



Nottingham City Council

Commissioning and Procurement Sub-Committee

Date: Tuesday, 15 September 2020

Time: 10.00 am

Place: Remote - To be held remotely via Zoom -
<https://www.youtube.com/user/NottCityCouncil>

Councillors are requested to attend the above meeting to transact the following business

Director for Legal and Governance

Governance Officer: Phil Wye **Direct Dial:** 0115 8764637

| Agenda | Pages |
|---|--------------|
| 1 Apologies for Absence | |
| 2 Declarations of Interests | |
| 3 Minutes To confirm the minutes of the last meeting held on 14 July 2020 | 3 - 6 |
| 4 Approval to tender for the Medilink bus service in 2020/21 - Key Decision Report of the Portfolio Holder for Adult Care and Local Transport | 7 - 16 |
| 5 Approval to tender for Linkbus Services in 2020/21 - Key Decision Report of the Portfolio Holder for Adult Care and Local Transport | 17 - 28 |
| 6 Procurement of Domestic Violence and Abuse Prevention Service - Key Decision Report of the Portfolio Holder for Employment and Community Protection | 29 - 42 |
| 7 Pricing Model for Non Standard/Specialist Residential and Nursing Care Services Report of the Portfolio Holder for Adult Care and Local Transport | 43 - 62 |
| 8 Procurement of Personal Protective Equipment - Key Decision | 63 - 68 |

Report of the Portfolio Holder for Adult Care and Local Transport

- 9 Procurement of Mortuary Services - Key Decision** 69 - 72
Report of the Portfolio Holder for Energy, Environment and Democratic Services
- 10 Exclusion of the public**
To consider excluding the public from the meeting during consideration of the remaining item(s) in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 11 Pricing Model for Non Standard/Specialist Residential and Nursing Care Services - Exempt Appendix** 73 - 76

All items listed 'under exclusion of the public' will be heard in private. They have been included on the agenda as no representations against hearing the items in private were received

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting

Citizens are advised that this meeting may be recorded by members of the public/ Any recording or reporting on this meeting should take place in accordance with the Council's policy on recording and reporting on public meetings, which is available at www.nottinghamcity.gov.uk. Individuals intending to record the meeting are asked to notify the Governance Officer shown above in advance

Nottingham City Council

Commissioning and Procurement Sub-Committee

Minutes of the meeting held remotely on 14 July 2020 from 10.03 am - 10.16 am

Membership

Present

Councillor Sam Webster (Chair)
Councillor Eunice Campbell-Clark
Councillor Adele Williams

Absent

Councillor Cheryl Barnard (Vice Chair)
Councillor Sally Longford

Colleagues, partners and others in attendance:

Steve Oakley - Acting Director of Commissioning and Procurement
Christine Oliver - Head of Commissioning
Jo Pettifor - Category Manager
Catherine Ziane-Pryor - Governance Officer

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 20 July 2020. Decisions cannot be implemented until the working day after this date.

1 Apologies for Absence

Councillor Cheryl Barnard – other Council business
Councillor Sally Longford – personal

2 Declarations of Interest

None.

3 Minutes

The minutes of the meeting held on 10 March 2020 were confirmed as a true record and will be signed by the Chair.

4 Procurement Strategy 2018-23 Year End Report

Steve Oakley, Acting Director of Commissioning and Procurement, presented the report which provides an update of performance for 2019-2020 against the Procurement Strategy 2018-2023, with contributions from Jo Pettifor, Category Manager.

The following points were highlighted:

- a) 334 contracts were awarded which represents a total value of £578.4 million £397.69 million has been injected into the local economy with 68.75% of total contract value awarded to city suppliers, 91% of the total contract value retained with the Nottinghamshire, and 94.31% awarded within the East Midlands area;
- b) 175 new entry-level jobs and apprenticeships of been created;
- c) cash savings £1.42 million per annum on re-occurring contracts have been achieved, which represents 1.2% of the total contract value;
- d) £18.8 million has been income generation is being created for the Council;
- e) hundred 92 environmental measures and benefits have been secured through contracts awarded;
- f) 31 contracts have been subject to the 1% levy;
- g) during the initial year of the strategy, it had been difficult to achieve the local suppliers target, but this year's performance is much improved.

Members of the committee commented as follows:

- h) The report provides a lots positive elements, including progress in achieving the long term aim to purchase from within the local area and provide jobs for local residents and citizens;
- i) progress in the creation of 175 entry-level jobs and apprenticeships, and awarding 91% of contracts within the county are very welcome;
- j) environmental benefits identified through contract requirements are important and the behaviour of the council and its subcontractors will continue to be considered with regard to environmental impact;
- k) to citizens, it may appear, as though the council spends a lot of money, but it is important to understand the scale and wide range of services provided to citizens, including a large proportion of funding for care services for adults and children;
- l) members of the Commissioning and Procurement Teams are congratulated for their work and achievements to date;
- m) it is noted that many contracts were for social care, therefore thanks are also extended to key workers who, in one way or another, work for and support the council in these difficult times;
- n) the achievements outlined within the report are very much welcomed, including the incorporation of ethical and environmental considerations.

Members requested further information regarding the proportion of contracts awarded to external voluntary organisations. This information was not available at the time, but will be provided to members of the committee following the meeting.

Resolved

- 1) **to note the outcomes delivered under the Nottingham City Council Procurement Strategy 2018-23 in its second year (2019-20) - as detailed in Appendix 1 to the report;**
- 2) **to note that the Nottingham City Council Procurement Plan 2020 – 2025 will be reported to Committee when the planning of procurement priorities for the remainder of 2020-21 is completed.**

This decision is not subject to call-in.

Reasons for decision:

- to record that performance against the targets set by the strategy have been assessed and examined by the Committee;
- to ensure that Committee members are informed of proposals to progress the Nottingham City Council Procurement Plan 2020 – 2025.

Other options considered in making recommendations

- None. Progress against the strategy is reported on a yearly basis.

5 Provisional next meeting date

Resolved to note that the next Commissioning and Procurement Sub Committee meeting is provisionally scheduled for 15 September 2020, but will be confirmed nearer the time.

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| | | | |
|--|---|--|---|
| Subject: | Approval to tender for the Medilink bus service in 2020/21 | | |
| Corporate Director(s)/ Director(s): | Chris Henning, Corporate Director of Development and Growth | | |
| Portfolio Holder(s): | Councillor Adele Williams, Portfolio Holder for Adult Care and Local Transport | | |
| Report author and contact details: | Mark Garlick, Public Transport Policy, Transport Strategy, 0115 876 4675, mark.garlick@nottinghamcity.gov.uk | | |
| Key Decision | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Subject to call-in | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Reasons: | <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision | <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital | |
| Significant impact on communities living or working in two or more wards in the City | | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Total value of the decision: £5.775m (Gross), £1.087m (Net) | | | |
| Wards affected: All | Date of consultation with Portfolio Holder(s): 17 August 2020 | | |
| Relevant Council Plan Key Theme: | | | |
| Nottingham People | | | <input checked="" type="checkbox"/> |
| Living in Nottingham | | | <input checked="" type="checkbox"/> |
| Growing Nottingham | | | <input checked="" type="checkbox"/> |
| Respect for Nottingham | | | <input type="checkbox"/> |
| Serving Nottingham Better | | | <input checked="" type="checkbox"/> |
| Summary of issues (including benefits to citizens/service users): | | | |
| <p>Approval is sought to tender for the operation of contracts for the high frequency Medilink bus service.</p> <p>The cost of the contract is currently £1.05m gross/£0.17m net per year (equivalent to £5.25m gross/£0.825m net over 5 Years). The new contract will be awarded by competitive tender.</p> <p>The service carried 1.1m passengers each year (before Covid-19), including NHS employees, hospital patients and disabled and elderly concessionary pass holders.</p> | | | |
| Exempt information: None | | | |
| State 'None' or complete the following. | | | |
| Recommendation(s): | | | |
| 1 To undertake a procurement process for the Medilink bus service. | | | |
| 2 To delegate authority to the Corporate Director of Development and Growth to award and sign contracts to the successful bidder(s) following the outcome of the tenders (for 3+1+1 years), subject to the costs being within current budget levels. | | | |

1 Reasons for recommendations

1.1 To tender the services as required by Procurement Regulations.

- 1.2 A new provider(s) will be identified following the outcome of the tender process.
- 1.3 Within the tender process, opportunities for efficiency savings in providing these services will be sought. The tender process will ensure that the most cost-effective provision of the services can be ensured.

2 Background (including outcomes of consultation)

- 2.1 The need to tender the contracts was discussed at the Portfolio Holder meeting of Monday, 17 August 2020. This identified that it is necessary to put the services out to competitive tender during 2020, as the existing Service Level Agreement (SLA) is coming to an end on 31 October 2020. It was agreed that services should continue to be provided, but that more cost effective ways of provision should be examined. It was stressed that this report seeks permission to tender these services, and not to award any contracts without further consideration of the price. It was also stated that any contracted that is awarded can be terminated with 90 days notice by the Council.
- 2.2 The service is disproportionately used by those with mobility issues and, as such, save the City Council from providing more expensive forms of specialist provision.
- 2.4 The service will be monitored throughout the contract for usage and performance.
- 2.5 The total cost of running this contract is expected to be £487,000. This is based on running for a maximum of 5 years, the collection of all revenues on the service by the council, and a 50% contribution to operating costs by the NHS Trust.

3 Other options considered in making recommendations

- 3.1 Withdrawal of the service due to rising costs was rejected, as it would lead to disruption for passengers.
- 3.2 Hand service wholly to the NHS Trust to fund and procure.
- 3.3 Merge the service with the NCT 53 route, and partially commercialise. NCT can also tender for the service and could choose to integrate operations more closely with the 53 offer.

4 Finance colleague comments (including implications and value for money/VAT)

4.1 The current costs and expected costs following the tender is expected to be as follows:

| Table 1 – comparison of expected costs – over 5 years of the contract | | |
|---|---------------------------------|--------------------------|
| | Expected costs under new tender | Current cost and income: |
| Operating cost | £5,775,000 | £6,000,000 |
| NHS contribution | (£2,887,500) | (£3,000,000) |

| | | |
|------------------------|----------------|-----------------|
| Income from fares | (£2,400,000) | (£2,400,000) |
| NET COST | £487,500 | £600,000 |
| Annual net cost | £97,500 | £120,000 |

- 4.2 The current cost is higher and therefore it is expected that the new tender will bring a saving to the service and the Council. Given the current situation, this is not certain but once there is certainty on these figures (approx. £23k a year) – a saving can be offered should it materialise.
- 4.3 It is assumed that the NHS continue to contribute 50% of the costs of the Medilink service.

Susan Tytherleigh
Finance Business Partner D&G
19 August 2020

5 Legal and Procurement colleague comments (including risk management issues, and including legal, Crime and Disorder Act and procurement implications)

- 5.1 Procurement colleagues will assist with the tendering exercise to ensure that fully compliant contracts are entered into.
Paul Ritchie, Procurement Category Manager, tel. 64194. 30/07/2020.
- 5.2 It is understood that the current contracts for Medilink Bus Service are managed under a Service Level Agreement. Due to the value of these services and the Council's commitment to continue the provision of public transport accessibility to bus services within the City and to ensure compliance with the Public Contracts Regulations, these services now need to be tendered for.

The report seeks approval to undertake a tender process to establish contracts for the services with a proposal for an initial contract term of 3 years with 2 further options to extend for up to 1 year each time at the Council's sole discretion subject to available funding. This is hoped to assess the efficiency of the services allowing the Council to ensure value for money and flexibility in delivery of the service.

Legal services will continue to work with the service area and procurement colleagues during the tender process to ensure that the requirements are accurately developed within the contractual arrangements with the chosen provider(s).

Dionne Screamon, Solicitor, Legal Services. 31/07/2020.

6 Social value considerations

- 6.1 Withdrawing the services was rejected, as it would lead to disruption for passengers and the removal of access to public transport from some areas of the City, where commercial services would be more than 400m away from residents, key workers at hospitals and hospital patients and visitors.

7 Regard to the NHS Constitution

- 7.1 The service is procured by Nottingham City Council as a partnership arrangement with the Nottingham University Hospitals NHS Trust. The NHS Trust contributes 50% of the operating cost of the service to the Council.

8 Equality Impact Assessment (EIA)

8.1 Has the equality impact of the proposals in this report been assessed?

No

Yes

Attached as Appendix 2, and due regard will be given to any implications identified in it.

9 List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

9.1 **None**

10 Published documents referred to in this report

10.1 None

Equality Impact Assessment Form

[screentip-sectionA](#)

1. Document Control

1. Control Details

| | |
|-------------------------------|--|
| Title: | Approval to tender for the Medilink bus service in 2020/21 |
| Author (assigned to Pentana): | Mark Garlick, Public Transport Policy, Transport Strategy |
| Director: | Chris Henning, Corporate Director of Development and Growth |
| Department: | Development and Growth |
| Service Area: | Transport Strategy |
| Contact details: | mark.garlick@nottinghamcity.gov.uk / 0115 876 4675 |
| Strategic Budget EIA: Y/N | Y |
| Exempt from publication Y/N | N |

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2. Document Amendment Record

| Version | Author | Date | Approved |
|---------|--------------|--------------|----------|
| 1 | Mark Garlick | 24 July 2020 | |
| | | | |
| | | | |

3. Contributors/Reviewers

| Name | Position | Date |
|------|--|------|
| | Equality and Diversity Consultant, Development and Change | |
| | | |
| | | |

4. Glossary of Terms

| Term | Description |
|-------------------------|--|
| Medilink | High frequency bus service provided with joint subsidy by the City Council and Nottingham University Hospitals NHS Trust. It links both Queen's Medical Centre and Nottingham City Hospital with the park and ride sites at Wilkinson Street (interchange with trams) and at Queens Drive. |
| Commercial bus services | Services provided by bus operators that do not require public subsidy and make an operating profit for that company |
| | |
| | |
| | |
| | |
| | |
| | |

[screentip-sectionB](#)

2. Assessment

1. Brief description of proposal / policy / service being assessed

Approval to put the subsidised Medilink bus service contract out to tender during 2020/21. This will be tendered in their current operating form, but rationalisation of some parts of the service, and alternative forms of provision will also be considered during the tender process.

[screentip-sectionC](#)

2. Information used to analyse the effects on equality:

These bus services provide links to areas that are not served by commercial public transport routes within a 400m

walking distance. The services include socially-necessary Locallink services (used largely by elderly passengers, and those with mobility difficulties), Worklink services to workplaces and the A1 and A2 routes that are aimed at access to school. The Easylink Dial-a-Ride service is aimed specifically at mobility-impaired passengers and those that travel with them.

3. Impacts and Actions:

| <u>screeentip-sectionD</u> | Could particularly benefit X | May adversely impact X |
|---|-------------------------------------|-------------------------------------|
| People from different ethnic groups. | <input type="checkbox"/> | <input type="checkbox"/> |
| Men | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Women</u> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Trans</u> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Disabled people or carers.</u> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Pregnancy/ Maternity | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| People of different faiths/ beliefs and those with none. | <input type="checkbox"/> | <input type="checkbox"/> |
| Lesbian, gay or bisexual people. | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Older</u> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Younger | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults). <i>Please underline the group(s) /issue more adversely affected or which benefits.</i> | <input type="checkbox"/> | <input type="checkbox"/> |

[screeentip-sectionE](#)

How different groups could be affected
(Summary of impacts)

Elderly

Medilink carries a significant proportion of elderly passengers, travelling with Elderly Persons' Concessionary Travel Permits

Disabled People or Carers

Medilink is a fully accessible bus service, available for use by disabled people and carers.

Women

Overall 60% of bus passengers are female. This service is used by key workers at the hospitals and by women travelling to the hospital for appointments, or as visitors to patients.

Pregnancy/Maternity

The Medilink bus service passes close to hospital maternity services.

[screeentip-sectionF](#)

Details of actions to reduce negative or increase positive impact
(or why action isn't possible)

1 Actions will need to be uploaded on Pentana.

Subject to available budget, aim to continue to provide services within 400m of residents where this is already the case. Alternative forms of provision may need to be investigated, including:

- Provision of some routes by commercial operators where this is possible
- demand responsive bus services
- provision of a service using the Easylink Dial-a-Ride operation.
- provision of existing services but at a reduced frequency
- Routes being merged together

Any changes will take place within a contract lifetime of up to 5 years

- Accessibility to public transport services is monitored by Transport Strategy Team, using GIS technology;
- Contract Spend monitored on a monthly basis for each service;
- Passenger numbers monitored on a monthly basis for each service;
- Operational issues and customer issues monitored on a two-monthly basis for each service.

| | |
|--|--|
| | |
|--|--|

4. Outcome(s) of equality impact assessment: Tick a box please

| | | | |
|-------------------------------------|-----------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | No major change needed | <input type="checkbox"/> | Adjust the policy/proposal |
| <input type="checkbox"/> | Adverse impact but continue | <input type="checkbox"/> | Stop and remove the policy/proposal |

5. Arrangements for future monitoring of equality impact of this proposal / policy / service:

| | |
|---------|---|
| Page 15 | <ul style="list-style-type: none"> • Accessibility to public transport services is monitored by Transport Strategy Team, using GIS technology • Contract Spend monitored on a monthly basis for each service • Passenger numbers monitored on a monthly basis for each service • Operational issues and customer issues monitored on a two-monthly basis for each service |
|---------|---|

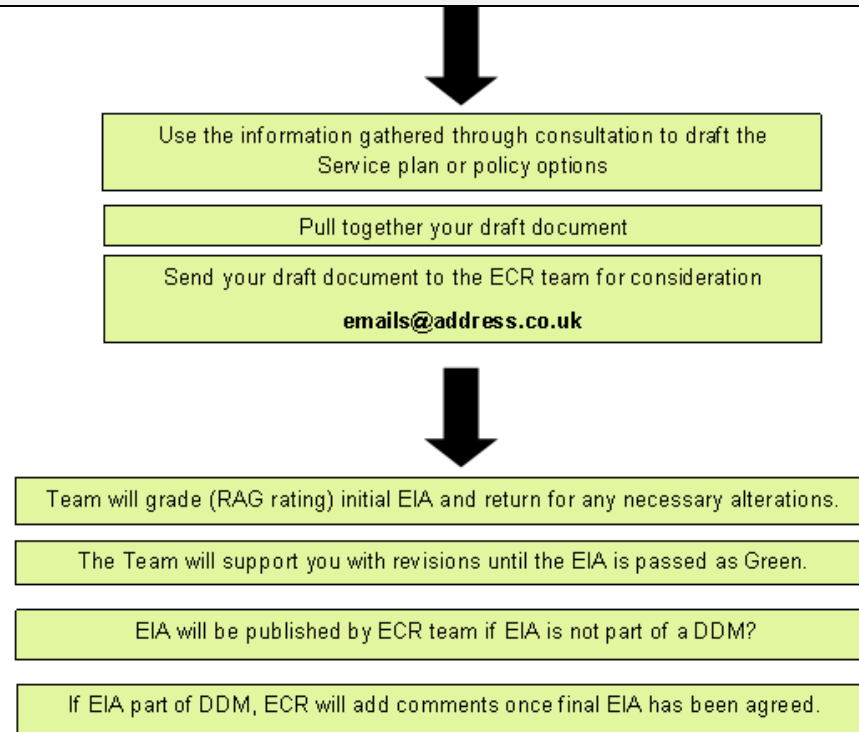
6. Approved by (manager signature) and Date sent to equality team for publishing:

| | |
|--|--|
| <p>Approving Manager: Chris Carter Head of Service, Transport Strategy chris.carter@nottinghamcity.gov.uk 0115 876 3940</p> | <p>Date sent for scrutiny: Send document or Link to: equalityanddiversityteam@nottinghamcity.gov.uk</p> |
| <p>SRO Approval:</p> | <p>Date of final approval:</p> |

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

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KEY
EIA— Equality Impact Assessment
ECR— Equality & Community Relations Team
DDM—Delegated Decision Making

| | | | |
|--|--|---------------------------------|---|
| Subject: | Approval to tender for Linkbus Services in 2020/21 | | |
| Corporate Director(s)/ Director(s): | Chris Henning, Corporate Director of Development and Growth | | |
| Portfolio Holder(s): | Councillor Adele Williams, Portfolio Holder for Adult Care and Local Transport | | |
| Report author and contact details: | Mark Garlick, Public Transport Policy, Transport Strategy, 0115 876 4675, mark.garlick@nottinghamcity.gov.uk | | |
| Key Decision | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Subject to call-in |
| | | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Reasons: | <input checked="" type="checkbox"/> Expenditure | <input type="checkbox"/> Income | <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision |
| | | | <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital |
| Significant impact on communities living or working in two or more wards in the City | | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Total value of the decision: £10.6m (Gross), £9.1m (Net). | | | |
| Spending of £0.91m is also required in the current financial year, until the Tender process can be completed, to maintain the services. | | | |
| Wards affected: All | Date of consultation with Portfolio Holder(s): TBC | | |
| Relevant Council Plan Key Theme: | | | |
| Nottingham People | | | <input checked="" type="checkbox"/> |
| Living in Nottingham | | | <input checked="" type="checkbox"/> |
| Growing Nottingham | | | <input checked="" type="checkbox"/> |
| Respect for Nottingham | | | <input type="checkbox"/> |
| Serving Nottingham Better | | | <input checked="" type="checkbox"/> |
| Summary of issues (including benefits to citizens/service users): | | | |
| <u>APPROVAL TO TENDER</u> | | | |
| <p>Approval is sought to tender for the operation of contracts for 11 subsidised “Link” bus services in three separate tenders. These serve a high number of elderly and disabled residents and also provide access to jobs and education, in areas of the City that are away from the commercial bus network. The cost of these contracts is currently £1.93m gross per year (£9.64m over 5 Years). The new contracts will be awarded by competitive tender. It is expected that these services will be placed in two discrete tenders: one for all ten Locallink and Worklink routes, operated by electric buses; and one for the Easylink Dial-a-Ride service. The tenders will be of a size that is appropriate to giving economies of scale to each operation and the type of vehicle required.</p> <p>The services carry 420,000 passengers each year, of which a high proportion are concessionary pass holders.</p> <p>The bus services to be tendered are listed in the attached Appendix. The new tenders would come into operation from April 2021.</p> | | | |
| <u>APPROVAL TO SPEND IN 2020/21</u> | | | |
| <p>The tender was previously approved at CPSC on 11 November 2018, but circumstances have caused a delay to the tender process. The services have continued in operation with the incumbent contractor and the services need to be supported until the tender process can be completed. To continue operating the service will require a spend of £913,500 from 15 September 2020 until 31 March 2021. A spend of £783,000 has been required to cover the operation of services from 1 April 2020 until 14 September 2020.</p> | | | |

Exempt information: None

Recommendation(s):

- 1** To undertake a procurement process for the Locallink, Worklink, and the Easylink City Dial-a-Ride service as detailed in the attached Appendix.
- 2** To approve a further £913,500 current spending on the bus services during the 2020/21 financial year, until the tender process can be completed and the new contract awarded.
- 3** To delegate authority to the Corporate Director of Development and Growth to award and sign contracts to the successful bidder(s) following the outcome of the tenders (for 3+1+1 years), subject to the costs being within current budget levels.

1 Reasons for recommendations

- 1.1 To tender the services as required by Procurement Regulations.
- 1.2 To approve current spend on the bus services that is necessary to keep them operating in 2020/21, and until the tender process can be completed.
- 1.3 A new provider(s) will be identified following the outcome of the tender process.
- 1.4 Within the tender process, opportunities for efficiency savings in providing these services will be sought. The tender process will ensure that the most cost-effective provision of the services can be ensured.

2 Background (including outcomes of consultation)

- 2.1 The need to tender the contracts was discussed at a meeting with the Portfolio Holder on Monday, 17 August 2020.
- 2.2 The need to tender the contracts was previously approved at the CPSC meeting of 11 November 2018. It was agreed that services should continue to be provided, but that more cost effective ways of provision should be examined. It was stressed that this report seeks permission to tender these services, and not to award any contracts without further consideration of the price. It was also stated that the Council could terminate any contracted that is awarded with 90 days' notice.
- 2.3 To enable all parts of the City, to have a given public transport accessibility, to vital services and employment sites. This reflects that over half its residents have no access to a car.
- 2.4 The services are disproportionately used by those with mobility issues and, as such, save the City Council from providing more expensive forms of specialist provision.
- 2.5 All Link bus services are monitored throughout their contract for usage and performance.
- 2.6 The total cost of running these contracts is expected to be £10.61m (Gross) in total. This is based on running for a maximum of 5 years. Revenues collected on

the services are around £300,000 annually, or £1.5m over 5 years. This reduces the net cost to £9.11m over 5 years.

- 2.7 To maintain the services until the tender process can be completed, and approval to spend £913,500 from 15 September 2020 until 31 March 2020 is required.

3 Other options considered in making recommendations

- 3.1 Withdrawing services due to rising costs was rejected, as it would lead to disruption for passengers and the removal of access to public transport for some residential and employment areas of the City, where commercial services would be more than 400m from residents.

4 Finance colleague comments (including implications and value for money/VAT)

- 4.1 This report seeks approval to go out to tender and to delegate authority to the Corporate Director to award the contract as long as the net cost is within the current budget allocation. As there is no additional funding available either corporately or from the service this must be kept within the current budget for the Public Transport.
- 4.2 Finance colleagues will support the service on receipt of the tenders to ensure that budget considerations and value for money for the Council are taken into account.

