



# Doncaster Council

## Report

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Date: 5<sup>th</sup> April 2018

To the Chair and Members of the  
AUDIT COMMITTEE

### BREACHES AND WAIVERS TO THE COUNCIL'S FINANCIAL AND CONTRACT PROCEDURE RULES

Relevant Cabinet Member(s)	Wards Affected	Key Decision
		Yes/No

### EXECUTIVE SUMMARY

1. This Report provides Members with details of all the waivers and breaches to the Financial Procedure Rules (FPR's) and the Contract Procedure Rules (CPR's) for the period **1<sup>st</sup> October 2017** to the **28<sup>th</sup> February 2018**.
2. The table below summarises the number of new waivers and breaches recorded by each Directorate since the last audit report presented in **October 2017**. The details of each waiver and breach are summarised in the appendices to this report.

Period 1 <sup>st</sup> October 2017 to the 28 <sup>th</sup> February 2018	Breaches	Waivers
Adults, Health & Wellbeing	1	8
Learning & Opportunities: Children & Young People	0	2
Corporate Resources	0	6
Regeneration & Environment	0	5
<b>GRAND TOTAL</b>	<b>1</b>	<b>21</b>

## **EXEMPT REPORT**

3. This report is not exempt.

## **RECOMMENDATIONS**

4. To note the information and actions contained in this report regarding waivers and breaches in relation to the FPR's and CPR's.

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

5. There are no specific implications within this report, with regards to waivers or breaches.

## **BACKGROUND**

6. The Chief Financial Officer monitors compliance with the CPR's and FPR's via an update from the Finance and Strategic Procurement Teams, detailing any reported waivers of the CPR's and FPR's and instances of breach.

## **CONTRACT PROCEDURE RULES (CPR'S)**

7. The Council's CPR's detail the following thresholds where commensurate competition should be undertaken by officers to ensure that value for money is being achieved:-
  - **Up to £5,000** - use of an in-house supplier, Council wide contract, framework agreement or direct award where possible to a Doncaster based organisation.
  - **Between £5,000 and £25,000** – use of an in-house supplier, Council wide contract, framework agreement or obtain three verbal quotes one of which must be from a Doncaster based organisation (a record of quotes is to be maintained);
  - **Between £25,000 and £181,302** use of an in-house supplier, Council wide contract, framework agreement or obtain three written quotes one of which must be from a Doncaster based organisation where the above is not available;

- **Over £181,302** use of an In-house supplier, Council wide contract, framework Agreement or carry out a formal tender process.
8. Whilst the EU thresholds are set within the legislation and, therefore, cannot be waived, it is recognised that from time to discretionary thresholds within CPR's may be a barrier to the delivery of the service and, therefore, Council officers can request that the CPR's are waived in specific instances via a CPR waiver report, which is approved by the Chief Financial Officer in accordance with the following permissible exemptions.
    - a. the goods, services or works are proprietary in nature (i.e. where only one supplier can supply the product or services);
    - b. the contract is for goods, services or works that are required in circumstances of extreme urgency;
    - c. the circumstances of the proposed procurement are covered by legislative exemptions (whether under EU or UK. law);
    - d. there are other circumstances that are genuinely exceptional

### **Breaches to CPR's**

9. Breaches arise from either the aggregation of spend with one supplier going over pre-prescribed limits, a complete absence of any identifiable contract, a failure to comply with requirements to obtain adequate competition or an extension of contract beyond its agreed term or lifetime.
10. It is therefore important that steps are taken to ensure breaches are identified, investigated and plans quickly put in place to rectify the position. A summary report is produced for each breach and detail actions required to be taken, including where necessary the decommissioning of contracts.
11. There has been **one** breach to CPR's reported this period as detailed in Appendix 1.

### **Update to Breaches previously reported**

12. Appendix 1 shows new, existing and resolved breaches. In **October 2017**, there were **seven** new breaches of CPR's reported to Audit Committee as well as updates on **nine** existing unresolved breaches. From this total of **sixteen** new or on-going breaches in October 2017, **eight** had been resolved with **eight** outstanding and unresolved.

