

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

2992

Author:

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Department:

Strategy and Resources

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Subject:

Procurement of Care Support and Enablement (CSE)

Key Decision (decision valued at more than £1million):

Yes

Total Value:

£81.8m (5+4 years based on current spend. (Type: Revenue))

Decision Being Taken:

1. Approve the procurement of Care Support and Enablement Services in accordance with the Outcomes model attached at Appendix 1. (exempt)
2. Delegate authority to the Director of Commissioning and Procurement to award contracts in accordance with the outcome of the tender for 5+4 years.
3. Delegate authority to the Head of Contracting and Procurement to sign the contracts resulting from the tender process for 5+4 years.

**Reasons for the Decision(s)**

The current Framework of 34 providers for Care Support and Enablement and a provision for low-level accommodation based service is due to end 31st March 2018. A review was undertaken in conjunction with Adult Social Care and health commissioners of the current provision. The findings have informed the development of an Accredited Provider List capable of delivering a new model for CSE.

1.1 The new Outcomes model for CSE addresses the issues highlighted in the review.

A number of factors have changed the requirements around the provision of CSE since the last framework was implemented inc: The Care Act 2014, provides citizens the right to request an assessment to support with the completion of daily activities; Five Year forward view for Mental Health (2016), and Transforming Care for people with learning disabilities (2015), resulting in the requirement for people with complex needs and behaviours that challenge services, to live in the community as opposed to the institutionalised thinking of being safe in hospital.

**Briefing notes documents:**

App 2 Briefing Note for CSE FOR INFORMATION ONLY NOT FOR PUBLICATION.docx

**Other Options Considered:**

1. Do Nothing - This is not recommended as the current framework is due to expire and has already been extended and for this reason this option was rejected
2. Commission a new standard framework - this is not recommended as a framework would not offer adequate opportunity for the inclusion of new providers, nor provide the flexibility that an accredited provider list would and for this reason this option was rejected
3. Commissioning a service focussed on maintenance rather than outcomes is not recommended as it does not support citizens to achieve their full potential and builds unnecessary dependence upon services and for this reason this option was rejected

**Background Papers:****Published Works:**

Commissioning and Procurement Sub-Committee 11 July 2017 Minute 24. Contract Extension for Care Support and Enablement  
NHS England Building the Right Support 2015  
[http://ipc.brookes.ac.uk/publications/pdf/John\\_Bolton\\_Outcome\\_Based\\_Commissioning\\_Paper\\_April\\_2015.pdf](http://ipc.brookes.ac.uk/publications/pdf/John_Bolton_Outcome_Based_Commissioning_Paper_April_2015.pdf)

**Affected Wards:**

Citywide

**Colleague / Councillor  
Interests:**

Any Information Exempt from publication:

Yes

Exempt Information:

Description of what is exempt:

Financial comments and the Outcomes model will be exempt.

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

This report is exempt from publication under paragraph 3 of Schedule 12A to the Local Government Act 1972 because it contains information relating to the financial and/or business of the Authority. Having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.  
  
This could prejudice future tender exercise.

Documents exempt from publication:

App 1 Outcomes Based Model 30-10-17.docx, CSE ExemptFinancialComments.doc

Consultations:

Date: 12/05/2017

**Minority Groups:**A consultation event took place with citizens and their carers.  
Citizens shared what they required of CSE - Services should support citizens to have a life. There was a strong focus on "enabling" citizens and supporting them to live more fully in their community and to be confident of their abilities. They also identified that support should be closely linked to outcomes. There was recognition that recovery for people with mental health issues was not linear, but often episodic with the need for intermittent intensive support.

Date: 03/02/2017

**Other:**Learning Disability Partnership Board - SPLAT A series of Working groups and consultation sessions have fed into the Learning Disability Partnership Board recommendation for the Good services outcome model.  
Citizens with learning disabilities and autism have developed a "Good Services Outcome model". This identifies key components that they look for in a good service, including: respect and understanding of their needs, support, choice, being healthy, feeling safe and opportunities to seek employment and volunteering. These principles have been built into the outcomes model for CSE.

