

## Operational Decision Record

Publication Date 18/07/2022	Decision Reference Number 4675
<b>Decision Title</b>	
Market development – short breaks activities	
<b>Decision Value</b>	
Up to £65,000	
<b>Revenue or Capital Spend?</b>	
Revenue	
<b>Department</b>	
Whole Life Disability	
<b>Contact Officer (Name, job title, and contact details)</b>	
Marie Halford, Service Manager - Whole Life Disability Services Email: <a href="mailto:marie.halford@nottinghamcity.gov.uk">marie.halford@nottinghamcity.gov.uk</a>	
<b>Decision Taken</b>	
<ul style="list-style-type: none"><li>• To approve the expenditure of up to £65,000 over the contract term (10 months) for provision of a specialist market development service, which will work with local communities and micro-providers, to grow provision of activities for disabled children.</li><li>• To approve the procurement of a specialist market development service, through an appropriate procurement process, and to award the contract for the service based on the outcomes of the procurement process. The approved contract would commence in summer 2022, for a 10-month period.</li><li>• To delegate authority to the Director for Adults Health &amp; Social Care to sign the final contract.</li></ul>	
<b>Reasons for Decision and Background Information</b>	
<ol style="list-style-type: none"><li>1. To fulfil Nottingham City Council's statutory functions. Nottingham City Council have a duty under the Breaks for Carers of Disabled Children regulations (2011) to ensure suitable short breaks are available.</li><li>2. To build capacity in local community-based Short Breaks for disabled children/young people to improve citizen choice.</li><li>3. To increase citizen choice</li><li>4. To promote medium/long term cost saving.</li></ol>	

The Children and Families Act 2014 requires that families are able to choose to access a personal budget, which they use to meet the outcomes identified for the child/young person, rather than traditional services.

The market for short breaks for disabled children is severely depleted locally. One of the identified gaps in the market is for group and 1-1 activities in the community. There is currently a framework for providing group and 1-to-1 activities, which has one single provider on it and has failed to attract others, despite significant work carried out by Commissioning with local providers. There is a particular gap in support for children with complex health needs and physical disabilities. This lack of group and 1-1 activities is limiting the choice of services available for citizens, pushing demand towards more costly services, and creating waiting lists for those services that are available. It is likely that a range of options for community activities would not only improve citizen choice, it would also reduce costs in the medium/longer term. In order to do all this, work is needed to develop the market.

The proposed service will utilise short-term funding and work in partnership with Nottingham City Council to develop and carry out a programme of market development/capacity building work with local communities and micro-providers. This work will be to help local people to diversify existing activities or to develop new start up enterprises which will offer local activities for disabled children in their communities, and enable their families to have choices in the breaks they need.

### **Other Options Considered and why these were rejected**

1. Do nothing. This would mean no change in the choice and capacity in local short breaks services. We would continue to be unable to offer a suitable range of breaks to the families of disabled children, resulting in citizens who aren't happy with local provision, services that don't fully meet local needs, and potential risk of judicial review. Therefore this option is not recommended.
2. Work directly with providers to encourage them to sign up to Nottingham City Council's framework for short breaks. This has been attempted on numerous occasions over the previous 6-7 years, with very little success. More significant work with a wider range of mainstream and micro-providers is needed to avoid repeating commissioning and procurement processes that have not been effective to date. There is no-one in Nottingham City Council with both the skills and the capacity required to carry out this work, and a specialist approach is needed. Therefore this option is not recommended.
3. Jointly contract for short breaks services with Nottinghamshire County Council. This option is not viable as Nottinghamshire County Council have commissioned their own short breaks Dynamic Purchasing System (DPS), which will be in place until approximately 2028. There is no opportunity for Nottingham City Council to join with the County prior to that. Therefore this option is not recommended.

### **Reasons why this decision is classified as operational**

- Overall contract value of up to £65,000 (more than £25,000 but less than £150,000)
- Decision is taken within agreed budget
- Supports an activity which is already being carried out on behalf of Nottingham City Council i.e. community Short Breaks
- Advice from Governance Services

### **Additional Information**

You should consider:

- obtaining and recording advice if necessary from legal, finance or other colleagues
- informing relevant ward councillors if a decision particularly affects their ward
- whether an EIA, DPIA, Carbon Impact assessment or consultation exercise is required for this decision
- for capital spend, confirmation that the decision has been through the appropriate capital approval processes
- referring to any related previous decisions
- risks of the decision and any mitigation of those risks
- if the decision is approving capital spend, please include confirmation that the Chief Finance Officer has agreed to it.

### **Legal advice:**

This decision seeks approval to undertake a quotation process for identifying a provider for the delivery of specialist market development services for the purposes of developing the short break provision in the City.

On the basis that a compliant route to market will be followed there are no further legal considerations. Legal services will work alongside procurement colleagues to support the arrangement as necessary.

Appropriate contractual arrangements detailing the Council's expectations should be established with the chosen provider and monitored accordingly during the contract term.

Dionne Screaton, Senior Solicitor, Contracts and Commercial, 5<sup>th</sup> July 2022

### **Procurement Advice:**

The Procurement Team has been consulted on these proposals and there are no procurement issues arising. It is understood that a provider of the proposed specialist market development service will be secured through a quotation process in accordance with the Council's Contract Procedure Rules.

Jo Pettifor MCIPS  
Category Manager – Strategy and People  
24/06/2022

**Finance Advice:**

This decision seeks approval to procure a one off contract for a specialist, market development service. The service contract will be in place for 10 months and the costs will not exceed **£0.065m**.

The service is required to carry out a programme of market development/capacity building work with local communities and micro-providers, with the aim to improve and diversity local activities available for disabled children.

The costs are to be met within the agreed service budget, as per the MTFP, as efficiencies have been developed within Disabled Children's services and earmarked to fund this initiative.

To mitigate the risk of unachieved outcomes it is recommended the contract is utilised to transfer risk where appropriate to the provider, to ensure payments are not made when objectives have not been achieved.

The service will need to undertake regular and robust budget monitoring to mitigate the risk of costs exceeding the budget.

Chanelle Poyser  
Senior Commercial Business Partner  
01 July 2022

**Decision Maker (Name and Job Title)**

Sara Storey, Director for Adults Health & Social Care

**Scheme of Delegation Reference Number**

1

**Date Decision Taken**

5/7/22