

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	3356
Author:	Clare Gilbert
Department:	Strategy and Resources
Contact:	Clare Gilbert (Job Title: Lead Commissioning Manager, Email: clare.gilbert@nottinghamcity.gov.uk, Phone: 01158764811)
Subject:	Winter Pressures Funding
Key Decision (decision valued at more than £1million):	Yes
Total Value:	£1.550m (Type: Revenue)
Decision Being Taken:	(1) To approve the acceptance and application of the Winter Pressures Funding along with the delegations and contract allocations as detailed in Appendix 1; (2) For the CFO to approve dispensation from Contract Procedural Rule 5.1.2 in accordance with Financial Regulation 3.29 (Operational Issues) to make a direct award to the Carers Trust as set out in item 4 of Appendix 1.
Reasons for the Decision(s)	In response to the pressure on hospital beds in winter the Department of Health and Social Care formally made an allocation to all local authorities on the 17 October 2018. The allocation to Nottingham City Council was set at £1,550,028. A further commitment has now been given to make an additional allocation of the same amount for 2019/20. The full conditions of the grant have not been confirmed, but it is anticipated that this year's allocation must be utilised by 31/3/2019. A further process has taken place locally with partners to agree the utilisation of this allocation. Agreement has now been given to these proposals.  Appendix 1 shows the external commissioning required. Spend associated with this decision will be for £0.534m in 2018/19 and £0.218m in 2019/20. A further decision will be presented for approval of the 2019/20 grant allocation.
Briefing notes documents:	Appendix 1 - Proposals for Winter Pressures Commissioning updated.docx

Other Options Considered:	<p>Not to commission additional services - If the Council were not to commission additional services, they would be unable to take additional measures to address the current difficulties within the acute system which are partly as a result of people in hospital awaiting discharge into homecare. This would mean that the Council would not be able to draw down the additional funding and the Council would be subject to national scrutiny for failing to take appropriate measures.</p> <p>To go out to tender for the additional provision identified - Given that services need to be in place as soon as possible to begin to impact on the forthcoming Winter Pressures and given that the funding is only available until the end of March 2019, there is insufficient time to go out to tender for these services.</p>
Background Papers:	Adult Social Care Winter Care letter 17/10/18
Unpublished background papers:	20181017_ASC winter care letter_FINAL.pdf
Published Works:	None
Affected Wards:	Citywide
Colleague / Councillor Interests:	None identified
Dispensation from Financial Regulations:	Yes
Use of Consultants	<p>Number of Days:55</p> <p>Rate per Day:250</p> <p>Total value:13750</p> <p>Start date:01/02/2019</p> <p>End date:30/04/2019</p>
Reason for using a consultant:	<p>Funding has been granted to Nottingham City Council to reduce Delayed Transfers of Care from hospital. This is a particular problem in the winter as demand within the hospital increase and its paramount that the patients are discharged as quickly and safely as possible. The funding will support the Adults Social Care Winter Pressures plan within which there is a requirement to scope, define, build, test and deploy reporting that will show flow/blockages of patients from hospital to social care.</p> <p>This information will be used for performance and strategic management purposes.</p> <p>In order to increase the capacity of the analytical team, the winter pressures plan provides funding to employ an external analyst with the requisite knowledge of our systems and technical skills to deliver the work.</p>