Susan Tytherleigh
Finance Business Partner
20 August 2020

5 Legal and Procurement colleague comments (including risk management issues, and including legal, Crime and Disorder Act and procurement implications)

- 5.1 Procurement colleagues will assist with the tendering exercise to ensure that fully compliant contracts are entered into.
Paul Ritchie, Procurement Category Manager, tel. 64194. 30/07/2020.
- 5.2 The current contracts for Link Bus Service are due to re-tendered to continue the Council's commitment of providing public transport accessibility to bus services within the City and to ensure compliance with the Public Contracts Regulations.

The report seeks approval to undertake a tender process to establish contracts for the services as detailed within the Appendix. The proposal is for an initial contract term of 3 years with 2 further options to extend for up to 1 year each time at the Council's sole discretion subject to available funding, which is hoped will allow the Council to manage the contract efficiently, ensuring value for money and flexibility in delivery of the service.

Legal services will continue to work with the service area and procurement colleagues during the tender process to ensure that the requirements are accurately developed within the contractual arrangements with the chosen provider(s).

Dionne Screamon, Solicitor, Legal Services. 31/07/2020.

6 Social value considerations

- 6.1 Withdrawing the services was rejected, as it would lead to disruption for passengers and the removal of access to public transport from some areas of the City, where commercial services would be more than 400m away from residents

7 Regard to the NHS Constitution

- 7.1 N/A

8 Equality Impact Assessment (EIA)

- 8.1 Has the equality impact of the proposals in this report been assessed?

No
An EIA is not required because:

Yes
Attached as Appendix 2, and due regard will be given to any implications identified in it.

9 List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

- 9.1 None

10 Published documents referred to in this report

- 10.1 None

APPENDIX – List of Services and Tender Contracts

The services to be tendered in each contract are listed below.

The list states those areas that are served only by these services (with Electoral Wards stated in brackets)

SMALL ELECTRIC BUS CONTRACT

**Those services denoted by a star were included in a previous approval at the Sub-Committee in July 2018 (+ and those denoted by a cross were included in a previous approval at the Sub-Committee in November 2018). These are now being included in this, wider, contract that includes all routes operated by this type of vehicle.*

Seeking an April 2021 operational start date

+* L1 City – Silverdale

Silverdale Estate (Clifton West)

+ L2 City – Glaisdale Industrial Estate – Nottingham Business Park

Nottingham Business Park and Glaisdale Industrial Estate (Bilborough – with access to employment from all parts of the City)

+ L4 City – Radford – Beechdale – Strelley - Beechdale

Hartley Road, Churchfield Lane, Ainsley Estate, Beechdale Estate, Glaisdale Drive, Cranwell Road, Calverton Drive, Beechdale Road (Aspley, Bilborough, Leen Valley, Hyson Green & Arboretum, Radford)

+* L5 City – Wollaton Park Estate – Charlbury Road

Lenton Boulevard, Sutton Passeys Crescent, Farndon Green, Orston Drive (Lenton & Wollaton East, Wollaton West)

+ L9 City – Mapperley – Edwards Lane Estate – Arnold - Wendling Gardens

St Matthias Road, Sherwood Vale, Woodthorpe Court, Winchester Court, Edwards Lane Estate, Hillington Rise, Mildenhall Crescent (Bestwood, Sherwood, Mapperley, St Anns)

+ L10 City – Wollaton - Beeston

Lambourne Drive area (Wollaton West), Grangewood Road (Wollaton West)

+ L11 Beeston – Bilborough – Bulwell

Orbital links to Bulwell, Beeston and Bracebridge Drive from the Western Estates (Bilborough), Beechdale Road (Bilborough), Melbourne Drive (Aspley), Bar Lane (Basford)

+ L12 University – Hyson Green – City Hospital

Orbital links including St Peter's Street, Radford Boulevard, Gregory Boulevard, Perry Road, North Gate (Hyson Green & Arboretum, Basford, Berridge, Lenton & Wollaton East, Radford, Sherwood)

+ L14 City – Hyson Green – Heathfield – Bulwell

North Gate and Perry Road (Berridge), Arnold Road/Fenton Road Areas (Basford), Brooklyn Road (Basford and Bulwell Forest)

+ W1 City – Lenton Lane Industrial Estate

All Wards, through interchange links to workplaces

EASYLINK CONTRACT

Nottingham City Dial-a-Ride service
(All Wards)

Seeking an April 2021 start date, or sooner.

Equality Impact Assessment Form

[screentip-sectionA](#)

1. Document Control

1. Control Details

| | |
|-------------------------------|--|
| Title: | Approval to tender for Linkbus Services in 2020/21 |
| Author (assigned to Pentana): | Mark Garlick, Public Transport Policy, Transport Strategy |
| Director: | Chris Henning, Corporate Director of Development and Growth |
| Department: | Development and Growth |
| Service Area: | Transport Strategy |
| Contact details: | mark.garlick@nottinghamcity.gov.uk / 0115 876 4675 |
| Strategic Budget EIA: Y/N | Y |
| Exempt from publication Y/N | N |

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2. Document Amendment Record

| Version | Author | Date | Approved |
|---------|--------------|--------------|----------|
| 1 | Mark Garlick | 24 July 2020 | |
| | | | |
| | | | |

3. Contributors/Reviewers

| Name | Position | Date |
|------|--|------|
| | Equality and Diversity Consultant, Development and Change | |
| | | |
| | | |

4. Glossary of Terms

| Term | Description |
|--------------------------------|---|
| Locallink | Nine Socially-necessary bus services provided with Council subsidy |
| Worklink | Bus service linking the city centre to key workplaces in the Lenton Lane and Castle Marina areas, provided with Council subsidy |
| Demand Responsive Bus Services | Routes that follow a route, based on passenger bookings that are made in advance. Such routes call only where required |
| Easylink Dial-a-Ride | Dial-a-Ride services available to disabled passengers and their carers |
| Commercial Bus Services | Services provided by bus operators that do not require public subsidy and make an operating profit for that company |
| | |
| | |
| | |

[screentip-sectionB](#)

Assessment

1. Brief description of proposal / policy / service being assessed

Approval to put the Council’s subsidized bus services contracts out to tender during 2020/21. These will be tendered in their current operating form, but rationalisation of some services, and alternative forms of provision will also be considered during the tender process.

[screentip-sectionC](#)

2. Information used to analyse the effects on equality:

These bus services provide links to areas that are not served by commercial public transport routes within a 400m walking distance. The services include socially-necessary Locallink services (used largely by elderly passengers, and

those with mobility difficulties), Worklink services to workplaces and the A1 and A2 routes that are aimed at access to school. The Easylink Dial-a-Ride service is aimed specifically at mobility-impaired passengers and those that travel with them.

3. Impacts and Actions:

| <u>screeintip-sectionD</u> | Could particularly benefit X | May adversely impact X |
|---|-------------------------------------|-------------------------------------|
| People from different ethnic groups. | <input type="checkbox"/> | <input type="checkbox"/> |
| Men | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Women</u> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Trans | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Disabled people or carers.</u> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Pregnancy/ Maternity</u> | <input type="checkbox"/> | <input type="checkbox"/> |
| People of different faiths/ beliefs and those with none. | <input type="checkbox"/> | <input type="checkbox"/> |
| Lesbian, gay or bisexual people. | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Older</u> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Younger | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults). | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>Please underline the group(s) /issue more adversely affected or which benefits.</i> | | |

[screeentip-sectionE](#)

How different groups could be affected
(Summary of impacts)

Elderly

Locallink services carry a high proportion of elderly passengers, travelling with Elderly Persons' Concessionary Travel Permits

Disabled People or Carers

As they provide access close to the home, Locallink services are also used by those with impaired mobility and those who travel with them. The Worklink services provide close access to employment sites to the south of the city centre. The Easylink Dial-a-Ride service is aimed specifically at those with mobility difficulties and those that accompany them on the journey as support.

Women

Overall 60% of bus passengers are female. This percentage is even higher for Locallink services that are used largely by shoppers from older age groups and those accessing local services, including medical services.

Younger

The L2 bus service provides all-day links to Bilborough College and there are additional journeys on the L1 service that link Silverdale Estate with the schools in Wilford Village in the morning and afternoon.

[screeentip-sectionF](#)

Details of actions to reduce negative or increase positive impact
(or why action isn't possible)

1 Actions will need to be uploaded on Pentana.

Subject to available budget, aim to continue to provide services within 400m of residents where this is already the case. Alternative forms of provision may need to be investigated, including:

- Provision of some routes by commercial operators where this is possible
- demand responsive bus services
- provision of a service using the Easylink Dial-a-Ride operation. Provision of existing services but at a reduced frequency
- Routes being merged together

Any changes will take place within a contract lifetime of up to 5 years

- Accessibility to public transport services is monitored by Transport Strategy Team, using GIS technology;
- Contract Spend monitored on a monthly basis for each service;
- Passenger numbers monitored on a monthly basis for each service;
- Operational issues and customer issues monitored on a two-monthly basis for each service.

| | |
|--|--|
| | |
|--|--|

4. Outcome(s) of equality impact assessment: Tick a box please

| | | | |
|-------------------------------------|-----------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | No major change needed | <input type="checkbox"/> | Adjust the policy/proposal |
| <input type="checkbox"/> | Adverse impact but continue | <input type="checkbox"/> | Stop and remove the policy/proposal |

5. Arrangements for future monitoring of equality impact of this proposal / policy / service:

| | |
|---------|---|
| Page 27 | <ul style="list-style-type: none"> • Accessibility to public transport services is monitored by Transport Strategy Team, using GIS technology • Contract Spend monitored on a monthly basis for each service • Passenger numbers monitored on a monthly basis for each service • Operational issues and customer issues monitored on a two-monthly basis for each service |
|---------|---|

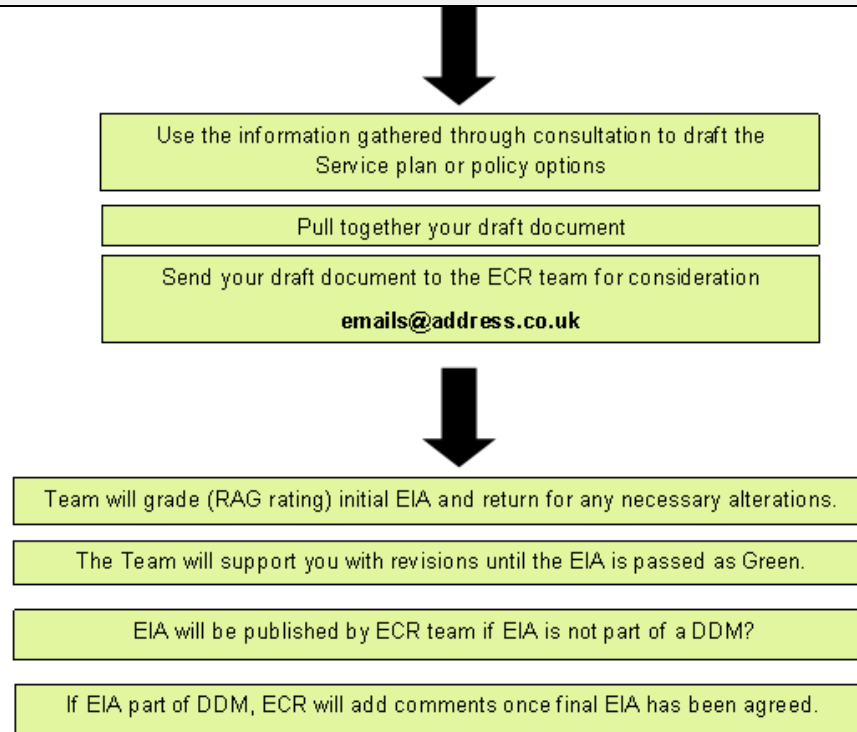
6. Approved by (manager signature) and Date sent to equality team for publishing:

| | |
|--|--|
| <p>Approving Manager: Chris Carter Head of Service, Transport Strategy chris.carter@nottinghamcity.gov.uk 0115 876 3940</p> | <p>Date sent for scrutiny: Send document or Link to: equalityanddiversityteam@nottinghamcity.gov.uk</p> |
| <p>SRO Approval:</p> | <p>Date of final approval:</p> |