### **Waivers to CPR's**

13. **Twenty-one** waivers to CPR's have been approved this period (see Appendix 2 for the detail of each waiver).
14. The waivers detailed in this report have been reviewed and agreed either by the Chief Financial Officer & Assistant Director - Finance, or the Assistant Director of Legal and Democratic Services (for waivers linked to the Corporate Resources Directorate). It was agreed with the Chief Executive to change to

the Assistant Director of Legal and Democratic Services for Corporate Resources waivers.

## REVIEW OF PROCUREMENT ARRANGEMENTS ABOVE £5,000

15. The Strategic Procurement Team continues to work closely with all Directorates to improve procurement generally, but to also provide assurance that arrangements are robust and compliant with the CPR's. Where waivers and breaches are identified, they are recorded and appropriate procurement plans agreed and developed if/where appropriate.
16. It should be noted that Adults Commissioning has had an increase in corporate support to rectify procurement governance issues. The whole Directorate has been working with Corporate Resources to rectify historical issues around breaches, the results of which can be seen in the decrease. This report shows a quantitative achievement for the directorate as there has been one breach as opposed to previous Audit Committee reports, for example in April 2017 there were seven breaches and in October 2017 there were six breaches.

## BREACHES OF FINANCIAL PROCEDURE RULES

17. There are no reportable breaches to the Financial Procedure Rules (FPR's) between the 1<sup>st</sup> October 2017 and the 28<sup>th</sup> February 2018.

## OPTIONS CONSIDERED

18. Every waiver is examined and where appropriate challenged for alternative options prior to approval.

## REASONS FOR RECOMMENDED OPTION

19. It is clearly important that the Council's Contract Procedure Rules (CPR's) and Financial Procedure Rules (FPR's) are adhered to and that from a governance and procurement perspective, where breaches are identified a robust corrective plan is put in place to protect the council's commercial interests through contracts.

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

20.

	Outcomes	Implications
	<b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;	The CPR's state that quotations should be sought from at least one Doncaster based company. This is to encourage local spend where possible.

	<ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>	
	<p><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	Effective procurement governance ensures best value is achieved from the budgets available.
	<p><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> <li>• Learning in Doncaster prepares young people for the world of work</li> </ul>	Social value is considered in contracting activity and implemented where possible. This would, partly, promote the use of apprenticeships and volunteering opportunities.
	<p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own home</li> </ul>	Effective procurement ensures that 'fit for purpose' contracts are procured with a high emphasis on quality service delivery.
	<p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and</li> </ul>	Effective procurement ensures best value, effective partnership working and up to date specifications to get the best from the market.

	delivering value for money <ul style="list-style-type: none"> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	
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## **RISKS AND ASSUMPTIONS**

21. Contractual arrangements with suppliers and breaches to the CPR's expose the Council to reputational, financial, legal and commercial risks. The close compliance monitoring of the CPR's along with the implementation of plans and actions to remedy any breaches seeks to counter these risks.

## **LEGAL IMPLICATIONS [Officer Initials...NJD... Date.....12/03/18.....]**

22. There are no specific legal implications arising from this report. Legal advice has been provided on the individual contracts and waivers detailed within the report and continued legal support will be provided the Service areas in relation to these matters.

## **FINANCIAL IMPLICATIONS [Officer Initials...AT..... Date...13/03/18.....]**

23. There are no specific financial implications attached to this report. Each individual breach and waiver will consider the specific implications for that action. It is important to note that breaches to Contract Procedure Rules risk the Council overspending as checks for sufficient budget being available is not guaranteed to take place.

## **HUMAN RESOURCES IMPLICATIONS [Officer Initials KG Date15/3/18.....]**

24. There are no specific HR implications to this document

## **TECHNOLOGY IMPLICATIONS [Officer Initials...PW Date...13/03/18.....]**

25. There are no direct technology implications in relation to this report. Corporate Procurement continues to consult with Digital & ICT in relation to CPR waivers involving the procurement of technology to ensure that these have been considered by the ICT Governance Board (IGB), where applicable.

