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## Report of Deputy Director, Integrated Commissioning Adults and Health and Leeds NHS CCG

### Report to the Director of Adults and Health

Date: 13 March 2019

**Subject:** To seek approval from the Director of Adults and Health to waive Contract Procedure Rules (CPRs) 9.1 and 9.2 using the authority set out in CPR 1.3 to enter into a new contract with Women's Counselling and Therapy Service (WCTS) for one year with the option to extend for another 6 months. The total contract value would be £215,100.

Are specific electoral wards affected? If yes, 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: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Summary of main issues

1. Adults and Health currently has a contract with WCTS for the provision of a counselling service and the current contract expires on 31 March 2019.
2. The existing two year contract was entered into following the approval of a waiver report by the Director of Adults and Health on 21 February 2017 and the value was £286,800. The current contract ends on the 31 March 2019.
3. The new contract will allow for service continuity whilst it is reviewed and subjected to a procurement exercise to be undertaken by Adults and Health. The review will take approximately 12 weeks to complete before it is presented to the Adults and Health Commissioning Board.
4. The procurement exercise will be undertaken following the service review and will commence with a market sounding exercise.

## **Recommendations**

1. For the Director of Adults and Health to approve the waiver of Contract Procedure Rules (CPRs) 9.1 and 9.2 using the authority set out in CPR 1.3 to enter into a new contract with Women's Counselling and Therapy Service (WCTS) for one year with the option to extend for another 6 months from the 1 April 2019. The total contract value would be £215,100.

2. That the Director of Adults and Health notes:

The Council's Procurement and Commercial Service will be requested to issue the new contract.

The Adult Commissioning Manager is the officer responsible for the implementation of this contract.

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

- 1.1 To seek approval from the Director of Adults and Health to waive Contract Procedure Rules (CPRs) 9.1 and 9.2 using the authority set out in CPR 1.3 to enter into a new contract with Women's Counselling and Therapy Service (WCTS) for one year with the option to extend for another 6 months. The total contract value would be £215,100.

### **2. Background information**

- 2.1 The counselling service offered by WCTS is a unique service commissioned by Adults and Health since 1983. It offers a free or low cost accessible counselling and psychotherapy service for Leeds women on low incomes. Venues are in the city centre and in communities around Leeds.
- 2.2 Their monitoring data shows that they are working with a higher number of women than ever before; with more complexity. Due to the complexity presented by the women accessing WCTS, the women are unable to access the Improving Access to Psychological Therapies (IAPT) programme as it is not able to meet their needs as IAPT does not provide long term psychotherapy.
- 2.3 There are other counselling services available in Leeds but they do not provide the specialism offered by WCTS. Many of the women have experienced historical sexual abuse and have come forward for support following the Jimmy Saville enquiry.
- 2.4 Leeds does not have a rape crisis service and WCTS fulfils this role in supporting women who have been raped or experienced sexual violence. There is no other service in the city that offers this specialised counselling and support service for women.
- 2.5 During 2017/18 the Service worked with 158 women over the course of the year, significantly exceeding the target of 90 women. All women accessing the Service are on low incomes or live in poverty.
- 2.6 Eighteen percent live in areas in the lowest 3% of areas in the multiple index of deprivation of England, a further 14% live in the lowest 10% of areas in the multiple index of deprivation, 28% consider themselves to live with a disability, 10% were from BME communities and 15% define as LGBT.

### **3. Main Issues**

- 3.1 Adults and Health currently has a two year contract with WCTS for the provision of a counselling service and the current contract expires on 31 March 2019.
- 3.2 The existing contract was entered into following the approval of a waiver report by the Director of Adults and Health on 21 February 2017. The current contract ends on the 31 March 2019 and the total value was £286,800.
- 3.4 During the period of this contract Leeds Adults and Health undertook the procurement of a new community based mental health service which was time and resource intensive and did not allow for the review of WCTS to be undertaken.
- 3.5 The new contract will allow for service continuity whilst it is reviewed and subjected to a procurement exercise to be undertaken by Adults and Health. This review is part of a programme of planned service reviews that are to be undertaken during 2019/20.
- 3.6 The review will take approximately 12 weeks to complete before it is presented to the Adults and Health Commissioning Board. A procurement exercise will be undertaken following the service review and will commence with a market sounding exercise.
- 3.7 The service specification will need to be consulted on before the procurement exercise is undertaken and this will commence immediately after the service review report has been presented to Adult Commissioning Board. The additional six months will only be utilised if the procurement exercise is not completed within the first twelve months of the new contract.

