

Report of Interim Chief Officer Commissioning

Report to Director of Adult Social Services

Date: 18th October 2016

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 using the authority set put in CPR 1.3 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 which will cease on 31st March 2017.

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.
2. Following expiry of these four contracts on the 31st March 2016, new interim contract (by way of a previous waiver) were awarded to the existing providers from 1st April 2016 to ensure service continuity whilst a procurement exercise was undertaken.
3. That procurement exercise is now complete and these new interim contracts are required to allow sufficient time to mobilise the new contract.

Recommendations

4. For the Director of Adult Social Services to waive Contract Procedure Rules (CPRs) 9.1 and 9.2 using the authority set put in CPR 1.3 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 until 31st March 2017 for 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 until 31st March 2017 for the sum of £275,000.
5. For the Director of Adult Social Services to waive CPRs 8.1 and 8.2 using the authority set put in CPR 1.3 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, until 31st March 2017 for 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, until 31st March 2017 for the sum of £12,558.
6. That the Director of Adult Social Services notes:

Sinead Cregan, Adult Commissioning Manager is the officer responsible for implementation.

Purpose of this report

1. To seek approval from the Director of Adult Social Services to waive CPRs 8.1, 8.2, 9.1 and 9.2 using the authority set put in CPR 1.3 to enter into four interim Sensory Impairment contracts with Sign Health, the ABA, LVC and BID Services until the 31st March 2017. The contracts are required to allow for sufficient time to mobilise the new contract.

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. ASC negotiated 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 There are currently four commissioned sensory impairment services in Leeds and their existing contracts were previously extended from 1st April 2016 to allow for a procurement exercise to be undertaken. The interim contracts will allow for the contract mobilisation to take place which includes TUPE and the transfer of a large number of service users and volunteers.
- 3.3 The procurement exercise has been concluded and the contract has been awarded to BID. The award of the contract was agreed by Director of Social Services on 21st September 2016.
- 3.3 The contract extensions are required to allow for service continuation and for the new contract to be mobilised taking into the account the needs of service users during this period.

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 involved in the 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 and is subject to call-in as the maximum cost of one of the service within this decision is more than £250k.

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 contracts 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 could be of interest to contractors in other EU member states, and if it is considered they could, the opportunity should be subject to a degree of European wide advertising. 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, the requirement to be physically located in Leeds and the relatively low value of the contracts, 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 will ensure that there is continuity of service delivery and for the new contract to be mobilised taking into the account the needs of service users during this period.

6 Recommendations

6.1 For the Director of Adult Social Services to waive Contract Procedure Rules (CPRs) 9.1 and 9.2 using the authority set put in CPR 1.3 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, until 31st March 2017 for the sum of £233,675; and
- ii. BID Services for the provision of a service for adults who are deaf or hard of hearing, until 31st March 2017 for the sum of £229,000.

6.2 For the Director of Adult Social Services to waive CPRs 8.1 and 8.2 using the authority set put in CPR 1.3 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, until 31st March 2017 for 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, until 31st March 2017 for the sum of £12,558.

6.3 That the Director of Adult Social Services notes:

Sinead Cregan, Adult Commissioning Manager is the officer responsible for implementation.

7. Background documents¹

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.