## **HEALTH IMPLICATIONS [Officer Initials... VJ .....Date ...13/03/18.....]**

26. There is no direct health implication of this report. The health implications will need to be addressed within each individual contract area identified in the breaches and waivers.

## **EQUALITY IMPLICATIONS [Officer Initials HW Date 12/3/18]**

27. There are no direct equality implications associated with this report and a Due Regards Statement (DRS) is not required.

## **CONSULTATION**

28. There has been consultation with the various directorates and applicable officers. All implication authors from the various departments have been consulted with as per the above.

## **BACKGROUND PAPERS**

29. None.

## **REPORT AUTHOR & CONTRIBUTORS**

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## APPENDIX 1

### BREACHES

This appendix details the:

- **'new'** CPR breaches that have been identified between the 1<sup>st</sup> October 2017 and the 28<sup>th</sup> February 2018,
- **unresolved** breaches, reported to the Audit Committee and;
- **resolved** breaches contained from the April and October 2017 Audit Committee Reports

With a brief explanation of the reasons for the breach and their current status:

Directorate & Responsible Officer	Status New Unresolved Resolved	Date Reported to Audit Committee	Contract Description	Annual Value	Contract End Date	Reason for breach	Proposed action to be / has been taken in relation to the breach	Timescale for resolution
Adults, Health and Wellbeing	New	Apr 18	Agency Head of Support for Adult Social Care	£42,055	30 Mar 18	Difficulties in recruiting to this Head of Service role due to expertise required over a large area of operational practice. It was not possible to recruit using the Reed Framework in the timescales needed to provide operational cover. Recruitment was then sought outside the Framework and a suitable candidate was identified. It was hoped that the provider was able to join the Reed however this was not possible Further delays were likely due to the Christmas period which would affect operational practice; therefore the suitable candidate was taken on.	Recruiting a substantive Head of Service and discussions are taking place with HR to use a local recruitment agency to support with this.	30 Mar 18
Adults Health and Wellbeing	Resolved	Oct 17	Sleep in rooms with 8 separate providers	£279,636	No contracts in place	The Council pays for the provision of staff sleep in rooms in supported living accommodation. No contract coverage arranged when the supported living contracts were let.	Agreements to be put in place with the current providers.	31 Dec 17
Adults Health and Wellbeing	Resolved	Oct 17	Delayed Discharges	£301,000	No contract in place	No contractual coverage. Provision of funding to the Clinical Commissioning Group (CCG) to joint fund RDaSH for Community Intermediate Care Team (CICT)	To establish an Agreement and Service Specification via a Section 76 with the CCG	31 Oct 17



