

## OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:

2017/6/PH/AspireContract

### Box 1

**DIRECTORATE:** Adults Health and Wellbeing      **DATE:** 05/05/17

**Contact Name:** Helen Conroy      **Tel. No.:** 01302 734571

**Subject Matter:** amendment to amount of Aspire (adult substance misuse) contract performance related element in 2017/18

### Box 2

**DECISION TAKEN:** To change the performance related pay element of the Aspire adult substance misuse contract from 2.5% of annual contract value in 16/17 to 1.25% (£70,520) of annual contract value in 2017/18, linked indicators of participation in DMBC's 'complex lives' assertive outreach work.

### Box 3

#### REASON FOR THE DECISION:

The change in performance indicator reflects the strategic priority given to 'complex lives' work by DMBC, and the 1.25 % reduction in performance related payment represents a saving to the public health allocation of £71,413

**Box 4**

**OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:**

**If other options were considered, please specify and give reasons for recommended option**

N/A

**Box 5**

**LEGAL IMPLICATIONS:**

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives the Council the power to purchase goods and services.

Section 2B of the National Health Service Act 2006 (as amended by Section 12 of the Health and Social Care Act 2012) introduced a new duty on Councils in England to take appropriate steps to improve the health of the people who live in their area.

The Public Contracts Regulations 2015 do not permit substantial modifications; however the change proposed does not alter the balance of the contract in favour of the contractor, nor are the scope of the services to be reduced. The contractor will be providing the same services for less money so it is difficult to see that any third parties would challenge the decision.

There is no specific provision in the contract allowing the Council to reduce the performance related pay element of the charges; however the Council may request a variation by written notice to the contractor. The contractor must agree to the proposed variation under clause B22.4 of the contract otherwise it shall be deemed withdrawn.

It is noted that there is an option to extend the contract beyond the initial 4 year term by up to 2 further years. If the contract is extended by just 1 year, then the aggregated savings will amount to more than £250k which fulfils the definition of a key decision in the Council's constitution.

Legal should be consulted to allow the variation to be made to the contract.

**Name: \_Stacy Cutler\_\_\_\_\_ Signature: \_\_\_\_\_ Date: 24/5/17\_\_\_\_\_**  
**Signature of Assistant Director of Legal and Democratic Services (or representative)**

**Box 6**

**FINANCIAL IMPLICATIONS:**

The decision to reduce the incentive payment linked to this contract from 2.5% of the

annual value to 1.25% of the annual value has actually resulted in a saving to the contract of £0.071m

It was assumed the original contract value should remain at £5.7m however the contracts dept. at Rotherham, Doncaster & South Humber NHS trust (Rdash) Have requested that the £5.7m be reduced by £0.071m and then a reduced 1.25% incentive be applied.

This £0.071m saving will be used to offset a Public Health budget pressure relating from staff migrating from NHS term and conditions to DMBC terms and conditions.

**Name: \_Nick Cameron Signature: \_ Date: 24.4.17**  
**Signature of Assistant Director of Finance & Performance**  
**(or representative)**

**Box 7**  
**HUMAN RESOURCE IMPLICATIONS:**

None

**Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_**  
**Signature of Assistant Director of Human Resources and Communications (or representative)**

**Box 8**  
**PROCUREMENT IMPLICATIONS:**

This contract commenced on the 1 April 2016 and expires in 2020 with an option to extend by 12 months. There are no significant procurement implications linked to this ODR.

The supplier has accepted the decrease. The Contracts Officer should be assured that this can be absorbed by the provider and monitor the situation accordingly to prevent risk of contract collapse.

**Name: Holly Wilson, Senior Category Manager Signature: Date: 26/5/17**  
**Signature of Assistant Director of Finance & Performance**  
**(or representative)**

**Box 9**  
**ICT IMPLICATIONS:**

None

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Assistant Director of Customer Services and ICT  
(or representative)

**Box 10**  
**ASSET IMPLICATIONS:**

None

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Assistant Director of Trading Services and Assets  
(or representative)

**Box 11**  
**RISK IMPLICATIONS:**

To be completed by the report author

The risk of not taking this decision is that the strategic priority of 'complex lives' will not be fully delivered by the adult substance misuse service Aspire

(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)

**Box 12**  
**EQUALITY IMPLICATIONS:**

To be completed by the report author

The change in indicator for the performance related payment allows greater targeting of vulnerable groups by the service

Name: Helen Conroy \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
05/05/17 \_\_\_\_\_  
(Report author)

\_\_\_\_\_

**Box 13  
CONSULTATION**

**Officers**

**(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)**

**Members**

**Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.**

**Please list any comments from Members below:**

**Box 14  
INFORMATION NOT FOR PUBLICATION:**

**None identified.**

**Name: Claire Hewitt Signature: \_\_\_\_\_ Date: 16/06/2017  
Signature of FOI Lead Officer for service area where ODR originates**

**Box 15**

**Signed:** \_\_\_\_\_Rupert Suckling\_\_\_\_ **Date:** 16/06/2017  
**Director/Assistant Director**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Additional Signature of Chief Financial Officer or nominated  
representative for Capital decisions (if required)**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Signature of Mayor or relevant Cabinet Member consulted on the above  
decision (if required).**

- **This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.**
- **A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.**
- **A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.**
- **A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox**