirements and performance criteria outlined in the specification.

## **5 Conclusions**

5.1 The new contracts commencing 1 April 2016 will ensure that there is continuity of service delivery whilst the consultation with service users and stakeholders takes place. This will also ensure that the service specification and subsequent service model is coproduced.

## **6 Recommendations**

6.1 For the Director of Adult Social Services to waive Contract Procedure Rules (CPRs) 9.1 and 9.2 to enter into interim contracts with:

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6.3 That the Director of Adult Social Services notes:

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

7.1 None

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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.