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

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KEY
EIA— Equality Impact Assessment
ECR— Equality & Community Relations Team
DDM—Delegated Decision Making

| | | | |
|--|--|---------------------------|--|
| Subject: | Procurement of Domestic Violence and Abuse Prevention Service | | |
| Corporate Director(s)/ Director(s): | Hugh White Corporate Director Commercial and Operations and Strategy and Resources Andrew Errington, Director of Community Protection | | |
| Portfolio Holder(s): | Cllr. Neghat Khan | | |
| Report author and contact details: | Bethan Hopcraft, Strategy and Commissioning Officer, 0115 876 5073, Bethan.hopcraft@nottinghamcity.gov.uk | | |
| Other colleagues who have provided input: | Jane Lewis, Community Safety Strategy Manager | | |
| Key Decision | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Subject to call-in | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Reasons: <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision | | | <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital |
| Significant impact on communities living or working in two or more wards in the City | | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Total value of the decision: £1,343,619 (£376,119 NCC Funding) | | | |
| Wards affected: All | Date of consultation with Portfolio Holder(s): | | |
| Relevant Council Plan Key Theme: | | | |
| Nottingham People | | | <input checked="" type="checkbox"/> |
| Living in Nottingham | | | <input type="checkbox"/> |
| Growing Nottingham | | | <input type="checkbox"/> |
| Respect for Nottingham | | | <input checked="" type="checkbox"/> |
| Serving Nottingham Better | | | <input type="checkbox"/> |
| Summary of issues (including benefits to citizens/service users): | | | |
| <p>This report provides an update on work to procure a domestic violence and abuse prevention service. The aim of this service will be to produce and deliver a range of training, workshops and resources for the overall aim of preventing domestic violence and the harm caused to survivors, their families and the citizens of Nottingham City (further details of the service are outlined in the service specification in Appendix 1).</p> <p>The report seeks authority to:</p> <ul style="list-style-type: none"> • Commence a competitive tender process for the domestic violence prevention service. • Delegate authority to the Head of Contracting and Procurement to approve and sign off the outcome of the tender process and to award of the contract to successful bidder. • Delegate authority to the Head of Contracting and Procurement to sign all contracts. <p>For the purpose of this report, 'Domestic Violence' and 'Domestic Abuse' are interchangeable, and while 'survivor' is used throughout, they may be referred to as 'victims' in other documentation.</p> | | | |
| Exempt information: None | | | |
| Recommendation(s): | | | |
| 1 Approve to commence a tender process for the domestic violence prevention service for an initial contract period of three years, for a value of £447,873 (NCC investment of £125,373), with the option of extending for three further two-year periods (+2+2+2) for a total potential contractual value of £1,343,619 (NCC investment of £376,119). | | | |
| 2 Approve the spend associated with this decision (add value) for a potential contract period of nine years. | | | |
| 3 Delegate authority to the Head of Contracting and Procurement to approve and sign off the outcome of the tender process for the domestic violence prevention service and to award a | | | |

contract to the successful bidder.

4 Delegate authority to the Head of Contracting and Procurement to sign all contract documents arising under the recommendations of this report, including any extensions of the proposed contracts.

1 Reasons for recommendations

- 1.1 Approval is sought to procure a prevention service for domestic violence. This will ensure compliance with the Council's Financial Regulations and Contract Procedure Rules as the current contract is due to expire on 31st March 2021 with no option to extend further. It will deliver value for money due to a competitive process being undertaken as well as a requirement within the service specification for the provider to ensure resilience by sourcing external funding throughout the life of the contract.
- 1.2 Approval is sought to advertise, tender, and award a contract for a period of three years with the option to extend for three further two-year periods (3+2+2+2). The contract will be awarded with a six-month break-clause. The contract length is proposed to complement the rest of the sector's contract lengths (nine years) and provides stability to a provider which will need to establish its brand within the City. The proposed contract length was decided by the Domestic and Sexual Violence Joint Commissioning Group as the most viable option when compared with other options in the options appraisal.

2 Background (including outcomes of consultation)

- 2.1 The contract for the domestic violence prevention service is due to expire on the 31st of March 2021 and require procurement to ensure compliance with financial and contract procedure rules, as there is no option to extend the contract further.
- 2.2 The project currently aligns with, and complements statutory Relationships and Sex Education in schools, NICE Guidelines on Domestic Abuse, and the Violence Against Women and Girls (VAWG) Strategy; alignment with the strategy is listed as a pledge under the Council Plan 2019-2023. The provider who will deliver the new contract is required to work to these same standards.
- 2.3 The current provision established in the City delivered 74 projects in schools to 6,260 pupils in 2018/19¹, and 47 training sessions, briefings and seminars to 1,213 professionals in the same time period. It is expected that the successful bidder will deliver this level of provision under the new contract. All interventions work towards a shared goal of all domestic and sexual violence and abuse services (DSVA); to identify and support survivors and to reduce the harms caused by DSVA. The service allows for professionals, and young people alike, to identify signs of domestic abuse and unhealthy behaviours within relationships and to make referrals, signpost, or seek support, as necessary.
- 2.4 During the Covid-19 pandemic, the service has acted as a single point of contact for signposting survivors by distributing literature to venues such as pharmacies and GP surgeries, and have developed social media posts that promote domestic violence support services. In addition to this, the service has transformed their training packages to allow for virtual training for professionals, and has continued to be a key element in offering advice to professionals. This has been pertinent throughout lockdown, as there has been an increase in reported domestic violence incidents.

¹ This is the latest full year of data due to the Covid-19 pandemic resulting in school closures and a change to the way in which training is delivered.

- 2.5 Nottingham Crime and Drugs Partnership is responsible for writing an upcoming domestic and sexual violence strategy, which will cite prevention as best practice, in line with the imminent DV Bill.
- 2.6 When the DSV Joint Commissioning Group were presented with an options appraisal, they identified that the best option going forward was to procure the service for a period of three years, for a value of £447,873 (£125,373 NCC investment), with option to extend for three further two-year periods (3+2+2+2) on a total contract value of £1,343,619 (£376,119 NCC investment). The majority (72%) of funds are allocated from the Police and Crime Commissioner (PCC) and the PCC will be issuing a Statement of Intent in terms of funding going forward. The contract includes a six-month break clause, which will enable a review of the contract in light of any issues arising with funding from within the commissioning partnership.
- 2.7 The rationale for this option is that it would deliver value for money by:
- i. Completing a competitive tendering process at a time when the capacity is stable within Nottingham City Council procurement, commissioning, strategic and contracting teams;
 - ii. Writing requirements within the service specification² for the provider to demonstrate resilience throughout the life of the contract by seeking external funding, which is likely to bring money into the City, and;
 - iii. Allowing flexibility for the successful provider to develop the provision in line with changing population needs and trends within the sector.
- 2.8 The contract would be awarded with a six-month break clause inbuilt in order to support any financial changes within Nottingham City Council. In addition, there is no uplift available throughout the nine-year contract, which effectively means a financial reduction throughout the contract period.
- 2.9 The current provision has proven to be well-received by Nottingham City citizens, professionals and survivors, and has delivered on expected outcomes; as a result, it has been decided to maintain the main aspects of the existing service specification. As the intended service specification remains largely unchanged from the existing provision and that the current provision has a high level of positive feedback and outcomes, it was deemed that public consultation was not necessary. An Equality Impact Assessment has been completed to ensure the service continues to fulfil the requirements of citizens.

3 Other options considered in making recommendations

- 3.1 Five options were presented to the Domestic Violence Joint Commissioning Group. It was decided that the option above was the most effective use of resources, most beneficial for the successful bidder, and the best option for our citizens and survivors of domestic abuse.

4 Finance colleague comments (including implications and value for money/VAT)

- 4.1 This report seeks approval to commence a tender process and award the contract for the domestic violence prevention service for an initial contract period of 3 years at a cost of £0.448m. An option of extending the contract for three further two-year periods (+2+2+2) is also sought for approval which would take the total cost of the contract over the 9 year period to £1.344m.

² Attached for your reference as an exempt document

- 4.2 The funding of the total 9 year contract value is split between NCC MTFP base budget funding of £0.376m (held by the Crime and Drugs Partnership) and the Police and Crime Commissioner funding of £0.968m.

The initial 3 year contract value of £0.448m requires NCC funding of £0.125m and PCC funding of £0.323m.

The annualised amount over the full life of the contract equates to NCC funding of £0.042m and PCC funding of £0.108m each year.

- 4.3 Sufficient budget for the NCC element of this contract is accounted for within the NCC MTFP (held in the Crime and Drugs Partnership) and no financial pressure is expected as a result of awarding this contract. As the contract will be majoritively funded by the Police and Crime Commissioner there needs to be assurance regarding the permanence of this funding over the life of the contract with a break clause inbuilt into the contract should any financial changes occur over future years.
- 4.4 As with any awarding of contracts, it needs to be viewed and approved in the context of the financial situation of NCC and spend should be minimised where possible with the risk of any future years financial pressure assessed and minimised.
- 4.5 The contract and processes aims to deliver value for money due to the competitive process being undertaken as well as a requirement within the service specification for the provider to ensure resilience by sourcing external funding throughout the life of the contract. In addition, there is no uplift available throughout the 9-year contract, which effectively means a financial reduction throughout the contract period.
- 4.6 The contract should be reviewed at each extension period opportunity to ensure suitability, value for money and to reconsider NCC's financial position at that particular point in time.

Advice provide by Phil Gretton, Strategic Finance Business Partner 19 August 2020

5 Legal and Procurement colleague comments (including risk management issues, and including legal, Crime and Disorder Act and procurement implications)

- 5.1 There are no significant legal issues arising from this report. It is proposed that a compliant tender process is undertaken in order to secure a provider of these services. Due to the potential longevity of the contract it is advised that prior to any extension period being confirmed that an appropriate review of the market is undertaken to ensure ongoing value for money.
- 5.2 The service will be substantially funded by the Office of the Police and Crime Commissioner and therefore the Council needs to ensure that appropriate measures are put in place with the OPCC to provide assurance regarding receipt of that funding and the agreement with the successful provider is capable of variation or termination in the event that funding is reduced or withdrawn during the contract period.

Advice Provided by Naomi Vass, Senior Solicitor 17 August 2020

- 5.3 The procurement of a Domestic Violence and Abuse Prevention Service proposed in this report will be undertaken by the Procurement Team in compliance with the requirements of EU and UK Procurement Regulations (Light Touch Regime) which require services of this type above the value of £1,343,619 to be advertised and procured in accordance with these rules.

Advice provided by Julie Herrod, Lead Procurement Officer 19 August 2020

6 Social value considerations

- 6.1 Recommendations have been considered in line with the Public Services (Social Value) Act 2012. All services within this report aim to improve the social wellbeing of the client groups they target. This includes the completion of citizen engagement and feedback, utilisation of volunteers and adhering to the business charter within the new contract.

7 Regard to the NHS Constitution

- 7.1 Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.

8 Equality Impact Assessment (EIA)

- 8.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:
(Please explain why an EIA is not necessary)

Yes

Attached as Appendix 1, and due regard will be given to any implications identified in it.

9 List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

- 9.1 None

10 Published documents referred to in this report

- 10.1 None

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Equality Impact Assessment Form

screenip-sectionA

1. Document Control

1. Control Details

| | |
|-------------------------------|--|
| Title: | Assessment of the impact on equality for the re-procurement of the Domestic Violence prevention service. |
| Author (assigned to Pentana): | Beth Hopcraft, Strategy and Commissioning Officer |
| Director: | Katy Ball (Christine Oliver/Steve Oakley) |
| Department: | Crime and Drugs Partnership |
| Service Area: | Commissioning and Procurement |
| Contact details: | Bethan.hopcraft@nottinghamcity.gov.uk , 0115 876 5073 |
| Strategic Budget EIA: Y/N | N |
| Exempt from publication Y/N | N |

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2. Document Amendment Record

| Version | Author | Date | Approved |
|---------|------------|------------|----------|
| 1 | B Hopcraft | 07/01/2020 | |
| 2 | B Hopcraft | 05/06/2020 | |
| | | | |

3. Contributors/Reviewers

| Name | Position | Date |
|--------------|--|------------|
| Nasreen Miah | HR Consultant – Equality & Employability | 29.06.2020 |
| | | |

4. Glossary of Terms

| Term | Description |
|---|--|
| Domestic Violence/Abuse (DV/DA) | <p>These terms are very similar in meaning and are used interchangeably throughout this document. The terms refer to the act of coercive, sexual, financial or physical abuse from one party to another who is in some way related to that person. The most common form of DV is between people in a domestic relationship, but the understanding of the term should not be limited to this example.</p> <p>Domestic Violence is a key part of the Crime and Drugs Partnership (CDP) plan, and is reflected in performance reports throughout the life of the partnership plan.</p> |
| Survivors | <p>This term is used to describe a person who is experiencing domestic or sexual violence/abuse. The term is used as a replacement of “victim”, as it is considered to empower the survivor. “Victim” may be used in criminal justice processes but will not be used in this document.</p> |
| Multi-Agency Risk Assessment Conference (MARAC) | <p>A meeting where information is shared on the highest risk domestic abuse cases between representatives of and specialists from a range of organisations who are engaged with the survivors being assessed in the meeting.</p> |
| “Honour”-Based Violence (HBV) | <p>This is a form of abuse that may have been committed in part to protect or defend the perceived “honour” of the family or community. The term is used to describe the perceived cultural justification for violence. It can include physical/sexual violence but can also include financial abuse, coercion, or other abuse. Women and girls are the most common survivors of so-called “honour”-based violence.</p> |

2. Assessment

1. Brief description of proposal / policy / service being assessed

In Nottingham City and Nottinghamshire County, there is a service that provides a range of literature, posters, campaigns and training with the overall aim of preventing domestic abuse among our citizens. The contract for this provision is due to expire on 31st March 2021 and it is the intention of the CDP to procure a similar service through a competitive procurement process for commencement on 1st April 2021.

