

**Report of:** Deputy Director, Integrated Commissioning, Adults and Health

**Report to:** Director of Adults and Health

**Date:** 16<sup>th</sup> January 2019

**Subject:** To waive Contracts Procedure Rules (CPR) 8.1 and 8.2 using the authority set out in CPR 1.3 to enter into a new contract with Chapeltown CAB for a period of 12 months for the provision of the learning disability specialist advice service.

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s): n/a		
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: 10.4 (3)		
Appendix number:		

## Summary of main issues

1. Chapeltown Citizens Advice Bureau (CAB) currently delivers the learning disability specialist advice service for adults with learning disabilities in Leeds. Chapeltown CAB provides free, independent and impartial advice for people with learning disabilities on a wide range of issues including benefits, tax credits, debt, housing, homelessness, employment rights, discrimination, immigration, tax and legal procedures. The learning disability specialist advice service provides much valued advice and support and represents value for money to the council.
2. In April 2014, Leeds Adult Social Care (now Adults and Health) commissioned Chapeltown CAB to deliver specialist advice for people with learning disabilities. The length of the contract awarded was for 3 years, with the option to extend for two further 12 month extensions. The second 12 month extension to the contract was taken up from 1st April 2018, and the contract will expire on 31st March 2019.

There are no further extensions available within the current contract terms after this date. As the contract is coming to an end, a new contract will be required with the existing provider to ensure continuity of service. A new contract of 12 months is proposed. This will allow for the continuity of the service whilst an on-going procurement exercise is completed for the provision of learning disability day opportunities.

3. The majority of learning disability day opportunities under contracts will complete their final 12 month extension period on the 31<sup>st</sup> of March 2020. Officers in the Joint Commissioning Service are currently undertaking work with Procurement and Commercial Services to explore the possibility of putting all of the learning disability day opportunities out to competitive tender in 2019/20.
4. Entering into a 12 month contract with Chapeltown CAB will bring the learning disability specialist advice service in line with the other contracts. This new 12 month contract will ensure service continuity whilst allowing officers to determine future commissioning arrangements for all learning disability day opportunities across the city.
5. The value of this new 12 month contract is £57,034.98 which will continue to be funded by the learning disability pooled budget.

## **Recommendations**

1. The Director of Adults and Health is recommended to waive CPRs 8.1 and 8.2, using the authority set out in CPR 1.3, to enter into a new contract for 12 months with Chapeltown CAB for the provision of the learning disability specialist advice service from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020 with a total value of £57,034.98.
2. The Head of Service Commissioning is the officer responsible for implementation of this new contract, and will liaise with Procurement and Commercial Services (PACS) to oversee the implementation of the new contract before the existing arrangement expires on 31<sup>st</sup> March 2019. PACS will be requested to issue the 12 month contract.

## **1 Purpose of this report**

- 1.1 The purpose of this report is to seek approval to waive CPRs 8.1 and 8.2 and award a contract directly to Chapeltown CAB for the delivery of the learning disability specialist advice service without seeking competition. CPR 8.1 requires competition for procurements between £10K and £100K and CPR 8.2 requires at least three written tenders.
- 1.2 If approval is given, CPRs 8.1 and 8.2 will be waived and a new contract will be awarded to Chapeltown CAB based on the existing terms and conditions for a period of 12 months from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020.

## **2. Background information**

- 2.1 The learning disability specialist advice service provides free, independent, confidential and impartial advice for people with learning disabilities on a wide range of issues including benefits, tax credits, debt, housing, homelessness, employment rights, discrimination, immigration, tax and legal procedures.
- 2.2 The service is delivered between 8:45am – 4:30pm Monday to Friday, from the CAB Office in Chapeltown. The service is also delivered in people's homes and in the offices of partner organisations across the city. Advice is generally given on a one-to-one basis to people with learning disabilities and their families/carers.
- 2.3 Between 1<sup>st</sup> January 2018 and 1<sup>st</sup> December 2018 the service has supported 145 people with learning disabilities. These figures are a typical representation of the number of people supported by the learning disability specialist advice service over the life of the contract.
- 2.4 Clients access the service through a mixture of self-referrals, referrals from family carers and referrals from other organisations, including statutory and non-statutory organisations. The service is highly regarded within the learning disability community in Leeds. Strong relationships have developed with partner organisations across the city and many people and organisations state they are reliant on this valuable resource.
- 2.5 The service has reported significant financial gains for clients during the course of the contract. From the 1<sup>st</sup> of January 2018- 1<sup>st</sup> December 2018 the project has reported an average income gain of £4,443 for the people supported by the project. Financial outcomes are achieved through either income gain, applications for charitable support or debt write off.