Directorate & Responsible Officer	Status New Unresolved Resolved	Date Reported to Audit Committee	Contract Description	Annual Value	Contract End Date	Reason for breach	Proposed action to be / has been taken in relation to the breach	Timescale for resolution
Adults Health and Wellbeing	Resolved	Oct 17	Access and Systems	£354,000	No contract in place	No contractual coverage. Provision of funding to the Clinical Commissioning Group (CCG) to joint fund RDaSH for Community Intermediate Care Team (CICT)	To establish an Agreement and Service Specification via a Section 76 with the CCG	31 Oct 17
Adults Health and Wellbeing	Unresolved	Oct 17	Mental Health Assessments with 38 separate providers.	£270,220	No contract in place	Individual commissioning of small work packages to providers. Holistic spend analysis established aggregated spend and need for corporate contract.	Work has commenced with the Safeguarding Team.	31 Jul 18
Adults Health and Wellbeing	Resolved	Oct 17	Provision of book stock for library services customers	£33,333	31/03/20	Waiver progressed.	Direct contract awards - sole suppliers who have deals with authors and publishers.	31 Oct 18
Adults Health and Wellbeing	Unresolved	Oct 17	Forest Fuels	£23,973	No contract in place	No contract coverage, a historical arrangement that has been identified through spend analysis.	To seek a minimum 3 verbal quotations	30 Jun 18
Regeneration & Environment	Unresolved	Oct 17	Digital Energy software for energy management functions.	£18,000	No contract in place	Provision of software for energy management functions including consumption data on gas, electricity, water and other fuels. Reporting features enables the Council and schools to meet statutory functions.	Open Tender for a 7 year contract, with a value of c. £126,000. Still not resolved, this has been raised with the manager concerned. This will be followed up by the Senior Category Manager in SPT.	30 Jun 18
Adults Health and Wellbeing	Unresolved		Solar Centre	£746,000	No contract in place	A consultant has been employed, working to the current Assistant Director Adult Social Care and a Milestone Plan is now in place, ending in the procurement of new services (appropriate) by June 18.	As per the Solar Centre project plan	30 Jun 18
Adults Health and Wellbeing	Resolved	Apr 17	Doncaster Mind & Changing Lives	£176,000	No contract in place	A Mental Health Service Review has been completed and work is underway with the Clinical Commissioning Group (CCG) regarding future options in line with the Mental Health Plan. This work is planned to be delivered in year 1 of the Commissioning and Procurement Plan (17/18). BCF funding has been applied for to fund this contract.	The contract has been tendered and awarded and the new contract is set to start on the 1 <sup>st</sup> April 2018.	31 Mar 18

Directorate & Responsible Officer	Status New Unresolved Resolved	Date Reported to Audit Committee	Contract Description	Annual Value	Contract End Date	Reason for breach	Proposed action to be / has been taken in relation to the breach	Timescale for resolution
Adults Health and Wellbeing	Resolved	Apr 17	Money Management	£43,000	Contract expired	Managed Accounts – A new money management service is to be retendered. However, the new contract will not be in place for the 1 <sup>st</sup> November 2017 as previously reported to Audit Committee. This has been delayed to allow for Children's Services to be incorporated into the scope of the contract as agreed by DLT. It is planned that a new contract will be in place by July 2018. Waivers have been signed to allow for the procurement activity to take place.	Waivers have been put in place to facilitate the procurement plan.	Jul 18
Adults Health and Wellbeing	Resolved	Apr 17	Shop 4 Support	£25,000	No contract	An Agreement was to be put in place to support the current arrangements by May 2017. This software supports the 'Your Life Doncaster' tool that has been revised and rolled out.	Contract Award Notice completed due to the contract being in place	Dec 17
Adults Health and Wellbeing	Unresolved	Apr 17	Sony Music Downloads	£6,000	No contract	Library Ideas which can only be purchased from Sony Music therefore a Purchase Order needs to be raised with Sony Music. This waiver has been established and is currently going through the CPR waiver process.	Waiver awaiting a signature for 12 months. A soft market test will be undertaken to ensure there is only one supplier available.	Mar 18
Adults, Health and Wellbeing	Unresolved	Apr 17	YMCA Goodall House	£170,000	Contract expired	This work is planned for Year 2 of the Commissioning & Procurement Plan	Re-commission	Mar 19
Adults, Health and Wellbeing	Unresolved	Apr 17	SPLS IT System (Trojan)		Contract expired	18 months project to look at alternatives and potentially de-commission.	System reviewed and decommissioned.	Sept 18
Adults, Health and Wellbeing	Resolved	Apr 17	Target Housing – Offender Accommodation and Support Service	£336,873	Contract expired	Part of the Commissioning Plan and linked to Complex Lives.	Waiver agreed for an interim 2 years period to formalise agreements.	
Adults, Health and Wellbeing	Unresolved	Apr 17	Sheffield YWCA – Yorkshire Green Gables	£81,000	Contract expired	This work is planned for Year 2 of the Commissioning and Procurement Plan	Re-commission	Mar 19

## APPENDIX 2

### WAIVERS

This appendix details the CPR waivers that have been agreed since the last report covering the period 1<sup>st</sup> October 2017 to the 28<sup>th</sup> February 2018, together with a brief explanation of the reasons for the waiver. The proposed action will need to be concluded in advance of the expiry of the waiver end date to prevent the occurrence of a breach (i.e. unless it is proposed that the arrangements will end).

