

**Report of Head of Service, Safeguarding Access and Quality.**

**Report to Director of Adults and Health**

**Date:** 13 February 2019

**Subject: To seek approval to waive Contracts Procedure Rule (CPR) 15.2 using the authority set out in CPR 1.3 to amend the quality threshold for the procurement of a 'Learning from people's lived experience of safeguarding' research project to 100% quality**

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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

### Summary of main issues

- 1 This report seeks approval to waive CPR 15.2 to amend the quality threshold from 60% to 100% for the proposed Learning from people's lived experience of safeguarding research project.
- 2 As a statutory body under the Care Act 2014 the Leeds Safeguarding Adults Board (LSAB) manages a small budget which helps to support the Boards aims and objectives.
- 3 During the LSAB meeting held on 5 October 2018 it was agreed that £20,000 from the LSAB budget would be ring-fenced to commission a two year research project investigating people's experiences of the safeguarding process culminating with a report analysing the findings and making key recommendations to improve the process.
- 4 The purpose of this request is to ensure that the commissioned service is delivered to a high quality standard. Funding is provided through LSAB and will not incur any financial contribution from Leeds City Council other than advice and guidance and

management of the procurement process. Thus, by having a 100% quality threshold it will ensure that LSAB can place greater emphasis on the qualitative element of the service on behalf of the service users

## **Recommendations**

- 5 The Director of Adults and Health is recommended to use the authority under CPR 1.3 using the procedures set down under CPR 27 to waive the requirements of CPR 15.2 and approve the use of a 100% quality evaluation for the procurement of a Learning through Experience of Safeguarding research project, with a pre-determined contract sum.
- 6 The Commissioning Officer will liaise with the Procurement and Commercial Service regarding the procurement exercise to ensure CPRs are adhered to.

### **1. Purpose of this report**

- 1.1 The purpose of the report is to seek authorisation to waive Contracts Procedure Rule 15.2 so that the tenders for the Learning through the Experience of Safeguarding research project can be evaluated based on 100% quality only with a pre-determined contract value.

### **2. Background information**

- 2.1 The Leeds Safeguarding Adults Board is a statutory body under the Care Act 2014 that works strategically to ensure there are arrangements in place to safeguard adults with care and support needs.
- 2.2 The Board is responsible for the multi-agency safeguarding adults policy and procedures in Leeds that provide the framework within which all organisations work together to support and safeguard people at risk of abuse and neglect.

### **3. Main issues**

- 3.1 The LSAB has four Ambitions within its Strategic Plan for 2016/19, one of which is to; 'Learn from experience to improve how we work'. In order to achieve this, the Board needs to learn directly from people who have been supported within the Safeguarding multi-agency policy and procedures.
- 3.2 During the Leeds Safeguarding Adults Board meeting (5/10/18) it was agreed to commission an independent service to gather feedback from those who have lived experience of safeguarding multi-agency procedures. It was also reported that agreement had been gained so that colleagues in Adults and Health and Procurement and Commercial Services would lead on the procurement and commissioning process.

- 3.3. It was also agreed the cost of the project would be set at £20,000. This funding would be sourced from the LSAB budget.
- 3.4 Therefore on behalf of the Leeds Adult Safeguarding Board Leeds City Council (subject to approval of this report) will procure an independent organisation to undertake a project which;
  - a. using appropriate methods to gather feedback from people about their experience of the multi – agency policy and procedures and the support that was provided.
  - b. analyse this information identifying strengths, opportunities and challenges.
  - c. collate information into a report produced for Leeds Safeguarding Adults Board to enable the development of a best practice model including improved procedures, training and quality assurance processes.
- 3.5 It is anticipated the opportunity to tender for this commission will be limited to Advocacy providers because of the sensitivity of the subject matter and the corresponding skill set required.
- 3.6 Following the procurement, the successful provider will commence on 1<sup>st</sup> June 2019 with the contract being of two (2) year duration.
- 3.7 The standard methodology of reviewing tenders is on a ratio of 60% quality and 40% price. However the budget for this service has been set by LSAB and will be advertised as part of the tender documentation.
- 3.8 Having a fixed price model will allow the procurement process to focus on the quality, experience and efficiency of the provider.
- 3.9 It is acknowledged that best value can often be achieved by obliging organisations to compete on price as well as quality; however, for such a smaller scale and bespoke specific contract it is likely that any financial concessions gained will in likelihood result in a poorer quality service with crucially less focus on the needs and sensitivities of the target group providing the learning opportunities.
- 3.10 Numbers of people willing to share their experience may fluctuate throughout the two years. It should also be noted that by setting an indicative price the contracted provider will then have flexibility to manage the budget to adapt the project as pressures change.
- 3.11 The successful organisation will be required to have extensive advocacy expertise in working with vulnerable people and capturing their experiences in a sensitive but impartial manner. To encourage potential providers to minimise costs could also encourage a reduction of access to higher skilled advocates who have appropriate experience and knowledge to interview clients who have already been through recent challenging events.
- 3.12. It is considered that concentrating the focus on quality rather than a mix of cost and quality will allow for a more in depth and rigorous testing of the potential service

providers and will ensure when the contract is awarded the successful organisation will be able to effectively and efficiently meet the requirements of the study.

3.13 The procurement process will offer an opportunity to take account of the Social Value Act and will determine how additional social value can be sought from providers as part of this process.

#### **Reason for contracts procedure rules waiver**

3.14 In order to comply with CPR Procurement and Commercial Services have advised that a waiver report is required to ensure that we meet the Council's obligations of transparency and openness.

3.15 There are no internal service providers capable of undertaking the required Service.

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

3.16 If the recommendation to waive contract procedure rules is not approved then there is a risk that the quality evaluation criteria will not allow the council to commission quality services delivered to a high standard especially as the indicative cost is already set.

#### **Advertising**

3.17 The procurement opportunity will be advertised on YORtender and prospective bidders will be notified via this system.

### **4. Corporate Considerations**

#### **4.1 Consultation and engagement**

4.1.1 The executive member for Adults and Health has been consulted and is supportive of the proposal.

4.1.3 Membership of the LSAB is extensive and includes representatives from Leeds City Council, National Health Service and West Yorkshire Police etc. The proposal has been discussed and supported at a number of Safeguarding board meetings throughout 2018.

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

4.1.1 An Equality, Diversity, Cohesion and Integration Screening has been completed and can be found in Appendix 1.

4.1.2 Through the clauses set out within the contract documentation the successful provider will be required to have appropriate policies and procedures in place.

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

4.3.1 The commissioning of this service supports aims in the Leeds City Council Best Council plan 2015-2020. In particular the objectives “Supporting communities and tackling poverty” and “Delivering the better lives programme”.

#### **4.4. Resources and Value for Money**

4.4.1 The value of the proposed contract is £20,000. All activity will be closely monitored against expenditure and any underspend will be recouped by the LSAB.

4.4.2 Monitoring and reviewing the proposed contract in order to ensure it meets the necessary outcomes will be provided from designated board members of LSAB. There will be no resource implications for Adults and Health after the procurement process has completed.

#### **4.5 Legal implications, access to information, and call-in**

4.5.1 The decision required within this report is a Significant Operational Decision as the request is to waive CPR 15.2 by evaluating on 100% quality. The decision is not subject to call in and does not contain any exempt or confidential information.

4.5.2 In order to comply with CPR Procurement and Commercial Services have advised that a waiver report is required to ensure that the Council’s obligations of transparency and openness are met.

4.5.3 The CPR allow for the cost element to be fixed and for the tenderers to compete on a quality basis only.

4.5.4 Although there is no overriding legal obstacle preventing the authorisation, the above comments should be noted. In making their final decision, the Director of Adults and Health should be satisfied that the course of action chosen represents Best Value for the Council.

#### **4.6 Risk management**

4.6.1 The procurement process will be conducted in accordance with the Council’s CPR in order to ensure that a fair, open and transparent process is undertaken.

### **5 Conclusions**

5.1 It is considered that a 100% focus on quality rather than the standard split between quality and price will allow for a better and more robust scrutiny of potential service providers due to the savings already identified via the review noting that the budget has been set at £20,000.

### **6 Recommendations**

6.1 The Director of Adults and Health is recommended to use the authority under CPR 1.3 using the procedures set down under CPR 27 to waive the requirements of CPR

15.2 and approve the use of a 100% quality evaluation for the procurement of a Learning through Experience of Safeguarding research project, with a pre-determined contract sum.

6.2 The Commissioning Officer will liaise with the Procurement and Commercial Service regarding the procurement exercise to ensure CPRs are adhered to.

## **7. Background documents**

7.1 None. <sup>1</sup>

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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.