Other options considered:	<p>Various options were considered:</p> <ul style="list-style-type: none"> <li>- Use of existing resource - there is currently no capacity and all of the current projects being worked on can not be deprioritised.</li> <li>- Temporary recruitment through a fixed contract - recruitment of analysts with knowledge of our systems and the right technical skills are historically unsuccessful especially on a fixed term contract of 3-6 months. Additionally, significant amounts of development time are required if they are not familiar with the processes in Nottingham and/or the system. This option would take too long to add value/capacity.</li> </ul>
Name of consultant:	David Oates
Reason for selection?	<p>Through the use of a consultant that we have worked with before we are confident that they will be able to hit the ground running as they are familiar with our systems, processes and have the technical and consultative skills to deliver the required outputs.</p> <p>Failure to utilise a skilled consultant would mean we cannot develop the business intelligence reports that will allow operational management of transfers.</p>
Has the consultant previously completed work for the City Council?	Yes, he was a permanent member of staff for 5 years ending July 2018; he left the organisation to work freelance through his own company.
Specific activities to be undertaken by the consultant are:	1. Querying Liquid Logic to create SQL code and extract data. 2. Review data validation and make adjustments to correct. 3. Create an effective and robust submission process going forward. 4. Document process. 5. Identify opportunities to reconfigure Liquid Logic where required. 6. Develop a suite of enhanced reports including the testing and deploying of reports. 7. Focus of the reports will be the transfer of patients from hospital to Social Care and Reablement service.
Period of engagement:	11 weeks
By what process was the consultant selected?	Recruitment consultant provided the CV of an example candidate who possessed the requisite SQL skills but lacked knowledge of NCC and Liquid Logic. They also cost £450 per day (if outside IR35). The selected candidate was approached direct as he is now freelance and charges £250 per day and has worked for NCC previously in capacity of Senior Analyst.
Consultations:	Date: 16/11/2018
	Other: Cllr Webster - Portfolio holder briefing
	Consent was given to all of the proposals
	Given the speed required in setting up the new services, there was insufficient time to carry out any citizen engagement.
Crime and Disorder Implications:	None
Equality:	Please login to the system to view the EIA document: Homecare Winter Pressures EIA 2018.docx

**Social Value Considerations:**

**Both the internal and commissioned proposals will support the employment of a locally based workforce. All of the required activity will take place in Nottingham City Council premises or in the homes of Nottingham citizens. The Hospital to Home Service utilises volunteers who are given training and supervision and will provide valuable skill in seeking permanent employment. Current Lead providers for Home Care have strong links with Nottingham City's Employment Hub and this is also required as part of the new contract with the Carers Trust.**

**Relates to staffing:**

**Yes**

**Decision Type:**

**Leader's Key Decision**

**Subject to Call In:**

**No**

**The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.**

**Person Consulted: Councillor Brian Parbutt**

**Consultation Date: 28/11/2018**

**This grant has been allocated and needs to be spent in 2018/19. To align with the grant conditions it has been necessary to agree the scope and spend with partners, this has taken some time and has now been finalised. In order to spend the budget by 31 March 2019 the spend needs to commence next week (3 December 2018) otherwise the underspend will have to be returned to Central Government.**

**Advice Sought:**

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

**Legal Advice:**

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

The proposal in relation to item 1 seeks to approve the award of a contract following a quotation process which will ensure compliance with the Council's constitutional requirements.

The proposal to vary the contracts at item 2 and 5 of Appendix 1 seek to support additional staffing arrangements to maximise delivery. Item 2 is a permitted modification within the remit of the procurement regulations and the proposal at item 5 concerns a contract entered into as a Teckal arrangement, both of which can therefore be implemented by way of contract variation documentation to reflect the additional funding.

Item 4 on Appendix 1 which seeks dispensation from Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.29 (operational issues) is supported on the basis this will address additional home care capacity requirements for a short term. The provider is well known and considered well-placed in the market to meet these demands. Given the urgent yet short term requirements and that the potential costs are below the EU procurement threshold for light touch services, a tender process is not considered viable and for the reasons detailed within the report, dispensation is supported.

Item 6 seeks approval for a contract with a provider to undertake training and support services. The value falls below the Constitutional requirement for quotations and therefore raises no issues and is supported.

All contracts referred to in Appendix 1 require approval for additional funding from the Winter Pressure fund for 18/19.

It is understood that the full conditions of the grant to the City Council have not yet been confirmed or received. These will need to be reviewed upon receipt prior to distributing any money under these proposals to ensure the Council is able to comply with the obligations placed upon it and that any terms are passed down under the relevant contracts as applicable.

