

Report of Organisational Training Lead

Report to the Director of Adults & Health

Date: 27th September 2017

Subject: Waiver Report for the Level 5 Commissioning and Well-being (RQF) qualification.

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 HASCA Ltd for the delivery of the Level 5 Commissioning and Well-being Award. After research and advice from Skills for Care it has been established that HASCA Ltd is the only training provider nationally offering this qualification. Previously staff from Commissioning and Contracts had undertaken CMI Diplomas in Commissioning, Procurement and Contracting for Care Services (QCF) qualifications level 3 and 5, this unfortunately is no longer available or funded. To ensure equity across the teams we are now offering this opportunity to existing and new staff but also any member of staff who was unable to take part in previous qualifications. In 2017 the new Level 5 Award was developed and to support Local Authorities, Skills for Care have made available workforce development funding of £750 per person (Total £4,500) to contribute towards the completion of this Award.

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 the Level 5 Award.
3. The contract will be for 6 months with a total cost of £10,620. £750 per person will be awarded from Skills for Care workforce Development Funding on completion of this Award. LCC have 6 people undertaking this Award, which will reduce the total cost to £6,120. We have chosen this route as there is no apprenticeship in place or being developed.
4. In agreeing this waiver, Adults and Health will benefit in the following way:
Leeds City Council are leading on this programme regionally, there is a mix of people from other Local Authorities which will promote relationships and partnership working across the region as well as peer support. The training provider will provide expert knowledge in the area of commissioned services by using experts in this field. Staff from both Commissioning and Public Health will hold a recognised qualification.

Recommendations

5. The Director, 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 HASCA Ltd, for the provision of a Level 5 Commissioning and Well-Being Award on a 6 month contract
6. The contract shall commence on the 2nd October 2017 and expire on the 31st of March 2018.
7. The OD Business Partner 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 the Level 5 Commissioning and Well-being (RQF) Award.
- 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 the Level 5 Award. The contract is valued at £10,620 over a 6 month period and will be subject to supplier agreement with the same continued specification, pricing schedule and terms and conditions.

2. Background information

- 2.1. OD are supporting Commissioning and Contracts with their training and development strategy which will ensure we have a qualified work force for the future, undertaking this qualification will only enhance their skills and knowledge in their specific roles. 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 6 month waiver will enable a pilot to be delivered and gain Workforce Development Funding of £750 within the stated timescales from Skills for Care.

3. Main Issues

Reason for Contracts Procedure Rules Waive

- 3.1 HASCA is the only training provider nationally delivering this qualification. The total cost to Leeds City Council is £10,620 with workforce development funding from Skills for Care of £750 per person to be deducted on completion of the award bringing the total cost to £6,120.

Consequences if the proposed action is not approved

- 3.2 Commissioning staff and Public Health staff would not receive a recognised qualification. We are also hosting this programme to support other Local Authorities regionally. There are 19 Commissioning staff accessing this programme from across the region, therefore it would prevent this excellent opportunity for partnership working across the region.

Advertising

- 3.3 OD researched and received advice from Skills for Care to ensure HASCA Ltd was the only training provider offering this qualification, therefore this contract opportunity has not been advertised.
- 3.4 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

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.

Equality and Diversity / Cohesion and Integration

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

Council Policies and Best Council Plan

- 4.3. The programme will contribute to the Best Council Plan to: Deliver on the Better Lives Programme. It also supports the Health and Well-being strategy.

Resources and Value for Money

- 4.4. The finance for this work is contained in the workforce development and commissioning budgets.
- 4.5. Workforce Development Funding of £750 per person is being offered by Skills for Care.

Legal Implications, Access to Information and Call In

- 4.6. 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.
- 4.7. 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.
- 4.8. 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.

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

- 5.1 Staff from Leeds City Council Commissioning services would not hold a relevant qualification. We would miss the window of opportunity to commence on to this programme as the workforce Development Funding has a cut-off date of February 2018. Therefore we need to start the programme in October to enable all learners to have sufficient time to complete their Award.

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 contract with the supplier who will deliver a high quality and consistent training and ensure that training costs are economic and value for money.

6. Recommendations

6.1. The Director, 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 HASCA Ltd being the only training provider nationally delivering this qualification.

6.2. The contract shall commence on 2nd October 2017 and expire on the 31st of March 2018.

6.3. The OD Business Partner will implement this decision directly after it has 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.