Directorate	Contract Description	Waiver Value	Waiver End Date	Background	Reason for waiver	Proposed action
Adults Health and Wellbeing	Supplementary Home Support Service	£18,700	31/03/18	Extension to existing Supplementary Home Support Service (SHSS) Contract which provides short term home support for individuals that may have care packages that are difficult to broker for an immediate start or that may be returning to their home after hospital.	Financial risk to the Council of £130 per day when there are unnecessary Delayed Transfer of Care (DToC) If the CPR Waiver was not agreed, there was pressure to carry out a low value / short term quote to have a provider in place. This would increase risk to service users if there is no service in place or a change of provider is required.	ODR approved to commission a new Home Support Immediate Response Service. Waiver extends SHSS until 31 Mar 18
Adults Health and Wellbeing	Doncaster Domestic Abuse Victims Service	£411,923	31/03/19	Current contract for a Domestic Abuse Victims Service, which provides support for victims of domestic abuse. The provider is Riverside Care and Support. The service is currently funded from the Supporting People (£171,000) and Communities (£144,000) budget areas.	New partnership-wide strategy for domestic abuse with the strategic ambition for domestic abuse, which is based on a whole family and system approach in line with best practice. Significant service redesign is required. The current commissioned service will be in scope of this wider work. The Domestic Abuse Chief Officer Group (Police, Children's Trust, RDaSH, Doncaster Council) are supportive of this.	Additional extension to the current contract from 2 Dec 17 to 31 Mar 19 to allow for the service/system redesign. A new contract is planned for 1 Apr 19
Learning and Opportunities: Children and Young People (LOCYP)	Capita One	£15,667	31/10/18	Current Capita contract has the One Technical Assisted Support Service (OTASS) which is responsible for the management of any upgrades/ fixes on the LOCYP systems team with support from ICT. Impacts on ability to plan and respond quickly to implementation of statutory changes to the system. ICT are not always able to respond within short timelines.	Next upgrade is scheduled for release in Mid-November and needs to be implemented by no later than the first week in December. This is a statutory requirement and needs to be implemented. If we do not utilise the funding from Department of Education DFE for this work we will lose it. This could result in challenge from the DFE around our approach to meeting our statutory obligation for 30 hours as well as potentially impacting on our ability to secure future funding.	Enabling us to fulfil our statutory obligations more effectively utilising funding from the DFE. In addition to minimising the impact on resource requirements across ICT and LOCYP Systems Team staff.
Corporate Resources	Provision of a Community Poll	£140,000	01/02/18	Agreement to enter into a contract with Electoral Reform Services (ERS) to provide a Community Poll. The Council wishes to gauge the opinion of the electorate as to their preferences on the competing devolution proposals.	ERS are considered the market leaders in carrying out such polls and, indeed, carried out an identical process on behalf of Durham County Council in 2016. ERS will provide a beginning-to-end service. The timings for this project have meant that a quotation process has not been possible.	One-off CPR Waiver