The findings and recommendations from this EIA will be used to determine the equality requirements of the service specification, and any additional considerations for the procurement process.

[screentip-sectionC](#)

2. Information used to analyse the effects on equality:

The current service delivers a range of training to professionals and young people, covering subjects such as: understanding domestic abuse; providing support for survivors; preventative sessions with young people who are displaying signs of perpetrating, and; healthy relationship education for young people in primary and secondary school.

The service also delivers a range of campaigns to the whole of Nottingham City and Nottinghamshire County, intended to reach a range of audiences, by displaying in public places such as buses, trams, GP surgeries, pharmacies, community centres, and many more. In addition, the service has a very active presence on social media platforms. The campaigns raise awareness of DV and gives details of support services that may help survivors. Resources are designed with consideration of accessibility and diversity, for example, posters have simplistic designs – some in other languages – which depict people from a range of ethnic groups, physical disabilities and shows a rainbow flag; all of which signify inclusivity.

Due to the nature of the service, it is unknown who benefits from its provision, thus making it impossible to understand the demographic makeup of the service users, as there is no way to understand the number of, or demographic of the people benefitting from the resources. However, from the design and distribution of the literature and marketing of the campaigns and training, it can be assumed that people from certain protected groups are targeted, such as same-sex

relationships, people in BAMER communities or those whose first language is not English. The current range of resources have been developed through research and consultation with these communities. This cannot be quantified, but can provide an idea of the reach of campaigns and resources, for example, resources for LGBT+ communities are distributed in arenas where people in these communities may access them.

It is intended that the current range of accessibility is continued as a requirement within the new service specification, as part of the re-procurement process, and the new Provider will be expected to develop these in line with changing demographics of the population in Nottingham City (identified through consultation and research), and all aspects of the Equality Act 2010.

3. Impacts and Actions:

| | Could particularly benefit X | May adversely impact X |
|---|---------------------------------|---------------------------|
| People from different ethnic groups. | ✓ | <input type="checkbox"/> |
| Men | <input type="checkbox"/> | <input type="checkbox"/> |
| Women | ✓ | <input type="checkbox"/> |
| Trans | <input type="checkbox"/> | <input type="checkbox"/> |
| Disabled people or carers. | <input type="checkbox"/> | <input type="checkbox"/> |
| Pregnancy/ Maternity | <input type="checkbox"/> | <input type="checkbox"/> |
| People of different faiths/ beliefs and those with none. | <input type="checkbox"/> | <input type="checkbox"/> |
| Lesbian, gay or bisexual people. | <input type="checkbox"/> | <input type="checkbox"/> |
| Older | <input type="checkbox"/> | <input type="checkbox"/> |
| Younger | ✓ | <input type="checkbox"/> |
| Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults). | <input type="checkbox"/> | <input type="checkbox"/> |

| | |
|--|---|
| <p><i>Please underline the group(s) /issue more adversely affected or which benefits.</i></p> | |
| <p>How different groups could be affected (Summary of impacts)</p> | <p>Details of actions to reduce negative or increase positive impact (or why action isn't possible)</p> |
| <p>By providing any campaign, it is assumed that a wide range of people will be in receipt of the content. Part of the requirements of the updated service specification will be to include targeted campaigns to the following protected groups:</p> <p><u>People from different ethnic groups</u></p> <p>SafeLives (a national organisation whose aim is to end DV) collects and analyses a range of information about DV, which has informed the following statistics¹:</p> <ul style="list-style-type: none"> - While people from Black and Minority Ethnic (BAME) and non-BAME groups have the same likelihood of experiencing DV, people from BAME groups are likely to experience DV for 1.5 times longer. - Of those in contact with services, 1/3 of BAME people were at risk of “honour”-based violence and were three times more likely to be abused by multiple perpetrators. | <p>Ensure that there is a requirement within the service specification for targeted campaigns for people who identify within BAME communities. This should also be marked as part of the tender process.</p> <p>Although it is not possible to monitor the reach of the resources, as detailed in section 2, Commissioners will continue to work with the service to ensure they maintain their reach. This will be clarified within the mobilisation of the service.</p> |

¹ http://safelives.org.uk/practice_blog/supporting-bme-victims-%E2%80%93-what-data-shows

| | |
|--|---|
| <p>In addition to this, one in four BAME people accessing SafeLives needed an interpreter and 1/5 had no recourse to public funds.</p> <p>These statistics suggest that survivors of DV in BAME groups can be among the most vulnerable in terms of escaping DV relationships.</p> <p>In Nottingham City, 39% of MARAC cases involved a survivor who identified in a BAME group(s) or had refugee status.</p> <p><u>Women</u></p> <p>According to Office for National Statistics (ONS), in 2018/19 746,219 (14,378 in Nottinghamshire) DV cases were recorded by the Police in England and Wales; in 75% of these, the survivor was female².</p> <p><i>While it is important to understand the extremity of these statistics, there must also be an awareness of the 25% of survivors who are recorded as male. Nottingham City currently has a Domestic Violence Support Service for Men (provided by Equation), and while this is not being evaluated within this impact assessment, it is important to note.</i></p> <p><u>Younger</u></p> | <p>The service specification will ensure that the Provider is contractually obliged to tailor workshops and literature towards women and topics with include predominantly DV towards women. <i>The specification will also have a requirement to address DV towards men.</i></p> <p>The number of courses and types of resources will be monitored through bi-annual service reviews and quarterly monitoring.</p> |
|--|---|

² Domestic abuse victim characteristics, England and Wales: year ending March 2019 - ONS

| | |
|---|---|
| <p>SafeLives (as above) suggests that although the proportion of younger people (under 16) experiencing DV is lower than that seen in the adult population, the severity of abuse matches that seen in adult DV cases, so it is important to see DV as a universal problem.</p> <p>The source suggests that of those younger people exposed to DV, 23% will display harmful behaviours. The programmes currently in place within the DV Prevention service addresses this issue by holding targeted courses with boys, girls, and young men and women who are at risk of becoming survivors and/or displaying concerning or harmful attitudes and behaviours.</p> | <p>It is the intention to continue these courses for young people and will be a requirement within the service specification. <i>As schools are seeing an increase in the number of students declaring their non-binary gender, or making their transition known, it will be a requirement within the new service specification for there to be a recognition of this within targeted courses for young people, as described.</i></p> |
|---|---|

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4. Outcome(s) of equality impact assessment:

| | | | |
|-------------------------------------|-----------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | No major change needed | <input type="checkbox"/> | Adjust the policy/proposal |
| <input type="checkbox"/> | Adverse impact but continue | <input type="checkbox"/> | Stop and remove the policy/proposal |

5. Arrangements for future monitoring of equality impact of this proposal / policy / service:

- 1- Ensure that equality and diversity requirements are clear in the service specification and that they pay particular attention to BAME and LGB groups.
- 2- Ensure that Equality and Diversity requirements are marked as part of the tender process.
- 3- Ensure that demographic information continue to be reported, where possible. All targeted interventions should continue to be delivered and developed to match changes within the demographic groups explored in this assessment.

6. Approved by (manager signature) and Date sent to equality team for publishing:

| | |
|---|---|
| Approving Manager:  | Date sent for scrutiny: 24.08.2020 |
| SRO Approval: | Date of final approval: 29.08.2020 |

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

| | | | |
|---|---|--|---|
| Subject: | Pricing Model for Non Standard/Specialist Residential and Nursing Care Services | | |
| Corporate Director(s)/ Director(s): | Steve Oakley, Acting Director of Commissioning and Procurement | | |
| Portfolio Holder(s): | Councillor Adele Williams – Portfolio Holder for Adult Care and Local Transport | | |
| Report author and contact details: | Jo Pettifor, Category Manager - Strategy and People Tel: 0115 8765026 Email: jo.pettifor@nottinghamcity.gov.uk | | |
| Other colleagues who have provided input: | | | |
| Key Decision | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Subject to call-in |
| | | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Reasons: | <input type="checkbox"/> Expenditure | <input type="checkbox"/> Income | <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision |
| | | | <input type="checkbox"/> Revenue <input type="checkbox"/> Capital |
| Significant impact on communities living or working in two or more wards in the City | | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Total value of the decision: nil | | | |
| Wards affected: All | Date of consultation with Portfolio Holder(s): Cllr Williams – 19 th August 2020 Cllr Webster – 26 th August 2020 | | |
| Relevant Council Plan Key Theme: | | | |
| Nottingham People | | | <input checked="" type="checkbox"/> |
| Living in Nottingham | | | <input type="checkbox"/> |
| Growing Nottingham | | | <input type="checkbox"/> |
| Respect for Nottingham | | | <input type="checkbox"/> |
| Serving Nottingham Better | | | <input type="checkbox"/> |
| Summary of issues (including benefits to citizens/service users): | | | |
| <p>This report presents proposals for a new pricing model for fee rates for non-standard or specialist adult residential and nursing care services. The proposed model follows a review of the arrangements for setting fee rates for packages in which the level of care needed is above what is included in the fees paid for a standard package of care. The model and rates proposed are based on consideration of the actual costs of providing services and potential sustainable funding models, and have been subject to consultation with service providers. It is proposed to implement the new model from 1st December 2020 following completion of an appeals process in relation to the banding of individual homes.</p> | | | |
| Exempt information: (TBC) | | | |
| <p>Legal observations at Appendix 3 to this report are exempt from publication under paragraph 5 of Schedule 12A to the Local Government Act 1972 because they contain information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. In addition, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information sets out the legal risks inherent in the course of action proposed here, which the decision maker is arguably entitled consider without the Council's position being affected by consideration of those risks.</p> | | | |
| Recommendation(s): | | | |
| <p>1 To approve proposals for a pricing model for non-standard/specialist adult residential and nursing care services (outlined in Appendix 1), which have been subject to consultation with service providers.</p> | | | |
| <p>2 To delegate authority to the Head of Contracting and Procurement to agree the appropriate banding (and associated fee level) for each residential and nursing care service in accordance with the model proposed. The banding of individual services (for both existing and new placements) will be subject to an appeals process should providers wish to</p> | | | |

| | |
|----------|---|
| | challenge the banding decision for their service. |
| 3 | To approve the implementation of the new model for new placements from 1st December 2020, with a view to implementing for all existing packages on 1 st December 2020 subject to the outcome of the appeals process. |
| 4 | To delegate authority to the Director of Commissioning and Procurement in consultation with the Director of Adults Services to determine the outcome of the appeals process and confirm the timing of implementation of the new funding model for existing packages, following the appeals process. |
| 5 | To note that approval to spend against individual placements in specialist provision is through the Council's scheme of delegation for Adults Care Packages. |

1 Reasons for recommendations

- 1.1 Nottingham City Council (the Council) has a legal duty under the Care Act 2014 to consider fee rates payable for social care contracted services and in doing so, must consider the costs of delivering care and the sustainability of the market. These considerations are balanced against budget commitments and pressures for the City Council.
- 1.2 The Council is looking to implement a new funding model for non-standard/specialist residential and nursing care placements in which the level of care needed is above that of a standard package (as defined in the 'core elements' of a standard residential service). The aim is to take a more consistent and streamlined approach to the fees paid for specialist care and support. The development of a more consistent pricing mechanism supports transparency and fairness across providers.
- 1.3 Currently citizens are placed in non-standard/specialist residential and nursing care homes on a variety of differing rates, often for the same level of support. Under the proposed model, citizens with similar support needs will be paid the same rate regardless of where they are placed. Additionally there is often a high number of one to one hours required to support the citizen's daily living. The proposed model aims to reduce reliance on one to one support to 'top up' fee rates when adequate staffing should be available to support the needs of citizens within the home.
- 1.4 It is considered that a balanced, reasoned and informed approach has been adopted in developing these proposals, which seek to support a sustainable, efficient and effective market within the available resources. The key factors taken into consideration are:
- Costs of service delivery
 - Market considerations, including implications of the 'Better Lives, Better Outcomes' strategic vision for residential and nursing care
 - Outcomes of consultation with providers
 - Affordability
- 1.5 The proposed pricing model is based on a formula developed by Valuing Care Financial Management Ltd, who carried out a pricing review in 2018/19. The outcome of this review has been supplemented with information collected from providers to produce a model that is considered to align with and reflect the actual costs of service delivery in this market.
- 1.6 In recognition that the size of the home impacts on the costs of delivering services, the pricing model recognises the size of homes and comprises three

size categories: 5 beds or less; between 6 and 11 beds; and 12 beds and above.

