

**Report of Organisational Training Lead**

**Report to the Director of Adults & Health**

**Date: 30<sup>th</sup> August 2017**

**Subject: Interim Waiver Report for Moving and Handling Training from 5<sup>th</sup> November 2017 to 4<sup>th</sup> November 2018.**

**Waiver of Contract Procedure Rules (CPR's) 8.1 and 8.2 using the authority set out in CPR 1.3 to award a contract for the delivery of services commissioned by Adults & Health.**

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

**Summary of main issues**

1. Organisational Development for Adults & Health wishes to award the contract to Workfit M & H Solutions Ltd. This is an established provider who 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 provider 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 the provider for the delivery of statutory moving and handling training courses.
3. The contract is a new contract for 12 months, on the same terms and conditions as the current contract, which will allow time to explore a joint procurement exercise with Leeds Community Healthcare NHS Trust. Training will be called off according to need so the contract value will vary in range up to £36,135 which reflects the volume and quality of the training.

4. In agreeing this waiver, Adults and Health will benefit in the following way:
  - 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**

1. The Director of Adults & Health is recommended to waive Contract Procedure Rules 8.1 and 8.2 using the authority set out in CPR's 1.3 to award the contract to the established provider, Workfit, for the provision of statutory moving and handling training for a range of sessions for a 12 month period to allow time for a joint procurement exercise with LCH.
2. The contract shall commence on 5<sup>th</sup> November 2017 and expire on the 4<sup>th</sup> November 2018.
3. 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 statutory moving and handling 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 statutory moving and handling training courses in Adults and Health. The contract is valued at £36,135 over a 12 month period and will be subject to an agreement with the current supplier on the same specification, pricing schedule and terms and conditions of the current contract.

### **2. Background information**

- 2.1. There is an on-going need for statutory moving and handling training. Organisational Development for Adults and Health 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. A new 12 month contract will give the time to explore a joint procurement exercise with LCH and this would be well-timed with the ending of their current contract.
- 2.3. The training is essential as employers in the health and social care sectors are subject to a range of statutory duties aimed at ensuring the individuals safety and care, as well as health and safety legislation and ensuring staff involved have the relevant competencies to make good moving and handling decisions taking account of staff safety but also the care, dignity, safety and enablement of individuals. This statutory training requires specialisms not

available within OD resources and therefore needs to be provided by an external training specialist with higher levels of expertise.

- 2.4. A range of training services are externally commissioned by Adults and Health. The current arrangement under consideration has a value at £36,135. The arrangement has been reviewed and we are confident that the provider is continuing to offer value for money. We recommend waiving CPR's 8.1 and 8.2 using authority set out in CPR 1.3 for 12 months in order to allow time to complete a full procurement exercise.
- 2.5. 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 and Health OD WFD Team there is a dearth of quality providers in the required specialisms and 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 representing best value for money.
- 2.6. Adults and Health OD WFD Team reviewed the proposed expenditure on external training for 2017/18.

### **3. Main issues**

#### **Reason for Contracts Procedure Rules Waiver**

- 3.1. Workfit have currently delivered all moving and handling training on contract and understand the format of the statutory sessions to be delivered. Evaluation reports have evidenced that they deliver these sessions to a high standard.
- 3.2. Waiving the contract procedure rules will enable the contract to be with Workfit and ensures retention of their services. It will ensure that the understanding of adults and health services, key processes and policy developments are maintained. There are not many providers who can deliver this for us and therefore this is of considerable value to ongoing service delivery.
- 3.3. In allowing the current provider to deliver services from 5<sup>th</sup> November 2017 to 4<sup>th</sup> November 2018 gives time to explore the possibility of working with LCH.

LCC will also 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.

- The provider will be asked to continue the already agreed 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.

### **Consequences if the proposed action is not approved**

3.4. If the contract is not awarded to the specialist training provider the resulting negative outcomes will be:

- A generalist training provider or 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 provider who has considerable experience of working with Adults and Health staff and the services.
- Unable to continue to provide the same level of specialist training already delivered.

### **Advertising**

3.5. It is not proposed to advertise this opportunity for the reasons set out at section 3.1 to 3.3 above.

## **4. Corporate Considerations**

### **Consultation and Engagement**

- 4.1. Initial consultation has taken place with the training provider to identify that they are able to deliver the service required.
- 4.2. The present arrangement remains the best and preferred option for 12 months while a full procurement exercise takes place.

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

- 4.3. The equality, diversity, cohesion and integration screening form is attached as appendix 1. This form identifies that an impact assessment is not required in this case.

### **Council Policies and Best Council Plan**

- 4.4. The project will contribute to the Best Council Plan to: Deliver on the Better Lives Programme
- Giving people with care and support needs the right care and support at the right time.

## **Resources and Value for Money**

- 4.5. The present statutory training represents excellent value for money compared to other providers. The training provider is also very flexible and allows us to change or add more training dates as required. The training can be tailored to meet the needs of services which is cost effective and meets our statutory requirements.
- 4.6. The contract will be a call off contract for 12 months and the value of this contract will be £36,135
- 4.7. The finance for this work is contained in the workforce development budget.

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

- 4.8. 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.

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 case law suggests that the Council should always consider whether contracts of this value would be of interest to providers in other Member States and if it would, subject the matter to a degree of European wide advertising.

- 4.5.4 The Director of Adults and Health has considered this and, due to the nature of the services being delivered, the requirement to physically deliver the service in Leeds, and the relatively low value of this contract is of the view that it would not be of interest to contractors in other EU Member States.
- 4.9. 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.
- 4.10. 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, Adults and Health should be satisfied that the approved course of action represents best value for the council.

## **Risk Management**

- 4.11. 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 mobility conditions.

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 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 new 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 Adults and Health is recommended to waive Contract Procedure Rules 8.1 and 8.2 using the authority set out in CPR 1.3 to award the contract to the established provider, Workfit, for the provision of statutory moving and handling training for a range of sessions for a 12 month period to allow time for a joint procurement exercise with LCH.
- 6.2. The contract shall commence on 5<sup>th</sup> November 2017 and expire on the 4th November 2018.
- 6.3. The Senior OD Officer will implement this decision directly after it has taken.

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

None

## **8. Appendices**

- 8.1 Equality, Diversity, Cohesion and Integration Screening Form
- 8.2 DDN

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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