Directorate	Contract Description	Waiver Value	Waiver End Date	Background	Reason for waiver	Proposed action
Adults Health and Wellbeing	Young People's Services	£160,868	09/12/18	The Council currently commissions a Young People's Service, which provides supported lodgings and floating support for young people aged 16-25 years old. Supported lodgings provides a 'stepping stone' to independent living for young people in need of support, where they live in a home environment with a host family.	This contract will feature within the Doncaster Growing Together (DGT) 'Housing' Theme of which housing for care leavers and young people is one of the priority areas. Recognising that the detail of this work is not yet fully scoped, a re-commissioning exercise of this contract needs to take place during an extended waiver term to ensure a stable contract is in place whilst the strategic vision of housing for care leavers and young people is determined.	It is recommended that a waiver is agreed to allow an additional extension to the current contract from 10 Dec 17 to 9 Dec 18 whilst a there is a redesign and tender process taking place.
Corporate Resources	Support and Maintenance Contract for the TeamMate Audit Management software and analytics package	£57,000	01/01/24	The Teammate Audit Management system (TAM) was originally procured in 2002/03 through a competitive procurement exercise (the contract was signed in January 2003).	At that time, the software and appropriate licenses were purchased. As part of that procurement, a maintenance contract was included to maintain the software and repair it in the event of failure and to future proof the system by providing access to future upgrades of the software for the life of the service maintenance contract. In essence this is an evergreen contract with no termination date.	Waiver will run for further 6 years
Regeneration and Environment	Emergency Temporary Mortuary Provision	£17,500	In Perpetuity	A Temporary Mortuary is a facility that assists the Coroner in fulfilling their legal obligation to investigate the cause and circumstances of the death, and establish the identities of the deceased following an incident which has resulted in a large number of body parts and / or human remains, by constructing a suitable temporary working environment for the purposes of carrying out forensic investigations.	This waiver therefore is seeking the approval to secure more resilient arrangements for the provision of a Temporary Mortuary on behalf of the Coroner for Doncaster Council. This will be provided by way of a direct award to Kenyon International Emergency Services through an annual retainer fee of £2000 in perpetuity to ensure resilience of and in support of the Doncaster Temporary Mortuary & disaster recovery plan.	This Waiver is in perpetuity through an annual retainer fee of £2000 in perpetuity to ensure resilience of and in support of the Doncaster Temporary Mortuary & disaster recovery plan.
Corporate Resources	Procure Confluence/ JIRA software as a service	£24,000	19/11/18	Directly award to the incumbent supplier Atlassian for the provision of Confluence/JIRA. In the delivery of AGILE developments across Digital & ICT, the Service uses this bespoke online subscription product to provide required digitisation of the AGILE development processes and development collaboration functionality. The software provides an	Digital & ICT have reviewed other available products across the market and have identified that this subscription is the most effective for Digital and ICT to continue delivering the required deliverables of the Digital Council Programme and those deliverables approved by the ICT Governance Board. Subscribe to online service direct from the supplier to allow for continued provision with Digital & ICT.	This is a one-off CPR Waiver.

Directorate	Contract Description	Waiver Value	Waiver End Date	Background	Reason for waiver	Proposed action
				online collaboration tool for Project Managers, Business Analysts and Developers to manage the whole AGILE development process from the development of business process maps, to the development of functional and non-functional specifications for the developments of products.	This is the recommended option as it will provide the organisation with continued provision of the subscription service and best value for money by awarding directly to the supplier. Based on Option 2 being the preferred option, providing continuity of service and best value for money, this CPR Waiver has been produced.	
Adults Health and Wellbeing	Home from Hospital Service	£93,520	31/03/19	Previously procured through a compliant procurement route. The service provides short term practical help for vulnerable people returning to their home after hospital. The service is designed to help people re-adjust to living at home again, gain in confidence, provide short term practical help after hospital discharge and prevent them being re-admitted to hospital.	This service is inextricably linked to the Intermediate Care Review currently underway. Any new service specification will need to take account of this contract and the client base it serves. Funding has only been agreed for 12 months and whilst we have time to go out to tender for a one year contract it is unlikely this would be attractive to other providers given the mobilisation required and TUPE implications The current service is performing very well Inefficient use of the Council's resources to tender for a 1 year contract	Included in the Intermediate Care Review. Service redesign.
Regeneration and Environment	Framework for the Provision of Transport Related services	£32,500	31/07/18	Contract with Pennine View School for 'home to school transport'. It was intended that the contract would be competitively tendered when it expires in December. Jul 17 the Department of Transport advised that the Driver and Vehicle Standards Agency (DVSA) have issued a decision letter to a Community Transport Association Section 19 permit holder following allegation of non-compliance with legal requirements. The outcome of the decision letter was: a) The Operator was required to hold an O Licence as it was operating under competitively tendered contracts and this cannot be done under a Section 19 permit as it is not permitted under EU Regulations.	There is a risk that if this contract is put out to tender immediately under the DPS and the Trust does not, or is not permitted to bid for the contract that the continuity of this important service will be affected. There would be TUPE implications for any third party that bids to take this contract on and given the limited number of suitable providers in the local market there is a risk that the contract will not be awarded.	In view of this uncertainty Legal services have recommended that the existing contract with Pennine View School is extended with a view to tendering the contract at a later date in order to give the Council and the School the opportunity to consider any revised guidance arising out of the consultation and to allow a transition period to enable the school to comply with any additional legal requirements.