## **3. Main issues**

- 3.1 The service is unique within Leeds and offers specialist information and advice which has seen significant financial gains for people with learning disabilities in Leeds. The specialist nature of the advice means the service could not be easily duplicated by a different organisation.
- 3.2 The service has a high level of satisfaction and is extremely valued by those who use it and their families. The project is full to capacity which reflects the need for the specialist advice within the city. It enables people to access specialist advice and support in a way that is most appropriate to their needs. The team are able to provide advice on issues that are especially pertinent to people with learning disabilities and their families, such as community care, welfare rights and public law.

- 3.3 This project provides essential advice and support and contributes to the delivery of more community based, personalised services and support for people with learning disabilities. It actively promotes people's well-being, is empowering and reduces dependency.
- 3.4 The recommendation to enter into a 12 month contract from 1<sup>st</sup> April 2019 under the existing terms and conditions will ensure that this service can continue to deliver high quality specialist advice to adults with learning disabilities before a wider procurement exercise is undertaken for all learning disability day opportunities in the city that will commence in 2019/20.
- 3.5 The wider procurement exercise is currently in the planning stages. It will look to develop strength based/asset based opportunities. It is highly likely that one of the requirements in the tendering exercise will be for an information service to support people to take up new opportunities. People with learning disabilities have told us that a key priority for them is employment. Access to employment is therefore a key element of the updated Leeds Learning Disability Strategy Being Me (2018-2021). Currently, many people with learning disabilities are frightened of taking such opportunities because of the possible impact on their benefits. The procurement exercise in 2019/20 would be an opportunity to invite organisations to support employment opportunities with individuals and to support other day opportunity providers. It is therefore considered prudent to include the current funding for the learning disability specialist advice service in the wider procurement exercise which will take place in 2019/20.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 The project was created following extensive consultation with key stakeholders and remains popular with these groups. Since this project commenced, the service has been monitored through quarterly returns and Commissioning Officer's visits to the service a number of times per year.
- 4.1.2 There has been no specific consultation regarding this 12 month contract as it does not involve a change to service delivery.

### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 An Equality, Diversity, Cohesion and Integration Screening Tool has been completed and is attached to this report as Appendix 1.

### **4.3 Council policies and best council plan**

- 4.3.1 The updated Leeds Learning Disability Partnership Board Strategy 'Being Me' (2018 to 2021) is formed around three themes; Being Safe, Being Well and Being Connected. The provision of this service for adults with learning disabilities contributes to all of these themes.

4.3.2 The Leeds Health and Wellbeing Plan 2016 to 2021 sets out the vision for Leeds to be 'a healthy and caring city for all ages, where people who are the poorest will improve their health the fastest'. The learning disability specialist advice service contributes to the outcomes of this plan, with particular contribution to the following priorities:

- *Strong, engaged and well-connected communities*
- *Housing and the environment enable all people of Leeds to be healthy*
- *Maximise the benefits from information and technology*
- *A stronger focus on prevention*
- *Support self-care, with more people managing their own conditions*
- *Promote mental and physical health equally*
- *A valued, well trained and supported workforce*

4.3.3 The vision contained within the Best Council Plan 2018/19 – 2020/21 for Leeds to be the best city for health and wellbeing is supported through the delivery of this contract. The service particularly contributes to the following 2018/19 – 2020/21 Health and Wellbeing priorities:

- *Reducing health inequalities and improving the health of the poorest the fastest*
- *Supporting self-care, with more people managing their own health conditions in the community*
- *Enabling people with care and support needs to have choice and control*

#### **4.4 Resources and value for money**

4.4.1 The funding for the proposed 12 month contract equates to a total of £57,034.98. This funding will be provided from the Learning Disability Pooled Budget.