- 1.7 Market related factors considered include: size of the market; any evidence of market failure or collapse; whether providers are managing to deliver under the current fee rates and whether the fees proposed are equitable and support an efficient, effective and sustainable market.
- 1.8 Service providers were consulted on the proposals during March 2020 and were invited to identify potential impacts and risks eg to provider/market and service delivery, and to suggest mitigating actions. The outcomes have been fully considered in making these final recommendations.
- 1.9 The Council's financial pressures are significant, with savings required in 2020/21 and cost pressures anticipated to continue. The review has been undertaken with regard to the budget savings required across adult provision, due to reductions in the funding the Council receives from central government and other current economic pressures. These proposals are considered the fairest way to allocate the funding available in the light of the Council's financial pressures and within the context of the overall funding for adult social care provision.
- 1.10 Following approval of the proposed model, it is proposed to notify providers of the banding of their individual homes during September 2020. The banding of individual services will be subject to an appeals process should providers wish to challenge this decision.
- 1.11 It is proposed to implement this pricing model for new placements in residential and nursing care from 1st December 2020. It is also the intention to implement the model for existing placements from 1st December 2020, however this will be confirmed following completion of the appeals process.

2 Background (including outcomes of consultation)

- 2.1 The 'Better Lives, Better Outcomes' strategy for sustainable adult social care in Nottingham sets the direction of travel for all adult social care services, with the vision to "enable all older and disabled citizens, including those with mental health needs, in Nottingham to live as independently as they can, with a connection to their communities. When formal care and support is needed, its aim will be to retain and restore independence. No one will live in residential care unless all other options are exhausted."
- 2.2 In 2019/20, a commissioning review was completed to develop a new service specification for residential and nursing care services in the City and County and an accreditation process has been undertaken to award contracts from 1st April 2020. The value of expenditure under these contracts was included in the approval by Sub Committee on 9th July 2019 to undertake this commissioning process.
- 2.3 Since 2014/15, the City Council's fee rates for residential and nursing care have been based on the outcome of an independent pricing review undertaken by Valuing Care Financial Management Ltd in 2013. A further review was commissioned through Valuing Care in 2017/18 and the findings have been used as the basis for the proposed new pricing model. The process to develop the proposed funding model and fee rates has comprised the following:

- Analysis of the actual costs of providing services – with reference to the Valuing Care review findings and additional cost information supplied by providers. Core cost elements considered include: care home staffing, premises maintenance, supplies and services, transport, head office/regional management and return on capital and operations.
- Wider benchmarking of rates against other authorities
- Understanding the current market and the Council's market shaping duty
- Sustainability

2.4 Details of the proposed funding model and rates are set out in Appendix 1. The model consists of 4 banded rates based on the number of direct hours of care delivery to citizens, and 3 size categories of home. A total of 12 fee rates are proposed based on the combination of home band and size categories. It is expected that additional one to one hours will be commissioned only in exceptional circumstances based on evidence of need, and will be time limited – for example for specific episodes of increased need.

2.5 During March 2020 consultation was undertaken on the proposals service providers, through an online questionnaire, an engagement event and meeting with the Care Homes Association. The online survey invited providers to comment on all aspects of the proposals and to identify potential impacts and risks in relation to service delivery and the provider market. The responses received have been fully considered and were used to undertake an Equalities Impact assessment of the proposals prior to making final recommendations.

2.6 A summary of the consultation outcome is attached at Appendix 2. There was a limited response in terms of numbers of providers, however the majority of those responding agreed with the aim of setting pricing on a more consistent and streamlined basis, and felt that this would be a fairer, more consistent and transparent model. In a number of areas, respondents commented that there was insufficient information to draw conclusions on the impact of the proposals as they felt this would depend upon how the model is implemented; for example, which band individual homes fall under and how one to one support is addressed.

2.7 A potential impact of the proposals identified by providers is that services may become financially unviable in the event that providers consider that the fee levels do not cover the full cost of delivering care. This could result in homes giving notice terminate their contract with the Council. A risk arising from this is upon Adult Social Care operational resources to support citizens to move to alternative provision within the timescales of the notice period. This may add additional budgetary pressures.

3 Other options considered in making recommendations

3.1 Do nothing. This is not recommended as it does not address the current inconsistencies in the pricing of specialist packages of care and achieve the aim of adopting a more consistent, streamlined and fair process across all providers.

3.2 Adopt a different model of fee rates. This is not recommended as the proposals are the result of significant analysis and financial modelling undertaken, taking into account knowledge of the market and the overall budget pressures upon the Council. The recommendations consider the potential impact on service delivery and the market. Offering alternative fee rates would place additional pressure on the Adult Social Care budget and this is not a feasible option.

- 3.3 To undertake analysis of individual placement costs and offer fee rates based on the cost of care, factoring in staffing and other operating costs. This option would not be feasible as it would be highly administratively burdensome and problematic as rates of pay and other factors are not standard across the sector.

4 Finance colleague comments (including implications and value for money/VAT)

- 4.1 This report seeks approval to implement a new pricing model for fee rates for non-standard or specialist adult residential and nursing care services from 1st December 2020, subject to the outcomes of the appeals process.
- 4.2 The development of a more consistent pricing mechanism ensures fair and equitable payments for specialist care and support services whilst supporting transparency across providers.

The consistency of the proposed banded pricing model outlined in this report will also aid planning and robust in year forecasting for Nottingham City Council by mitigating constant price fluctuations.

- 4.3 The financial impact of this decision cannot be robustly quantified until the appeals process has been heard and is therefore excluded from current Medium Term Financial Strategy assumptions, however, the proposals outlined in this report will be contained within the current budget allocation as incorporated within the Medium Term Financial Plan.
- 4.4 Approval for the expenditure associated with this decision is covered through the Council's scheme of delegation for Adults care packages, this decision solely refers to the change in pricing model, seeking approval for the proposed methodology for calculating the costs to be paid to providers moving forwards.
- 4.5 Any outcomes of this decision will need to be reviewed by the Head of Contracting and Procurement in conjunction with future National Living Wage policy decisions.
- 4.6 This decision will be subject to a separate approval process should the appeals process result in a different outcome/significant change to that outlined in this report.

Hayley Mason, Strategic Finance Business Partner (Adults and Public Health)
25 August 2020

5 Legal and Procurement colleague comments (including risk management issues, and including legal, Crime and Disorder Act and procurement implications)

- 5.1 Legal comments are contained within exempt appendix 3

Procurement Comments

- 5.2 Nursing and Residential Care providers have been contracted through an open accreditation process managed by the Procurement Team, therefore there are no procurement implications arising from these proposals. This proposal reflects a more consistent and fair model for the pricing of Non Standard/Specialist packages in Nursing and Residential Care Homes.

6 Social value considerations

6.1 None applicable

7 Regard to the NHS Constitution

7.1 None applicable

8 Equality Impact Assessment (EIA)

8.1 Has the equality impact of the proposals in this report been assessed?

Yes



Attached as Appendix 4, and due regard will be given to any implications identified in it.

9 List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

9.1 None

10 Published documents referred to in this report

10.1 The Care Act 2014

10.2 'Better Lives, Better Outcomes: a strategy for sustainable adult social care in Nottingham' 2018

Appendix 2

Residential and Nursing Non Standard fees 2020 - Summary of provider survey outcome

Responses were received from 10 providers: 3 with homes in City; 4 County and 3 with both. The care groups range across all types of need, with learning disability support being most commonly provided (9 providers).

A comment repeated in all sections was that there was insufficient information to draw conclusions - that impact will depend on which band homes fall under, and other factors. Other questions raised were:

- how will 1:1s in existing packages be translated into the new bands?
- how is 2:1 support dealt with?
- Are night/sleep in rates included or separate?
- Is it the person or the care home that's banded?

One provider requested details of the calculated rates and how they will be applied.

Proposed funding model

7 respondents (70%) agreed or strongly agreed with the proposal to move to a more consistent funding model.

Comments in support:

- *'This process will make it fair, equitable and pay the right amount for the quality of provision'*
- *Banding supported in general; 'uniformity is fair'*
- *'Appreciate standardised funding/equal treatment and transparency'*
- *'this proposal is a well thought out and fair one''*

Comments against:

- *'not reflective of actual costs'*
- *1:1 hours are often required to provide personal care, hoisting etc*
- *'banding / funding should reflect the complex care we provide often on an individual basis,banding is often a tool that does not work'*
- *Not a person-centred approach*

Proposed banding hours

Responses were broadly split - 4 respondents (40%) agree and 5 (50%) disagree or strongly disagree. Another felt insufficient information was provided to assess.

A preference was expressed for bands to apply to a home (not differently for individuals) to allow flexibility and responsiveness

Comments in support:

- *reflects a large increase on current fees*
- *'recognises and reimburses the quality of support based on assessment of need and expertise of the staff...this is equitable and fair'*

Comments against

- *hours do not represent person centred support*
- *'paying a set value regardless of individualised hours, it is in effect removing hours from a person's care package...'*
- *would deter providers from taking more complex citizens within each banding*

- Bandings are too wide apart and need to be broken down more; large gap between C and D is unfair on a band C home
- Homes will not be viable on band A
- Bands B, C and D will only be viable if existing 1 to 1 hours are absorbed into 'total direct carer hours per week'.

Proposed funding levels of bands

Responses were broadly split across the range from 'strongly agree' to 'strongly disagree'. 3 neither agreed nor disagreed and it was commented there was insufficient information to assess.

Comments for:

- *'it is right that...homes who deliver high standards are recognised financially'*
- Bands B and C look about right.

Comments against:

- *'The fees proposed fall between 12-15% short of the costs'*; no inflationary uplift since 2015/16.
- Band D is too low; difficulty meeting needs over 90 hours without 1:1 added.
- *'too low by about 10%'*
- Band B is well below the cost of providing the level of care needed (eg 59 hours pw)

£13.40 hourly rate

5 providers (50%) felt the rate would have a significant or very significant impact on the service; none identified no impact.

One respondent described the rate as 'acceptable' (provided core fees are set correctly); for another this represents an increase.

Negative impacts:

'will compromise our ability to pay.. for specific skills required for 1:1'

Some noted the rate is too low to meet all (direct and indirect) staffing costs

Needs to cover increases in NLW

Concern that 1 to 1 support will be commissioned only in exceptional circumstances (some citizens need dedicated time above the standard)

Impact and risks of proposals

6 providers (60%) identified a significant or very significant impact. Some respondents felt unable to assess the true impact as this depends on the banding.

Positive impacts

One responded stated it would make homes viable. Another that *'the proposed fee increase will enable us to continue and develop the service we offer and to continue to strive for further improvement'*

Risks to service viability

- Potential financial losses if funding doesn't cover the hours of care
- Services potentially being financially unsustainable/unviable
- potential need to restructure staffing
- termination of packages
- potential service closures (in particular specialist homes)

Risks to service delivery

Quality of care:

- Difficulty delivering a 'quality / progressive' service; services more task focused than enablement/'active support'; learning disability provision becoming like older people services
- Reduced activities
- Safeguarding risks if hours reduce and needs can't be met
- CQC ratings worsening – outcomes not demonstrated

Levels of service:

- Existing citizen's needs may not be met if hours reduce substantially; citizens with high needs (eg over 90 hours) could lose placements
- Reduction in complex referrals accepted; high needs citizens may not be placed if band D doesn't cover the cost of safe and effective care.
- Proposed 1 to 1 rate may compromise ability to accept / support high needs

Mitigating actions

Provider

- Ensure efficient services are provided in a balanced way – cost and quality
- Appeal to move to higher band
- Review impact and engage with NCC if not sustainable/early signs
- Underwrite losses or consider handing back contracts
- Carefully assess new referrals - take only those that fit the assessed band
- Consider running homes partly as supported living

NCC

- Address questions raised in consultation
- Reconsider thresholds of bands and have additional/intermediate ones
- Consider bands in line with current hours; Fund hours needed for safe and quality personalised care
- Allow 1:1 hours in addition to assessed bands
- Increase the funding – particularly B – D
- Pay at sustainable levels and award uplifts in line with costs eg NLW; ensure fees balance cost AND quality
- Commit to placing in residential and supported living

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Appendix 1

Proposed pricing model for non-standard adult residential and nursing care

Details of the pricing model proposed for non-standard/specialist residential and nursing care are as follows. The model and the associated fee rates are proposed to be implemented from 1st December 2020.

Banding

The pricing model comprises 4 banding rates based on the number of direct hours of care delivery to citizens. These are: Band A – 28 hours, Band B - 42 hours, band C - 61 hours and Band D - 90 hours.

Size of home

In recognition that the size of home has an impact upon the overall cost of service delivery, there are 3 proposed size categories of home: 5 beds or less; between 6 and 11 beds; and 12 beds and above.