Directorate	Contract Description	Waiver Value	Waiver End Date	Background	Reason for waiver	Proposed action
				<p>b) As a consequence of the requirement to hold an O Licence drivers were not permitted to drive under a D1 (101) licence but must hold the full D1 drivers licence (for which an additional driving test is required).</p> <p>c) As drivers were salaried employees they were required to hold CPCs (requirement of the European law).</p>		
Regeneration and Environment	Works to Doncaster Wool Market	£16,701.45	31/12/17	Refurbishment of Doncaster Wool Market, via Willmott Dixon Construction (WDC) for these works. Surveys of the Wool Market building have identified building security and damp issues. To undertake remedial works to address these issues, access is required through the beer garden/service yard of the adjacent Crystals Pub. It was originally proposed to instruct WDC to progress these works as part of their wider scheme of works. However it is now proposed to allow the owners of the Crystals Pub, Empire Property Concepts (EPC), to progress these works.	The price offered by EPC to do these works (£16,876.45) compares favourably to that estimated by WDC (£17,900). NB: WDCs have not yet been tendered and includes additional insurance required when working on a 3rd party property.	A Comprehensive refurbishment of Doncaster Wool Markets to be completed by December 2018 with WDC. One off waiver.
Regeneration and Environment	Housing need assessment for local plan	£43,195.00	21/01/18	Work to update its 'Objectively Assessed Housing Needs' (OAHN) in tandem with an assessment of the number of jobs we should plan for in Doncaster. This work is a fundamental part of the Local Plan evidence base and will be subject to scrutiny at an Examination in Public. The OAHN effectively sets out how much housing should be identified in the Local Plan for the next 15 years and is a contentious issue in the Local Plan process. It is critical that this work is both robust, independent and timely requiring the need for external consultancy as it will be subject to challenge and scrutiny.	Seeking open procurement for this work would weaken the Council's planning case at the Edenthorpe appeal inquiry as the Council would effectively be disclosing that it is looking at the possible need to prepare alternative figures. CPR waiver is therefore needed to avoid further delay from the alternative need to wait until the Edenthorpe appeal inquiry has concluded (at the earliest third week of January 2018) before issuing an open procurement exercise.	One-off waiver for consultancy.

