

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4237
Author:	Nancy Cordy
Department:	Children and Adults
Contact:	Nancy Cordy (Job Title: Commissioning Manager, Email: nancy.cordy@nottinghamcity.gov.uk, Phone: 0115 876 4105)
Subject:	COVID-19: Infection Prevention and Control
Total Value:	£267,878 (Type: Revenue)
Decision Being Taken:	<ol style="list-style-type: none">1) To approve funding of up to £267,878 for an enhanced Infection Prevention and Control service for a period of 17 months (ending 31.03.2022)2) To approve dispensation from Contract Procedure Rule 4.1.2. in accordance with Financial Regulation (3.29) to allow for a contract variation (with the existing provider)3) To delegate authority to the Head of Contracting and Procurement to issue and sign the contract variation.

Reasons for the Decision(s)

Throughout the COVID-19 pandemic there has been a need to enhance the current Infection Prevention and Control (IPC) service, in order to protect those who are most vulnerable. This is in line with the agreed Local Outbreak Control Plan.

The current service (which is commissioned by Nottingham City Council and Nottingham and Nottinghamshire Clinical Commissioning Group (CCG) and delivered by CityCare) supports care homes for older adults with outbreak management across Nottingham City. The service has been a significant contributor to the COVID-19 response in Nottingham. CityCare deliver all community health services locally and there are no other providers operating in this market within Nottingham City.

The enhanced service offer will include; receipt of notification of a suspected/outbreak, initial IPC advice, enactment of (separate) local swabbing service, IPC support visit and IPC training to improve the knowledge base of staff. The overall aim of the enhanced service will be to improve IPC practices across the care sector, reducing the risk of further infection transmission and outbreaks, and thereby protecting Nottingham's most vulnerable citizens. The enhanced service will expand the scope to include those in the wider care sector who do not currently benefit from the IPC service, and enhance resilience and responsiveness. In addition to older adults care homes the enhanced service will include support for; supported living (adults <65 years), extra care, domiciliary/homecare, CSE outreach, day and evening services and shared lives facilities. The service will continue to be an important part of the COVID-19 response as restrictions are eased, including responding to emerging variants of concern.

The current service provider is the only provider in a position to deliver the enhanced service. It would not be possible to disaggregate the enhanced service from the existing contract. To have multiple providers of IPC services within Nottingham City would lead to duplication of (already well established) pathways and processes to the detriment of care providers in Nottingham City, with significant risk attached.

Neither would it be possible for a new provider to implement the service (including recruitment of specialist nurses) within the required timescales. The existing service provider (CityCare) already have the specialist staff with relevant technical knowledge of Infection Prevention and Control and the needs of the local care sector which enable a rapid response.

Due to the urgency at which the enhanced service was required as a result of the sudden and sharp increase of outbreaks (from an average of 30 per year to 168 in the last 12 months) there was/is not sufficient time to undertake a procurement process. It is also considered highly unlikely a procurement process would attract alternative interest given the current context and shortage of specialist nurses.

The intention is to issue a contract variation (covering a 17 month period starting 01.11.20) to further enhance the IPC service. This means that an element of the decision is retrospective (that is the period of time during which the provider has already been delivering the contract) and therefore will not be subject to call in. The remainder of the decision will be subject to call in.

Funding for this service has been allocated from the Local Authority Test and Trace service support grant, awarded to local authorities for the mitigation against and management of local outbreaks of COVID-19. (See background papers)

Other Options Considered: 1) Do not have an enhanced IPC service: This option has been rejected due to the need to ensure Nottingham's most vulnerable citizens are protected during the COVID-19 pandemic. The current service was commissioned based on an estimated 25 outbreaks per year and is insufficient in scope and to meet the current level of need.
2) To undertake a procurement exercise to secure the enhanced service: This option has been rejected, as the current provider is uniquely well placed to delivered the enhanced service for the reasons outlined above and it would be detrimental to care providers in the City to have multiple IPC providers.

Background Papers: None

Published Works: DD4160 22/03/18

Affected Wards: Citywide

Colleague / Councillor Interests: None

Dispensation from Financial Regulations: Yes

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: This decision will not have any impact on crime and disorder.

Equality: EIA not required. Reasons: Not required as the decision does not involve new or changing policies.

Regard for NHS Constitution: 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.

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date:

15/06/2021

Advice Sought:

Legal, Finance, Procurement

Legal Advice:

The proposals in this report raise no legal issues and are supported.

The Council has received additional Track and Trace funding for increased Infection Prevention and Control and this money is to be used to focus on residential care homes within the City.

The Council has a contract with Nottingham City Care for this type of service already and so the additional funding will enable an extended service to be delivered immediately, which is essential in light of current circumstances and without unnecessary duplication in cost or service provision. City Care are an experienced provider in the market and it is understood they are considered to be the only provider who could deliver this support at this time to meet the Council's additional requirements.

The Services are deemed light touch under the Public Contract Regulations(PCR) and a variation of a fixed term and value to the existing contract remains below threshold and is permitted in accordance with the PCR.

The Council must continue to ensure that it complies with any terms of its receipt of the grant funding and shall pass on any applicable obligations to City Care for receipt of its additional funding, for example, compliance with any reporting requirements or outcomes.

For the reasons given in the report dispensation from Contract Procedure Rule 4.1.2 is supported. Legal services will assist with any contract variation documentation as required.

Advice provided by Dionne Claire Screatton (Solicitor) on 01/10/2020 and confirmed on 25/05/2021.

Finance Advice:

This decision seeks to provide approval for the variation to a current contract for infection prevention and control, to make use of Track and Trace funding to tackle the additional infection prevention and control requirements due to COVID-19, as outlined in the brief.

The total costs of this proposal, for 12 months, is up to £189,090.

This year, 2020/21, the Public Health budget is supplemented with an additional Track and Trace grant. As this grant will fully fund the proposal, the costs of this decision is funded through the grant, without additional pressure to the Council.

Advice provided by Graeme Black (Commercial Business Partner) on 30/09/2020.

Procurement Advice:

This decision relates to the funding of an enhanced Infection Prevention and Control (IPC) service using funds allocated to the Council through the Local Authority Test and Trace service support grant. The proposed service aims to improve IPC practices across the care sector, reducing the risk of infection transmission and outbreaks and protecting vulnerable citizens. As the existing provide of IPC services in the City, Citycare are considered to be uniquely positioned to deliver this additional service and to be able to meet the urgent requirement. This will also avoid difficulties arising from the duplication of providers across the sector. For these reasons, dispensation from Contract Procedure Rule 4.1.2. in accordance with Financial Regulation (3.29) is supported from a procurement perspective.

Advice provided by Jo Pettifor (Procurement Team Manager) on 29/09/2020 & confirmed on 23/04/2021.

Signatures

Sally Longford (PH for Energy, Environment and Waste Services)
SIGNED and Dated: 08/06/2021
Catherine Underwood (Corporate Director for People)
SIGNED and Dated: 27/05/2021
Clive Heaphy (Chief Finance Officer/CD for Finance & Resources) - Dispensation from Financial Regulations
SIGNED and Dated: 26/05/2021
Chief Finance Officer's Comments: