

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	2828
Author:	Peter Morley
Department:	Strategy and Resources
Contact:	Peter Morley (Job Title: Commissioning Manager, Email: peter.morley@nottinghamcity.gov.uk, Phone: 01158765163)
Subject:	Meeting Care Act 2014 Duty Around Social Care in Prisons and Approved Premises
Total Value:	£45,210 (Type: Revenue)
Decision Being Taken:	<ol style="list-style-type: none">1) To enter into an arrangement with Nottinghamshire Healthcare Trust for the provision of eligible social care services within HMP Nottingham as a direct award for 3 years from 1st April 2017.2) To approve dispensation from contract procedure rule 5.1.1 in accordance with financial regulation 3.29 with regard to entering into an arrangement with Nottinghamshire Healthcare Trust.3) To approve spend for the delivery of care services in HMP Nottingham.
Reasons for the Decision(s)	<p>The Care Act 2014 places a duty on all local authorities to assess prisoners who may have social care needs and then deliver social care services to those who have eligible care needs within prisons and approved premises in the local authority area. This duty came in effect on 1st April 2015.</p> <p>It has been extremely difficult to determine the extent of social care delivery that will be required, given the predominantly short-term and transitory nature of the population at HMP Nottingham. It is proposed to enter into a direct arrangement with Nottinghamshire Healthcare Trust as they are already responsible for delivery of healthcare services in HMP Nottingham, which was a jointly commissioned service between the City and County Councils. This arrangement will be reviewed annually in order to better determine demand for provision, thereby informing future commissioning arrangements.</p> <p>Delivery in prisons and approved premises cannot be undertaken by existing care at home framework providers as there are significant restrictions on entry to these premises.</p> <p>Given the statutory nature of the provision and the difficulties involved in regularly gaining access to the premises, it is unlikely that it would be possible to procure a suitable provider other than Nottinghamshire Healthcare Trust.</p>

Other Options Considered:

1. To commission social care delivery in HMP Nottingham via a compliant procurement process.
This option is not recommended because accessing the prison can be complex with extensive vetting procedures for staff. As such it makes sense to contract with an agency that already has staff based in the prison. Furthermore, commissioners do not consider it possible to deliver a service in HMP Nottingham for £15,000 per annum with a potential new provider. NHCT already delivers nursing services at HMP Nottingham and this payment adds capacity to that delivery to enable the service to pick up the Council's duty around social care assessment and delivery in prisons, which arises from the Care Act 2014.

2. To use internal homecare provision to deliver care in HMP Nottingham.
This option is not recommended. Whilst issues around demand are not as problematic, issues around access still remain.

3. Not to provide the service in the prison. This option is not possible given the Council has a statutory obligation to ensure the services are delivered in the prison.

Background Papers: None.

Published Works: None.

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: None. Delivery is in a restricted environment.

Equality: EIA not required. Reasons: Statutory requirement for a service that is in a restricted environment.

Social Value Considerations: N/A

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date:

11/05/2017

Advice Sought:

Legal, Finance, Procurement

Legal Advice:

The proposals in this report reflect the Council's statutory duties in terms of social care in the prison system which arise from the Care Act 2014.

It is understood that following the implementation of the Care Act, the Council has satisfied its duty by way of a joint arrangement with Nottingham County Council. County are now delivering the services by a different arrangement which the City is unable to participate in.

Nottinghamshire Healthcare Trust (NHT) currently deliver the services in HMP Nottingham and given the transient nature of the prisoners in this particular prison and the uncertain value of requirements, it is not deemed practicable or appropriate to procure a provider to specifically or in isolation deliver services to the City in this prison at this time.

The proposals detailed in this report, subject to the financial restrictions in terms of annual review of prices, are therefore supported.

Legal services will assist as necessary with any requisite contractual arrangement with NHT.

Advice provided by Dionne Claire Screamon (Solicitor) on 14/02/2017.

Finance Advice:

The cost of this decision will be met from the Social Care in Prisons Grant received from the Department of Health that is provided to assess and meet the care and support needs of the offenders residing in these premises.

The grant funding allocation is currently announced on an annual basis and should allocations change significantly this will need to be considered within the annual review indicated by the report author.

This decision seeks dispensation from Contract Procedure Rules (5.1.1) in accordance with Financial Regulations 3.29, and in the operational circumstances outlined in the decision and as referenced in the procurement advice, is reasonable.

Value for money will be achieved by entering into arrangements with Nottinghamshire Healthcare Trust who already have staff based in the prison, obtaining efficiencies in the delivery of the service.

Advice provided by Darren Revill (Senior Commercial Business Partner) on 31/01/2017.

Procurement Advice:

The proposal to enter into a 3 year contract directly awarded to Nottinghamshire Healthcare Trust for delivery of care services within HMP Nottingham is supported by Procurement. Accessing the prison can be complex with extensive vetting procedures and Nottinghamshire Healthcare Trust, already have staff based in the prison. Alternative options have been explored and discounted and Procurement have been involved in those discussions. Therefore approval to dispense with Contract Procedure Rules 5.1.1. in accordance with Financial regulations (3.29) (Operational Issues)to enter into such an arrangement is supported from a procurement perspective. Advice provided by Nicola Harrison (Procurement Lead Officer) on 11/01/2017.

Signatures

Alex Norris (Portfolio Holder for Adults and Health)
SIGNED and Dated: 04/05/2017
Helen Jones (Director for Adult Social Services (DASS))
SIGNED and Dated: 27/04/2017
Geoff Walker (Strategic Director Finance/CFO) - Dispensation from Financial Regulations
SIGNED and Dated: 28/03/2017
Chief Finance Officer's Comments: For the operational reasons contained in the report