### **4. Corporate considerations**

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

- 4.1.1 Service users and other stakeholders will be included in the service review and the subsequent review of the service specification and procurement exercise.
- 4.1.2 Councillor Charlwood (Executive Member for Health, Wellbeing and Adults) was briefed on the 15 February 2019.

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

- 4.2.1 An Equality, Diversity, Cohesion and Integration Screening Assessment has been completed for this report, see Appendix 1. This will be submitted alongside the report for Delegated Decision Panel.

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

- 4.3.1 There are five outcomes from Leeds Health and Wellbeing Plan relevant to the WCTS; People will live longer and have healthier lives, People will live full, active and independent lives, People will be actively involved in their health and their care, People's quality of life will be improved by access to quality services and People will live in healthy, safe and sustainable communities.
- 4.3.2 The Best Council Plan is our strategic planning document, sitting at the top of a range of supporting strategies. It sets out what the council, working in partnership, will do to deliver better outcomes across Leeds.

4.3.3 The WCTS outcomes have direct links to the Best Council Plan's outcomes and are reflected in the service delivery. The high level outcomes from the Best Council Plan are;

- Be safe and feel safe
- Enjoy happy, healthy, active lives
- Live in good quality, affordable homes within clean and well cared for places
- Do well at all levels of learning and have the skills they need for life
- Enjoy greater access to green spaces, leisure and the arts
- Earn enough to support themselves and their families
- Move around a well-planned city easily
- Live with dignity and stay independent for as long as possible.

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

- 4.4.1 There is provision within the Adults and Health Directorate base budget to cover the cost of this service.
- 4.4.2 The current contract and service offers value for money as it often exceeds its targets of the number of women supported in one year within the available budget.
- 4.4.3 The inclusion of key performance indicators in the service specification should also improve performance and provides a mechanism by which the council, if necessary, can withhold payment where the service may not be delivered in accordance with the service specification requirements, thereby further ensuring value for money.

#### **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 as the maximum cost of the service within this decision is less 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 contract direct to WCTS 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 could, the opportunity should be subject to a degree of European wide advertising. It is up to the Council to decide what degree of advertising would be 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.
- 4.5.4 The Director of Adults and Health has considered this and, due to the nature of the services being delivered and the requirement to be physically located in Leeds, 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.
- 4.5.5 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.

- 4.5.6 Although there is no overriding legal obstacle preventing the waiving of CPRs 9.1 and 9.2 in this manner, 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 issuing a new contract will allow for service continuity during the period of the service being reviewed and procured.
- 4.6.2 The procurement exercise will be undertaken in a fair, open and transparent way and in adherence with the Public Contracts Regulations 2015 and the council's own Contracts Procedure Rules.
- 4.6.3 Project risks will be reviewed on a regular basis and the project team responsible for undertaking the review and subsequent procurement exercise will continue to do this during the procurement process.

#### **5. Conclusions**

- 5.1 The new contract, commencing 1 April 2019, will allow for Adults and Health to undertake the service review and the subsequent procurement. Awarding a new contract will allow for the service to continue whilst the review and procurement exercise are undertaken.

#### **6. Recommendations**

- 6.1 For the Director of Adults and Health to approve the waiver of Contract Procedure Rules (CPRs) 9.1 and 9.2 using the authority set out in CPR 1.3 to enter into a new contract with Women's Counselling and Therapy Service (WCTS) for one year with the option to extend for another 6 months from the 1<sup>st</sup> April 2019. The total contract value would be £215,100.
- 6.2 That the Director of Adults and Health notes;
- The Council's Procurement and Commercial Service will be requested to issue the new contract.
- The Adults Commissioning Manager is the officer responsible for the implementation of this contract.

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

- None.

#### **Appendix one**

#### **Equality Impact Assessment**

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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.