

Report of Organisational Training Lead

Report to the Director of Adult Social Services

Date: 27th July 2016

Subject: Waiver of Contract Procedure Rules (CPR's) 8.1 and 8.2 using the authority set out in CPR 1.3 to award contracts with organisations for the delivery of services commissioned by Adult Social Care from 1st August 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 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

1. Organisational Development for Adult Social Care wish to award the contract to Paul Gillespie. He is an established trainer who came recommended by Adult Social Care's MCA and DOLS lead. He has contributed to the workforce development programme for the delivery of consistently high quality, good value training. This is evidenced from positive feedback reports the trainer has consistently received.
2. This report seeks permission to waive Contract Procedure Rules 8.1 and 8.2 using the authority set out in CPR 1.3 to award the contract to a provider for the delivery of a range of training courses
3. The contract will be a call off contract for 2 years. Training will be called off according to need so the contract value will vary in range up to 11,000 which reflects the volume and quality of the training.
4. 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 the current provider is meeting their performance objectives.

Recommendations

5. The Director of Adult Social Services is recommended to waive Contract Procedure Rules 8.1 and 8.2 using the authority set out in CPR 1.3 to award a contract to Paul Gillespie, the established trainer for the provision of training for a range of social care and health related specialisms for a period of 2 years with an option to review after 12 months.
6. The contract shall commence on 1st August 2016 and expire on the 31st May 2018.
7. The Senior OD officer will implement this decision directly after it has been taken

1 Purpose of this report

- 1.1 To seek approval for the award of a contract for the delivery of high quality health topic training
- 1.2 The report seeks a waiver to CPRs 8.1 and 8.2 using the authority set out in CPR 1.3 in respect of a number of specialist training courses in Adult Social Care. The contract is valued above £11,000 over a 2 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 supplier. The aim of this contract 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 Mental 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 an external training specialist with higher levels of expertise. This training had been delivered by the MCA and DOLS specialist coordinator but following consultation with them, the incumbent trainer (Paul Gillespie) was recommended as he had the specialist knowledge alongside experience of co facilitating the original 2 courses with the specialist coordinator.
- 2.3 A range of training services are externally commissioned by Adult Social Care. The current arrangement under consideration has a value above £11,000 over 2years. Initially the process did not comply with CPRs and the spend was recorded off contract. However, due process is now being followed

by waiving, and the spend will be recorded as on contract. The arrangement has been reviewed and we are confident that the provider is continuing to offer value for money and has a 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 provider currently commissioned meets this essential requirement whilst also and representing best value for money.
- 2.5 Adults Social Care OD WFD Team reviewed the proposed expenditure on external training for 2016/17.
- 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.

3 Main issues

Reason for Contracts Procedure Rules Waiver

- 3.1. We found Paul Gillespie to be competitive when we compared and looked at general costs of other providers. We asked for two other quotes and these ranged from £549 to £1000 per day. Paul Gillespie was also recommended by our MCA and DOLs co-ordinator. They had previously delivered training together which meant that Paul understood the format of the sessions to be delivered and we were assured of his competence to deliver. Paul has already delivered sessions for ASC and the evaluations reports evidenced his training was to a high standard

Paul Gillespie is an Independent Social Worker/ BIA. He was previously a Professional Lead for Mental Health at Wakefield Council as well as holding roles such as AMHP and principal social work. He is now a part- time trainer on Mental Health Law, AMHP and BIA. He holds BA, BSc, MSc, PGCE, CQSW qualifications.

- 3.2 Waiving the contracts procedure rules for selected specialist training suppliers ensures 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 provider to deliver services from 1st August 2016, LCC will benefit in the following ways:

- Continuation of the current provider base ensures continuity in service delivery.
- Contract monitoring arrangements indicate that the current provider is meeting their performance objectives.
- Research by OD officers has established that the present provider offers the best market price and quality and would continue to offer the best value for money option. This is evidenced from the 3 quotes we sought.
- The 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

If contracts are not awarded to the specialist training provider the resulting negative outcomes will be:

- An increase in the minimum cost of the training; soft market testing has established that a comparable experienced, alternative provider will result in an increase in the charge for courses
- A generalist trainer would have limited knowledge and understanding of local networks and resources, in contrast to current training provision
- A resultant loss of expertise of this established trainer who has considerable experience of working with adult social care staff and the services
- Unable to continue to provide same level of specialist training provided

3.5 Advertising

This contract opportunity has not been advertised. Organisational Development for Adult Social care wish to retain the training services of the incumbent training provider.

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 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Initial consultation has taken place with the training provider 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. This form identifies that an impact assessment is not required in this case. See appendix 1

4.3 Council Policies and Best Council Plan

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
- Improve support where there are additional health needs

4.4 Resources and Value for Money

4.4.1 The present training represents excellent value for money as demonstrated by our market testing. The trainer is also very flexible and allows us to increase maximum course numbers. This mitigates the impact reduced attendance numbers caused by inevitable last minute cancellations. By allowing us to accept a higher number on course registers, we can provide better value for money by ensuring maximum attendance.

4.4.2 The contract will be a call off contract for 2 years to bring this in line with other waived training agreed in 2015. Training will be called off according to need so the contract value will vary. The value of this contract will be £11,000

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 this training provider 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, OD consider and agree that due to the nature of the services being delivered, the relatively low value of this contract 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

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 Mental 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

- 5.1.1 A waiver of Contract' Procedure Rules 8.1 and 8.2 using the authority set out in CPR 1.3 is required in order to enter into a contract with the supplier 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 is recommended to waive Contract Procedure Rules 8.1 and 8.2 using the authority set out in CPR 1.3 to award a contract to Paul Gillespie, the established trainer for the provision of training for a range of social care and health related specialisms for a period of 2 years with an option to review after 12 months.
- 6.2 The contract shall commence on 1st August 2016 expire on the 31st May 2018.
- 6.3 The Senior OD Officer will implement this decision directly after it has been taken.

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.