Legal services will support colleagues as necessary in relation to understanding the grant terms and the appropriate implementation of these proposals. Advice provided by Dionne Claire Screamon (Solicitor) on 20/11/2018. Advice provided by Dionne Claire Screamon (Solicitor) on 29/11/2018.

**Finance Advice:**

This decision is to approve the use of the ring fenced grant associated with the 2018/19 Adults Winter Pressure funding. This grant has specific conditions which have been met. This grant has also been awarded for 2019/20 but will form part of a separate decision once agreement with partners has been achieved.

The external spend included in this decision for 2018/19 is £0.534m; there is also a commitment included in this decision, due to contract terms, that £0.218m will continue into the 2019/20 spend.

Dispensation from financial regulations is required under Contract Procedural Rule 5.1.2 in accordance with Financial Regulation 3.29 (Operational Issues) to make a direct award to the Carers Trust as set out in item 4 of the Appendix 1. Advice provided by Ceri Walters as Finance Co-ordinator (Head of Commercial Finance) on 28/11/2018.

**Procurement Advice:**

The proposals in this report raise no significant procurement issues and are supported from a procurement perspective.

The proposed contract for a Hospital to Home Service (item 1 of Appendix 1) has been procured through an invitation to quote process in accordance with the Contract Procedure Rules, therefore the award is supported.

The proposal to vary the contracts of the four lead homecare providers (item 2) is considered to be a permitted modification under the procurement regulations provided it does not constitute a significant change to the original contract, and may be made implemented as a variation under the NCC Financial Regulations, Scheme of Delegation. Therefore the proposal is supported in order to meet the urgent operational need for additional homecare over the winter period.

The proposal to purchase up to 8 beds in two care homes (item 3) does not raise significant procurement issues as the providers are accredited through the open application process and have been selected as best placed to meet the urgent requirements to place citizens needing discharge from hospital.

The proposal to make a direct award for the purchase of additional homecare capacity (item 4) aims to address the high level of unmet need for support for hospital discharges (in particular hard to place packages) over the winter period. The provider proposed is uniquely placed to deliver the flexible service model required and provide this capacity urgently, therefore dispensation from Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.29 is supported for operational reasons.

The proposal to fund Nottingham City Homes to make better use of Assistive Technology (item 5) is permitted as a Teckal arrangement therefore is supported and may be made as a contract variation.

The proposed contract award to provide support and training for internal staff and lead providers (item 6) is below the financial thresholds of the NCC Contract Procedure Rules and the procurement regulations for a procurement process to be required therefore raises no procurement implications. Advice provided by Jo Pettifor (Procurement Team Manager) on 20/11/2018. Advice provided by Jo Pettifor (Procurement Team Manager) on 29/11/2018.

**HR Advice:**

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

The proposals in the body of the report and in Appendix 1, appear to relate to building of capacity through the variation and addition to commissioned contracts with external providers. It also seeks approval to secure specialist work through a consultant route in line with the dispensation from Contract Procedure Rule 5.1.2, in accordance with Financial Regulations 3.29. As there appears to be no reference to proposals for direct employment of staff, there are no direct employment matters to note.

Advice provided by Lynn Robinson, HR Business Lead (Children & Adults) 30 November 2018 Advice provided by Catherine Ziane-Pryor (Governance Officer) on 30/11/2018.

**Equality and Diversity Advice:**

It will be important that clear and robust review systems are in place to ensure that outcomes for specific groups are consistent with the key aims and objectives of the proposal and that no groups are adversely impacted. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 03/12/2018. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 03/12/2018.

**Signatures:**

<b>Jon Collins (Leader of the Council)</b>
<b>SIGNED and Dated: 18/12/2018</b>
<b>Alison Michalska (Corporate Director for Children and Adults)</b>
<b>SIGNED and Dated: 13/12/2018</b>
<b>Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations</b>
<b>SIGNED and Dated: 12/12/2018</b>
<b>Chief Finance Officer's Comments:</b>