The proposed rates for homes in each band and size category are set out below:

| Band | Total Direct Carer Hours per Week | 5 beds or less | 6-11 Beds | 12 beds and above |
|------|-----------------------------------|----------------|-----------|-------------------|
| A | 28 | £989.37 | £942.94 | £890.02 |
| B | 42 | £1,184.80 | £1,138.37 | £1,085.45 |
| C | 61 | £1,416.25 | £1,368.94 | £1,347.63 |
| D | 90 | £1,782.74 | £1,767.04 | £1,745.72 |

One to One Hours

It is expected that one to one hours will be commissioned in exceptional circumstances only and the relevant one to one documentation would need to be completed to evidence the need for this. A standard hourly rate of £13.40 is proposed to be paid for any one-to-one hours commissioned.

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Appendix 4 Equality Impact Assessment Form

1. Document Control

1. Control Details

| | |
|-------------------------------|--|
| | |
| Title: | Funding Model and Rates for Adult Residential and Nursing Care 2020/2021 |
| Author (assigned to Pentana): | Jo Pettifor |
| Director: | Hugh White |
| Department: | Strategy & Resources |
| Service Area: | Contracting & Procurement |
| Contact details: | Jo.pettifor@nottinghamcitycouncil.gov.uk |
| Strategic Budget EIA: Y/N | N |
| Exempt from publication Y/N | N |

2. Document Amendment Record

| Version | Author | Date | Approved |
|---------|-------------|----------|----------|
| V2 | Jo Pettifor | 19.08.20 | 24.08.20 |
| | | | |
| | | | |

3. Contributors/Reviewers

| Name | Position | Date |
|----------------|-------------------------------------|----------|
| Nasreen Miah | Equality & Employability Consultant | 24.08.20 |
| Sharon Ribeiro | Lead Contracts Performance Manager | 06.08.20 |
| | | |

4. Glossary of Terms

| Term | Description |
|------|-------------|
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2. Assessment

1. Brief description of proposal / policy / service being assessed

Nottingham City Council is seeking to implement a new funding model for placements in non-standard/specialist adult residential and nursing care services, to take a more consistent, fair and streamlined approach to the fees paid for specialist care and support. A new proposed funding model has been developed which seeks to support a sustainable, efficient and effective market within the available resources. The key factors taken into consideration in developing the model are: financial modelling and the costs of service delivery; market considerations and strategic direction; and affordability. The model comprises 4 banding rates based on the number of direct hours of care delivery, and 3 size categories of home. A total of 12 fee rates are proposed based on the combination of home band and size. A consultation process was undertaken with all affected providers during March 2020 and responses were collated and considered in developing final recommendations.

2. Information used to analyse the effects on equality:

During March 2020, consultation was undertaken on the proposed funding model with all affected service providers (all those delivering specialist services), through an online questionnaire, an engagement event held on 6th March and meeting with the Care Homes Association. The online survey invited providers to comment on all aspects of the

proposals and to identify potential impacts and risks (to service delivery and to providers) and mitigating actions that could be taken. Responses were received from 10 providers providing residential care across all types of need in the City and County. The providers responding support all types of care need, with learning disability support being provided by most. Responses were collated and reviewed to identify risks highlighted, and the risks were analysed with reference to market knowledge to identify the impact of the proposal on services as a whole, citizens within those services, and on the provider market. Other factors taken into consideration in making recommendations were: costs of service delivery, the strategic intentions for residential and nursing care, and affordability.

3. Impacts and Actions:

| | Could particularly benefit X | May adversely impact X |
|---|-------------------------------------|-------------------------------------|
| People from different ethnic groups. | <input type="checkbox"/> | <input type="checkbox"/> |
| Men | <input type="checkbox"/> | <input type="checkbox"/> |
| Women | <input type="checkbox"/> | <input type="checkbox"/> |
| Trans | <input type="checkbox"/> | <input type="checkbox"/> |
| Disabled people or carers. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Pregnancy/ Maternity | <input type="checkbox"/> | <input type="checkbox"/> |
| People of different faiths/ beliefs and those with none. | <input type="checkbox"/> | <input type="checkbox"/> |
| Lesbian, gay or bisexual people. | <input type="checkbox"/> | <input type="checkbox"/> |
| Older | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Younger | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults). | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>Please underline the group(s) /issue more</i> | | |

adversely affected or which benefits.

| <p>How different groups could be affected (Summary of impacts)</p> | <p>Details of actions to reduce negative or increase positive impact (or why action isn't possible)</p> |
|---|--|
| <p>Provide details for impacts / benefits on people in different protected groups.</p> <p>1. Summary of responses</p> <p>Responses were received from 10 providers providing residential care across all types of need in the City and County. In some sections providers felt that there was insufficient information to draw conclusions, as the impact will depend on factors such as which band homes fall under.</p> <ul style="list-style-type: none"> • 7 respondents (70%) agreed or strongly agreed with the proposal to move to a more consistent funding model. • On the proposed number of care hours allocated to the bandings, responses were broadly split - 4 respondents (40%) agreed and 5 (50%) disagreed or strongly disagreed. • On the proposed funding levels for bands, responses ranged broadly from 'strongly agree' to 'strongly disagree'. 3 neither agreed nor disagreed • Responses on the rate for 1 to 1 hours varied in support and against. Some commented that the rate | <p>1 Actions will need to be uploaded on Pentana.</p> <p>The risks identified have been considered in conjunction with wider knowledge of the market. Potential mitigating actions are:</p> <ul style="list-style-type: none"> • Implement appeals process for providers against banding decision – September to December 2020 • Continue to engage with the market on future of service delivery. Explore options to provide support and advice for providers on sustaining their business. Providers to ensure services are modelled and delivered in a sustainable way • Providers to engage with NCC at early signs of services not being sustainable. Consider on a case by case basis where specific issues arise in relation to viability of individual packages - ongoing • Assess residents needs for additional 1:1 hours where necessary - eg high needs in band C homes - ongoing • Ensure payments are made in a timely manner explore options to reduce delays to approval processes - ongoing • Explore potential for citizens to be supported to move to Care, Support and Enablement/Supported accommodation – as needed |

is too low to meet all staffing costs

2. Implications and risks

6 providers (60%) identified a significant or very significant impact of the proposals

Risks to service viability:

- potential financial losses if funding doesn't cover the hours of care; services being financially unsustainable
- potential termination of packages
- potential service closures (in particular specialist homes)

Risks to service delivery – quality and levels of care:

- Difficulty delivering a quality / 'progressive' service; more task focused than enablement; Reduced activities
- Safeguarding risks if hours reduce and needs can't be met
- CQC ratings worsening
- Existing citizens' needs may not be met if hours reduce substantially; citizens with high needs could lose placements
- Potential reduction in complex/high needs referrals accepted – eg if band D rates/1 to 1 hours don't cover the cost of care needed

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4. Outcome(s) of equality impact assessment:

| | | | |
|-------------------------------------|-----------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | No major change needed | <input type="checkbox"/> | Adjust the policy/proposal |
| <input type="checkbox"/> | Adverse impact but continue | <input type="checkbox"/> | Stop and remove the policy/proposal |

5. Arrangements for future monitoring of equality impact of this proposal / policy / service:

Review any issues and potential impacts raised by providers through the appeals process in relation to the banding of homes – September – December 2020.
Review through ongoing engagement with providers and contract management and liaison with Adult Assessment colleagues.

6. Approved by (manager signature) and Date sent to equality team for publishing:

| | |
|---|--|
| <p>Approving Manager: The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals.</p> | <p>Date sent for scrutiny: Send document or Link to: equalityanddiversityteam@nottinghamcity.gov.uk</p> |
| <p>Page 60</p>  <p>SRO Approval:</p> | <p>Date of final approval: 24th August 2020</p> |

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.

6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

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| | | | |
|--|---|-----------------------------|---|
| Subject: | Procurement of Personal Protective Equipment | | |
| Corporate Director(s)/ Director(s): | Steve Oakley – Acting Director of Commissioning & Procurement | | |
| Portfolio Holder(s): | Councillor Adele Williams - Portfolio Holder for Adult Care and Local Transport Councillor Sally Longford – Portfolio Holder for Energy, Environment & Democratic Services | | |
| Report author and contact details: | Jo Pettifor, Category Manager – Strategy and People Email: jo.pettifor@nottinghamcitycouncil.co.uk Telephone: 01158765026 | | |
| Other colleagues who have provided input: | Paul Ritchie, Category Manager - Products | | |
| Key Decision | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Subject to call-in <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Reasons: <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision | | | <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital |
| Significant impact on communities living or working in two or more wards in the City | | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Total value of the decision: £20m (estimated maximum Nottingham City Council spend) | | | |
| Wards affected: all | Date of consultation with Portfolio Holder(s): Cllr Longford and Cllr Williams – 24 th August 2020 Cllr Webster – 26 th August 2020 | | |
| Relevant Council Plan Key Theme: | | | |
| Nottingham People | | | <input checked="" type="checkbox"/> |
| Living in Nottingham | | | <input checked="" type="checkbox"/> |
| Growing Nottingham | | | <input type="checkbox"/> |
| Respect for Nottingham | | | <input type="checkbox"/> |
| Serving Nottingham Better | | | <input type="checkbox"/> |
| Summary of issues (including benefits to citizens/service users): This report outlines the proposal to procure a framework of suppliers of a range of Personal Protective Equipment (PPE) to the Council in line with UK and EU standards. The framework is intended to provide a stable and cost effective supply to meet the Council’s requirements both for routine supplies and for specialist products as and when needs arise. It is proposed that it will be available for use by other local and regional partners for their PPE purchasing needs. | | | |
| Exempt information: None | | | |
| Recommendation(s): | | | |
| 1 To undertake a procurement process to establish a framework for the supply of Personal Protective Equipment, for use by Nottingham City Council (NCC) and a number of named partner organisations. | | | |
| 2 To delegate authority to the Director of Commissioning and Procurement to approve the outcome of the procurement process and for the award of call off contracts under the framework | | | |
| 3 To approve a maximum NCC spend under the framework of £2m per annum for up to 10 years (maximum £20m in total). | | | |

1 Reasons for recommendations

- 1.1 Since the start of the Covid 19 outbreak in March 2020, the Council's need for a range of PPE supplies has increased dramatically. At the same time, the market for these products has become more competitive and it has become apparent that a supply source is needed which reflects this changing context.
- 1.2 It is expected that the Council will have ongoing needs for both routinely used and specialist PPE products beyond the current Covid 19 outbreak, although the nature and scale of the potential need in future years is difficult to project. The proposed framework will provide a compliant mechanism for the ongoing purchase of PPE supplies through an open procurement process in accordance with Council's Financial Regulations and Contract Procedure Rules and EU and UK Procurement regulations.
- 1.3 The proposed framework is intended to provide a stable and cost effective supply of PPE for the Council – enabling specific products to be sourced in the quantities required as and when needs arise. The process will enable the appointment of a number of suitably qualified and skilled suppliers able to supply and deliver PPE in line with EU and UK quality standards.
- 1.4 The framework will be broken down into categories of product types, with approved suppliers listed under each. There is potential for elements such as item specific suppliers and suppliers for both routine and emergency needs. When purchasing needs arise, a mini competition can be undertaken between suppliers listed for each product to secure the best value on each occasion.
- 1.5 It is intended to make the framework available for use by other East Midlands Authorities and potentially to a wider audience. This pooling of purchasing power will increase the economies of scale and should maximise the interest from the market, securing the most competitive offers.
- 1.6 This proposal presents opportunity to generate income through a rebate charged on all expenditure under the framework. This may be as a levy charged at a set percentage rate on all purchases and would be used to cover the Council's costs in managing the framework and associated contracts.
- 1.7 Establishment of a framework offers potential efficiencies through:
 - competition between suppliers for each call off to secure best price for each requirement at the time of purchase
 - Economies of scale through the joint purchasing arrangements with a number of partners – pooled purchasing power
 - A streamlined products list, removing administrative burden and risks of duplication of purchasing and contracting for each separately.
- 1.8 The proposed duration of the framework for up to a maximum of 10 years aims to ensure long term security of these supplies. A Dynamic Purchasing System is being considered which will allow for the inclusion of new suppliers over the duration of the framework.

2 Background (including outcomes of consultation)

- 2.1 Since March 2020, the Covid 19 outbreak has changed the way PPE is purchased both locally and nationally. The Council has been working with local partners in the Local Resilience Forum during this time to secure supplies of essential PPE to be

available for staff within Council service provision and external care settings. Due to shortages of PPE and high demand at the height of the emergency, it has been necessary to make urgent purchasing decisions to secure local supplies on an emergency basis and ensure stocks do not run out.

- 2.2 The Council continues to be engaged with the Local Resilience Forum in the joint response to Covid 19 locally, and it has been agreed to procure a framework of PPE suppliers for use by local and regional partners. It is proposed that the Council will lead on the procurement of a framework under which named authorities will be able to purchase according to their needs.
- 2.3 The Council recently undertook a procurement process for the supply of Workwear, tools and PPE, however a contract was not awarded for PPE through this process as the Covid 19 outbreak has highlighted a need for certain products that were not included. The Council's requirements are currently being reviewed with a view to establishing a framework with the partner authorities.