4.4.2 This service was brought into a contract in 2014 as part of the learning disabilities day services modernisation project. As part of this process, the service was evaluated on value for money.

4.4.3 As outlined in section 3, the learning disability specialist advice service has been continuously assessed as delivering a service that is considered to be high quality.

#### **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. (CPR 27.2 stipulates that any decision to procure that includes a waiver of the CPRs will be a Significant Operational Decision as a minimum). There are no grounds for treating the contents of this report as confidential under the Council's Access to Information Rules.

4.5.2 This contract is for social and other specific services as defined by section 7 of the Public Contracts Regulations 2015 (PCR). The financial value of this contract is

below the threshold for the application of the PCR. However, awarding a contract directly to Chapeltown CAB 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 as the opportunity is not being advertised and at least three written tenders invited. However, due to the comments set out in paragraphs 3.1 to 3.4 this risk appears low.

- 4.5.3 Due to the nature of the services being delivered, the relatively low contract value (which is below the PCR threshold) and the requirement to be physically located in Leeds, it is unlikely that the scope and nature of the services is such that it would be of interest to other providers, especially in other EU member states. The decision has been taken in the context of this service being subject to a full competitive re-procurement exercise undertaken in 2019 that will include learning disability day opportunities in the city.
- 4.5.4 Although there is no over-riding legal obstacle preventing the waiver of CPRs 8.1 and 8.2 using the authority set out in CPR 1.3, by awarding a direct contract without seeking competition, the contents of this report should be noted. In making the final decision, the Director of Adults and Health should be satisfied that the course of action chosen represents best value for money to the Council.

## **4.6 Risk management**

- 4.6.1 Aside from the risks highlighted in 4.5, there are no significant risks identified in awarding this 12 month contract, as it does not involve a change to service delivery.
- 4.6.2 If there were a break in the provision of service, people with learning disabilities in Leeds would not be able to access specialist information and advice on a wide range of issues including benefits, tax credits, debt, housing, homelessness, employment rights, discrimination, immigration, tax and legal procedures. It is likely that many people with learning disabilities and carers would express concern at any break in the service prior to alternatives being identified.

## **5. Conclusions**

- 5.1 Chapeltown CAB deliver the learning disability specialist advice service. It provides high quality advice to people with learning disabilities on a range of subjects including benefits, immigration, tax, employment, debt, housing and consumer rights. The service is highly valued by people with learning disabilities and their families.
- 5.2 The purpose of this report is to seek approval to waive CPRs 8.1 and 8.2 and enter into a contract with Chapeltown CAB to deliver the learning disability specialist advice service without competition.
- 5.3 Officers in the Joint Commissioning Service are currently undertaking work with Procurement and Commercial Services to explore the possibility of putting all of the learning disability day opportunities out to competitive tender in 2019/20. The majority

of Learning Disability day opportunities on contracts will complete their final 12 month extension period on the 31st of March 2020.

- 5.4 Entering into a 12 month contract with Chapeltown CAB will bring the learning disability specialist advice service in line with the other learning disability day contracts. The award of this 12 month contract will ensure service continuity whilst allowing officers to determine future commissioning arrangements for all learning disability day opportunities across the city.
- 5.5 The value of this contract is £57,034.98 per annum, which will continue to be funded by the learning disability pooled budget.

## **6. Recommendations**

- 6.1 The Director of Adults and Health is recommended to waive CPRs 8.1 and 8.2, using the authority set out in CPR 1.3, to enter into a new contract for 12 months with Chapeltown CAB for the learning disability specialist advice service from 1st April 2019 to 31st March 2020 with a total value of £57,034.98.
- 6.2 The Head of Service Commissioning is the officer responsible for implementation of this new contract, and will liaise with Procurement and Commercial Services (PACS) to oversee the implementation of the new contract before the existing arrangement expires on 31st March 2019. PACS will be requested to issue the 12 month contract.

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

- 7.1 None

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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.