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:**

**CSE is provided for vulnerable adults with a range of needs. The Outcomes based model aims to support individuals who could be socially excluded or on the edge of services to develop independence skills and prevent them coming into contact with the criminal justice system.**

**Equality:**

**Please login to the system to view the EIA document: EIA CPSC CSE Oct 17 - v6.1.doc**

**Decision Type:**

**Leader's Key Decision**

**Subject to Call In:**

**Yes**

**Call In Expiry date:**

**13/11/2017**

**Advice Sought:**

**Legal, Finance, Procurement, Equality and Diversity**

**Legal Advice:**

The current contract for CSE services is due to expire and the Council is required to re-tender the services to continue its commitment of supporting citizens to live as independently as possible within the community.

The report seeks approval to establish a pseudo DPS/ accredited list of providers for the delivery of Care Support and Enablement Services.

The services which are considered to fall within the remit of the Light Touch Regime (LTR) of the Public Contracts Regulations which allows the Council to determine the most suitable procedure for awarding contracts provided that certain regulations are met and the Council continues to operate in line with general Treaty principles.

The services are currently provided under a framework agreement, which by its very nature is closed to new providers. The proposal to establish an accredited list of providers by way of 'pseudo DPS' compliant with the Regulations will allow a more flexible delivery of service, more choice and quantity of providers available to deliver the service and ultimately reduce the reliance on 'spot' contracts outside of the existing framework arrangement.

Substantial remodelling of the service has been undertaken in order to ensure that the Council is able to make efficiencies in delivery which is hoped to help relieve the increasing pressure on the adult social care market. As the report details, the new model seeks to address a number of issues that have been identified within the old contract to focus on a more outcome based approach taking account of additional operational and financial obligations facing the Council and offering more choice to citizens.

The report proposes an initial term of 5 years with an option to extend for a further 4 years at the Council's sole discretion subject to available funding, which is hoped will allow the Council to manage the contract efficiently, ensure value for money and flexibility in delivery of the service. It is understood that the service will be delivered in conjunction with the CCG and so will be based on the NHS standard form of contract.

Legal services will continue to work with the service area during the tender process to ensure that the requirements are accurately developed within the contractual arrangements with chosen providers.

Dionne Screamon, Solicitor, Contracts and Commercial  
Advice provided by Dionne Claire Screamon (Solicitor) on 26/10/2017.

**Finance Advice:**

This advice is exempt from publication and is contained within an exempt appendix for tender details & cost. Advice provided by Julie Corner (Strategic Finance Business Partner) on 27/10/2017.

**Procurement Advice:**

The proposed procurement of Care, Support and Enablement services will be undertaken by the Procurement Team through an accreditation process compliant with the EU and UK Procurement Regulations (Light Touch Regime) and the Council's Financial Regulations. The accredited list of providers will be established through a fair, open and transparent process whereby all providers that meet the required quality standards will be awarded a contract. This will ensure quality of services whilst providing flexibility to meet the needs and choice of citizens. A fair and transparent process should be developed for the selection of providers from the accredited list when placements of citizens are made. Advice provided by Jo Pettifor (Procurement Team Manager) on 24/10/2017.

**Equality and Diversity  
Advice:**

**The new model if adopted offers opportunities for maximising independence and therefore enabling and working towards an equality commensurate to other citizen groups. The robust mechanisms for review will need to be adhered to and strengthened if the gains from an outcomes based model are to be realised. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 30/10/2017.**

**Signatures:**

<b>Jon Collins (Leader of the Council)</b>
<b>SIGNED and Dated: 06/11/2017</b>
<b>Candida Brudenell (Corporate Director for Strategy and Resources)</b>
<b>SIGNED and Dated: 03/11/2017</b>