3 Other options considered in making recommendations

- 3.1 Do nothing. This was rejected as this does not address the need for an efficient and compliant arrangement for the ongoing purchase of PPE and will not secure the benefits of ensuring supplies are maintained to meet all future needs and to secure best value for money.

4 Finance colleague comments (including implications and value for money/VAT)

- 4.1 This reports seeks approval to establish a PPE framework and spend up to a ceiling amount of £2.000m per annum over a 10 year period (total value of report £20.000m)
- 4.2 Approval is sought for the amount identified above however it is not a commitment to spend at this ceiling level at this stage. Expenditure should only be incurred as and when required and kept to a minimal level to meet the service needs.
- 4.3 Budget for pre-covid 19 PPE requirements exists across multiple services in NCC and is contained within the MTFP however covid 19 has significantly increased this requirement to a level above and beyond existing budget provision in 2020/21. It is difficult to quantify what the requirement will be in future years (and over the life of this proposed framework) however a provision for increased PPE expenditure has been factored in to the current on-going Medium Term Financial Strategy (MTFS) exercise. This is subject to approval.
- 4.4 Any spend on this framework should be closely monitored by Procurement and the purchasing service to ensure spend is contained with existing budget provision and that additional financial pressures do not occur. If there is risk of escalating PPE costs above budget provision then mitigation should be sought immediately and the pressure highlighted through the relevant process at the time.
- 4.5 Establishing this PPE framework also presents an opportunity to generate income through a rebate charged on all expenditure under the framework. This income would be used to cover the Council's costs in managing the framework and associated contracts with any residual income contributing to either existing or new MTFP budgeted income targets. The amount of this rebate is unquantifiable at present.

- 4.6 Value for money will be supported by competition between suppliers to secure best price, economies of scale through joint purchasing power, a streamlined product list and via the proposal of a Dynamic Purchasing System (DPS).
- 4.7 VAT will be treated in accordance with the relevant HMRC guidance.

Philip Gretton, Strategic Finance Business Partner, 02/09/2020

5 Legal and Procurement colleague comments (including risk management issues, and including legal, Crime and Disorder Act and procurement implications)

- 5.1 Procurement Colleagues will assist with the tendering exercise to ensure that a fully compliant, value for money agreement is entered into.
Paul Ritchie, Category Manager – Products. Tel 64194, 27/08/2020.
- 5.2 There are no significant legal issues arising in respect of this decision. The proposal for a longer term contractual arrangement to secure the provision of PPE will offer certainty and resilience for essential supply. In order to establish value for money and encourage competition, long term contracts are not generally encouraged in procurement legislation, however where there is a justified requirement a longer term arrangement should not be problematic. In order to ensure value for money when procuring supplies at such a volatile time consideration will need to be given to the expected market over the longer term and how to retain certainty of supply. The proposal of a Dynamic Purchasing System (DPS) would certainly be a favourable option.
- 5.3 The report also considers the ability to allow other contracting authorities to access and benefit from the procured contract. This is an approach which has been adopted on a number of procurement exercises and does encourage value for money through economies of scale. In managing a contract which may be accessed by others there will need to be consideration as to what process will be put in place and how the cost of contract management will be recovered.

Naomi Vass, Senior Solicitor – Commercial, Employment and Education 28/8/20

6 Social value considerations

- 6.1 In accordance with the Procurement Strategy objectives of promoting social value, full consideration will be given to maximising the economic, social and environmental benefits during the procurement process; where appropriate, relevant requirements will be included in the service specifications. In setting up the proposed framework there is potential to break down categories of supplies into lots, which may incentivise small and local businesses to apply. Small and local manufacturers may be well placed to offer competitive rates for the supply of small quantities of products.

7 Regard to the NHS Constitution

- 7.1 Not applicable

8 Equality Impact Assessment (EIA)

8.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because no equality issues arise from this decision. This is a process to procure supplies needed by the Council and partners, and does not involve changes to services or policies.

9 List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

9.1 None

10 Published documents referred to in this report

10.1 None

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| | | | |
|---|---|---------------------------------|---|
| Subject: | Procurement of Mortuary Services | | |
| Corporate Director(s)/ Director(s): | Richard Henderson – Director of HR and Customer | | |
| Portfolio Holder(s): | Cllr Sally Longford - Portfolio Holder for Energy, Environment and Democratic Services | | |
| Report author and contact details: | Jo Pettifor, Category Manager – Strategy and People Email: jo.pettifor@nottinghamcity.gov.uk Telephone: 0115 8765026 | | |
| Other colleagues who have provided input: | Lucy Lee – Head of Customer Service Paul Ritchie – Category Manager - Products | | |
| Key Decision | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Subject to call-in |
| | | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Reasons: | <input checked="" type="checkbox"/> Expenditure | <input type="checkbox"/> Income | <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision |
| | | | <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital |
| Significant impact on communities living or working in two or more wards in the City | | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Total value of the decision: £1.527m per year over 5 years (total contract value £7.635m); Nottingham City Council expenditure £0.764m per year (total £3.818 m) | | | |
| Wards affected: all | Date of consultation with Portfolio Holder(s): Cllr Longford– 20 th August 2020 Cllr Sam Webster – 26 th August 2020 | | |
| Relevant Council Plan Key Theme: | | | |
| Nottingham People | | | <input checked="" type="checkbox"/> |
| Living in Nottingham | | | <input checked="" type="checkbox"/> |
| Growing Nottingham | | | <input type="checkbox"/> |
| Respect for Nottingham | | | <input type="checkbox"/> |
| Serving Nottingham Better | | | <input type="checkbox"/> |
| Summary of issues (including benefits to citizens/service users): | | | |
| In September 2018, Sub Committee approved the procurement of Mortuary Services through a competitive tender process and agreed the extension of the existing contract for these services to allow for the completion of the tender process. The tender process undertaken did not result in the award of a new contract therefore this report now seeks to award a negotiated contract to the incumbent provider, Nottingham University Hospitals Trust (NUHT) for the delivery of Mortuary Services for a period of 5 years. Approval is also sought for Nottingham City Council expenditure on the proposed contract. | | | |
| Exempt information: | | | |
| None | | | |
| Recommendation(s): | | | |
| 1 To approve the award of a negotiated contract for Mortuary Services to Nottingham University Hospitals Trust, subject to satisfactory conclusion of negotiations. | | | |
| 2 To delegate authority to the Director of HR & Customer to award and sign the contract on conclusion of the negotiation for a period of 5 years. | | | |
| 3 To approve expenditure by the Council on the proposed contract of £763,694 per year for 5 years; total £3,818,471. | | | |

1 Reasons for recommendations

- 1.1 The Council is under a legal obligation to provide a mortuary and post mortem service as required by HM Coroner and the proposed contract award will enable this obligation to be met.

- 1.2 The proposed award of a negotiated contract is necessary to secure mortuary services in the City due to the absence of competition in this market. A competitive tender process was undertaken in November 2018 to secure a provider, and this was preceded by market engagement to encourage participation however no suitable bids were received. Negotiations have taken place with the existing provider, NUHT in relation to the continued delivery of these services and the proposed contract will secure provision for five years. Ongoing dialogue has taken place with other hospital trusts but none have capacity for Nottinghamshire's work, even if split as it is the largest jurisdiction in the country.
- 1.3 Negotiations have been undertaken with NUHT to secure reduced costs in comparison with the price received through the tender. These negotiations have reduced the cost of the contract from £1.820m per annum to £1.527m per annum. It is proposed to award an activity based contract, and these costs are projected based on average activity levels over the last 3 years.

2 Background (including outcomes of consultation)

- 2.1 The Council is legally obliged to make provision for mortuary services for HM Coroner. This includes provision of mortuary and post mortem facilities and technical staff for the provision of the Coronial Service within timescales agreed with HM Coroner. This must be done whilst ensuring that the deceased is handled with respect and dignity, recognising cultural and religious preferences where reasonably possible.
- 2.2 HM Coroner's area covers the Nottingham City Council and Nottinghamshire County Council boundaries. The total cost of this contract will therefore be split between Nottingham City Council and Nottinghamshire County Council in accordance with agreed terms. The contract covers storage of bodies on behalf of HM Coroner for Nottingham City and Nottinghamshire County Councils, providing mortuary facilities including post mortem examinations, body storage and payment for pathologists.
- 2.3 In September 2018, Sub Committee approved the procurement of Mortuary Services through a competitive tender process and agreed the extension of the existing contract with NUHT to allow for completion of the procurement process.
- 2.4 A competitive tender process was undertaken for Mortuary Services in November 2018, however no successful tenderer was selected because no bid was received that represented value for money. Negotiations have taken place with the existing provider, NUHT in relation to the continued delivery of these services to ensure seamless provision is in place.

3 Other options considered in making recommendations

- 3.1 Do nothing: This is not a viable option as this is a statutory service that the Council must continue to provide. The current contract has expired and we need to ensure continuous service in order to meet statutory requirements under The Coroners and Justice Act (2009), and specifically Part 1, Section 1, Duty to Investigate; Section 14, Post-mortem examinations and Section 15, Power to Remove Body.

4 Finance colleague comments (including implications and value for money/VAT)

- 4.1 This report seeks approval to enter into a 5 year contract with Nottingham University Hospitals Trust to deliver mortuary services at a contract value of £1.527m per annum (£7.635m over the 5 year contract period).
- 4.2 The cost of this contract is split 50/50 with Nottinghamshire County Council, therefore the annual cost to Nottingham City Council in awarding this contract is £0.764m (£3.818m over the 5 year contract).
- 4.3 As part of the 2019/20 budget setting process, pressure funding was approved and awarded to the Coroners service on the assumption that the contract price could be as high as the £1.820m as offered through the tender process. This pressure funding amounted to £0.500m (which was £0.087m short of fully funding the £1.820m contract price). Because of this, there is sufficient budget provision within Coroners and therefore no additional financial pressure will be incurred as a result of awarding this contract. The service will need to fully cost the other elements of the Coroners service (in addition to this contract) to establish whether any of this pressure funding can be released back into the corporate centre to assist with the on-going financial challenge that Nottingham City Council faces. Based on this contract in isolation and the revised lower contract price (£1.527m v £1.820m), there is potential of £0.060m of surplus pressure funding. The service needs to ensure with confidence that no financial pressure will occur if this surplus pressure funding is returned.
- 4.4 The price of this contract is based on activity levels using an average over the past 3 years. Due to this, there is an inherent risk that the final annual contract price will be higher than expected. The service will need to monitor this closely with mitigation in place should there be a risk that its budget will be exceeded.
- 4.5 Alternative delivery options for this statutory service should be explored in future alongside awarding this contract to ensure best value is achieved.
- 4.6 The value of this decision is subject to satisfactory conclusions of negotiations.
- 4.7 VAT with the treated in accordance with HMRC guidance.

Philip Gretton, Strategic Finance Business Partner, 02/09/2020

5 Legal and Procurement colleague comments (including risk management issues, and including legal, Crime and Disorder Act and procurement implications)

5.1 Procurement Comments

No suitable proposals were received via the tendering process and we have therefore entered into negotiations with NUHT to secure the best possible price and levels of service for the delivery of this procurement.

Justification for this course of action is provided under Paragraph 32 (2) (a) of The Public Contracts Regulations 2015, relating to the use of the negotiated procedure without prior publication in circumstances where no suitable tenders have been submitted in response to an open or restricted procedure.

5.2 Legal Comments

The Council sought approval to and undertook a tender process for the provision of mortuary services back in 2018. The outcome of such was that no suitable tender was received. It is understood that there is a clear absence of market interest despite advanced engagement with the market prior to the procurement process. As a result, the Council has entered into negotiations with the incumbent supplier with a view to providing the services as tendered for.

The Council has followed its constitutional requirements to tender for these services and as a result an award can be made following negotiation in accordance with Regulation 32 (2)(b) of the PCR. The new contract should be in line with the initial conditions of contract as tendered.

Dionne Screaton, Solicitor, Contracts and Commercial. 1st September 2020.

6 Social value considerations

- 6.1 Nottingham is a diverse city with a variety of citizens with specific cultural needs. It is important to ensure that deceased persons are treated with dignity and respect, and that cultural requirements are met (within the remit of the law) and the best pathologists and technicians are employed in this capacity. The proposed contract award to a City based supplier will contribute to the Council's priorities around local jobs and local spend.

7 Regard to the NHS Constitution

- 7.1 Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.

8 Equality Impact Assessment (EIA)

- 8.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the report does not contain proposals for new or changing policies, services or functions, financial decisions or decisions about implementation of policies development outside the Council

9 List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

- 9.1 None

10 Published documents referred to in this report

- 10.1 None

Document is Restricted

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