

Report of: Interim Chief Officer for Commissioning

Report to: Director of Adult Social Care

Date: 29th July 2016

Subject: Waiver of Contract Procedure Rules (CPR's) 9.1 & 9.2, using the authority set out in CPR 1.3, in respect of Community Based Respite Services

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 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. This report sets out proposals for a waiver of Contract Procedure Rules (CPR) 9.1 and 9.2 using the authority set out in CPR 1.3 in order that contracts are awarded to existing providers of community based respite services.
2. A review of the activity, costs and performance in relation to community based respite services has taken place. The review also considered the legislative context of community based respite, approaches in other local authority areas and potential future demand.
3. A separate review of the Shared Lives Outreach service has also commenced. The Shared Lives Outreach service is similar in nature to community based respite in that it provides replacement care in the cared-for persons own home in order that the usual carer can have a break
4. The reviews have identified a need to develop a new approach to short breaks in line with a strength based approach to social care.
5. A new approach will remove the two tier system where people with similar needs receiving similar services are charged differently and, where a cared-for person has needs which cannot be met by voluntary and community resources, they will receive a personal budget, usually as a Direct Payment, and will have a range of services that they can choose from
6. New contracts to current providers of community based respite services will enable continuity of service while current customers of community based respite services

are offered the opportunity of a conversation with Adult Social Care to either identify universal resources that are available in the community, to identify more targeted support that may have been designed specifically to meet the needs of particular groups of people (e.g. dementia café), or to identify specialist support where people have needs which cannot be met by universal or targeted resources

7. The award of new contracts without competition to the providers listed in paragraph 4.4.2 will be by a waiver of CPRs 9.1 and 9.2 (high value procurements), using the authority set out in CPR 1.3.

Recommendations

1. This report recommends that the Director of Adult Social Services waive Contract Procedure Rules 9.1 and 9.2 using the authority set out in CPR 1.3 to enter into new short term contracts for a period of 6 months with a total contract value £564,720 as following:
 - Allied to provide community based respite services in Leeds East for a period of six months: contract value of £114,959.00
 - Allied to provide BME Citywide community based respite services for a period of six months: contract value of £46,605.00
 - Mears to provide community based respite services in Leeds West for a period of six months; contract value of £78,936.00
 - Mears to provide community based respite services in Leeds North West for a period of six months: contract value of £82,225.00
 - Moorcare to provide community based respite services in Leeds North East for a period of six months: contract value of £120,120
 - Sevacare to provide community based respite services in Leeds South for a period of six months: contract value of £121,875.00
2. That further work is undertaken by Adult Social Care to agree and implement a new Adult Social Care Short Breaks Offer.
3. That the Head of Commissioning (Integration) is responsible for the implementation of this decision and will implement this decision directly after it has been taken.

1. Purpose of this report

- 1.1. The purpose of this report is to seek a waiver of CPR 9.1 and 9.2, using the authority set out in CPR 1.3, in order that contracts are awarded to existing providers of community based respite services for a period of 6 months while work is undertaken to implement a new short breaks offer for current community based respite services customers using a strength based approach.

2. Background information

- 2.1. The majority of care in the UK is provided by unpaid carers rather than by health and care workers. It is widely recognised that good support for carers benefits not only carers, by maintaining or improving their well-being, but also the wellbeing of the person they care for and as such the health and social care economy.
- 2.2. Leeds City Council has commissioned community based respite services for a number of years, initially through grants funding but now as contracted services. The services provide up to 8 hours of replacement care per week so that carers can have a break and/or pursue employment, education or leisure opportunities.
- 2.3. There are four current providers covering six area based blocks. The total annual value of all four contracts is £1,129,440. Leeds NHS Clinical Commissioning Groups contribute £98,210 towards the overall costs.
- 2.4. Leeds City Council issued new short term contracts in February 2016 for a period of six months during which time a review of activity, costs and performance has taken place. The review also considered the legislative context of community based respite, approaches in other local authority areas and potential future demand.
- 2.5. A separate review of the Shared Lives Outreach service (where the service user is supported in the home of the carer) has also commenced. The Shared Lives Outreach service is similar in nature to community based respite in that it provides replacement care in the cared-for persons own home in order that the usual carer can have a break.
- 2.6. However, the reviews have identified two clear distinctions between community based respite and Shared Lives Outreach:
 - Shared Lives Outreach is accessed following an Adult Social Care needs or carers assessment whereas access to the community based respite service is via an assessment by the service provider
 - Shared Lives Outreach is considered as a service for the cared-for person and is subject to a charge whereas community based respite is considered as a service for the carer and no charge is made either to the carer or the cared-for person
- 2.7. In simple terms, this means that two people/families with similar needs and receiving similar services are charged differently.
- 2.8. The two reports indicate that there is an opportunity to develop a new approach to short breaks in line with a strength based approach to social care and which supports unpaid carers to have a break.

3. Main issues

3.1. Reasons for contract procedure rules waiver

- 3.1.1. This waiver is sought to ensure that current customers of community based respite services are able to still access a service whilst being offered the opportunity of a conversation with Adult Social Care to either identify universal resources that are available in the community, to identify more targeted support that may have been designed specifically to meet the needs of particular groups of people (e.g. dementia café), or to identify specialist support where people have needs which cannot be met by universal or targeted resources.
- 3.1.2. The timescale for this work to be completed is estimated as six months.

3.2. Consequence if the proposed action is not approved

- 3.2.1. Current service provision will cease leaving current customers without a service which supports carers to continue caring, and for cared-for people to remain in their family home.
- 3.2.2. There would be a spike in demand on Access and Care Delivery for assessment and review of cared-for/carers needs. It is more appropriate for this to happen in a planned way with open and transparent engagement with service users and carers.
- 3.2.3. There would most likely be negative impact upon the Council's reputation given the heightened awareness of duties towards carers following the introduction of the Care Act.

3.3. Advertising

- 3.3.1. It is not proposed to advertise this opportunity for the reasons set out in this report.

4. Corporate considerations

4.1. Consultation and engagement

- 4.1.1. Our commissioning information assures us that the service will continue to meet the needs and expectations of service users during the six month waiver period.
- 4.1.2. An engagement event will be planned with current providers to be held in September 2016
- 4.1.3. This work feeds into the Leeds Carers Strategic Partnership, which has strong representation from Carers, Carers Leeds and other third sector organisations, and statutory sector partners

4.2. Equality and diversity / Cohesion and integration

- 4.2.1. Breaks for carers enable carers to maintain social contacts, to have a life of their own alongside their caring and may support carers to continue in employment.
- 4.2.2. An equality and cohesion screening tool has been completed and is appended to this report.

4.3. Council policies and Best Council Plan

- 4.3.1. The new short breaks model will contribute to the delivery of key outcomes within the Best Council Plan 2015/2020, specifically to improve the quality of life for our residents and particularly those who are vulnerable or in poverty.
- 4.3.2. The new short breaks model will make significant contributions to the Health and Well Being Plan and its priority to make Leeds the best city for Health & Wellbeing.
- 4.3.3. The new short breaks model will contribute to the outcomes in the Leeds Carers Strategy.

4.4. Resources and value for money

- 4.4.1. The combined value of the contracts is £564,720. Payment is based on actual hours delivered up to the maximum contract value and so expenditure may be less than budget.
- 4.4.2. The value attached to each provider is:

Provider	Area(s)	Amount
Allied Healthcare	East	£114,959
Allied Healthcare	Citywide BME	£46,605
Mears	West	£78,936
Mears	North West	£82,225
Moorcare	North East	£120,120
Sevacare	South	£121,875

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 the services within this decision exceeds £250k per annum. A notice was published on the List of Forthcoming Key Decisions on 02.08.16.
- 4.5.2. This report does not contain any exempt or confidential information.
- 4.5.3. Awarding contracts in this way could leave the Council open to a potential claim from other providers, to whom the contract could be of interest, that they have not been given the chance to tender for this opportunity.
- 4.5.4. These contracts fall within social and other specific services under the Public Contracts Regulations 2015. The combined value of the contracts is below the threshold set down by the regulations for social and other specific services. However, in terms of transparency it should be noted that case law suggests the Council should always consider whether contracts of this value should be subject to a degree of European wide advertising and it is up to the Council to decide what degree of advertising is appropriate.
- 4.5.5. The Director of Adult Social Services should consider the nature of the services being delivered and due to the requirement to be physically located in Leeds, and

the relatively low value of the individual contracts, and should be satisfied that these services would not be of interest to providers in other EU member states. It is the view of the author and PPPU that the risk of challenge is small.

- 4.5.6. In making their final decision, the Director of Adult Social Services should note the above comments and 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. To date the service has delivered in accordance with the service requirements and performance criteria in the specification.

5. Conclusion

- 5.1. Recent reviews of community based respite services and Shared Lives Outreach services have identified a need to develop a new approach to short breaks in line with a strength based approach to social care.

- 5.2. New contracts to current providers of community based respite services will enable continuity of service while current customers of community based respite services are offered the opportunity of a conversation with Adult Social Care to either identify universal resources that are available in the community, to identify more targeted support that may have been designed specifically to meet the needs of particular groups of people (e.g. dementia café), or to identify specialist support where people have needs which cannot be met by universal or targeted resources

- 5.3. The award of new contracts without competition to the providers listed in paragraph 4.4.2 will be by a waiver of CPRs 9.1 and 9.2 (high value procurements), using the authority set out in CPR 1.3

6. Recommendations

- 6.1. This report recommends that the Director of Adult Social Services waive Contract Procedure Rules (CPR) 9.1 and 9.2 using the authority set out in CPR 1.3 to enter into new interim contracts for a period of 6 months with:

- Allied to provide community based respite services in Leeds East for a period of six months: contract value of £114,959.00
- Allied to provide BME Citywide community based respite services for a period of six months: contract value of £46,605.00
- Mears to provide community based respite services in Leeds West for a period of six months; contract value of £78,936.00
- Mears to provide community based respite services in Leeds North West for a period of six months: contract value of £82,225.00
- Moorcare to provide community based respite services in Leeds North East for a period of six months: contract value of £120.120

- Sevacare to provide community based respite services in Leeds South for a period of six months: contract value of £121,875.00
- 6.2. That further work is undertaken by Adult Social Care to agree and implement a new Adult Social Care Short Breaks Offer.
4. That the Head of Commissioning (Integration) is responsible for the implementation of this decision and 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.