Directorate	Contract Description	Waiver Value	Waiver End Date	Background	Reason for waiver	Proposed action
Adults, Health and Wellbeing	Social Prescribing Service	£240,000	31/03/18	The Social Prescribing Service was jointly commissioned by the Council and the Doncaster Clinical Commissioning Group (CCG) was procured via an open tender for one year with provision for a further 12 months extension. The contract commenced on 1 Aug 15 to 31 Jul 17. A CPR waiver was agreed for a further period from 1 Aug 17 to 31 Mar 18 to ensure continuity of service until the future requirement/scope for the service was agreed including future funding. The service is currently funded by the Better Care Fund (BCF) and a further 12 months funding from 1 Apr 18 has been agreed. This offers the option to tender for a 12 months contract.	Whilst there is time to go out to tender for a 12 months period this realistically is very unlikely to be attractive to potential bidders given set up costs and potential TUPE considerations. Additionally, mobilisation disruption and the development of relationships with GP's and the voluntary, community and faith sector will only just be established as the contract comes to an end. There is further work being undertaken amongst the local place plan which is not ready for a revised service specification at this time.	To extend current waiver for 8 months (1 Aug 17 to 31 Mar 18 for a further 6 months with the option to extend for a further 6 months to 31 Mar 19.
Corporate Resources	INTEC's Data Intelligence Solution- Single View of Recipient (iDIS – SVOR) searches for Council Tax Single Person Review including licence for iDIS	£9,210	01/01/18	The Council entered into a 12 month contract with Intec to provide credit reference searches to carry out a rolling Single Person Discount Review for Council Tax in Jan 17. Under the terms of the contract a 6 month notice is required which we now intend to serve. However, this takes us beyond the 12 month term, so the waiver is required.	The waiver will allow us to negotiate a price for the short extension to continue the service which has proved successful and also allow us to go out to market for a longer term contract.	To enable the Council to effectively serve notice and maintain the service beyond the original contract end date the waiver of CPRs is required to direct award to Intec for an additional period of 6 months, whilst the remainder of the notice period is served.
Adults, Health and Well being	Managed Account Service	£10,000	01/03/18	The initial agreement with the Rowan was set up through an Invitation to Quote as a short term interim arrangement pending a wider procurement exercise to better fulfil the council's personalisation requirements. Rowan successfully bid to provide managed accounts for the Council on a short term arrangement of 6-12 months with the option to extend for a further 6-12 months.	The purpose of the waiver is to 1) ensure that there is no gap between the expiry of the contract with Rowan and the go live date for the new model 2) Ensure continuity of service for vulnerable individuals 3) support current targets to increase the number of Direct Payments (DP's) (through having a short term mechanism in place to support those who don't have capacity to manage their Personal Budget).	The waiver will assist by providing at least one organisation who supplies a money management service. This will not preclude other providers in the market. Current re-commissioning taking place.



Directorate	Contract Description	Waiver Value	Waiver End Date	Background	Reason for waiver	Proposed action
Adults, Health and Wellbeing	Homelessness and Accommodation Support	£6,000	03/01/18	Riverside Care and Support secured the Homelessness Accommodation and Support Contract in 2015 following an open tender exercise. The three year contract (plus 2 x 12 month extensions) which includes hostel based provision (Wharf House and Open House Plus), floating tenancy support as well as a rough sleeper outreach service.	Increase in the number of individuals being identified on outreach and, as a result, an increase in demand for hostel bed spaces. To ensure adequate provision for rough sleepers over the Christmas period, it was necessary to implement an additional 8 bed spaces (4 at Open House Plus, 4 at Wharf House) between the period 22 Dec 17 and 3 Jan 18 for individuals sleeping rough.	One-off Funding
Learning and Opportunities: CYPs	EEF Strategic Delivery Partner	£ 15,000	31/09/18	The support from EEF includes a robust evaluation of the impact of the app on children and their parents/guardians conducted by a research team at Durham University and the University of York. Last year, EasyPeasy undertook similar research alongside the University of Oxford and the Sutton Trust and found that EasyPeasy has a marked positive effect on children's concentration and self-control, and supports positive changes in parents' behaviours.	To support further research into the profound positive effects of early year's intervention, this new study will look at the impact that EasyPeasy can have on language and communication skills. All research data and outcomes will be shared with both the schools and the local authority.	One off funding for research.
Corporate Resources	Abacus Site Licence Renewal 2018/19	£7,014	31/03/18	The Abacus system continues to be used for financial assessments for non-residential social care services. The system is now out of the original contract period. Work has been underway for the last three years to totally migrate data from the Abacus system to CareFirst which was procured as a replacement social care system.	Although financial assessments for residential care services have successfully been migrated to the new system, work is still on-going to migrate non-residential assessments. It was anticipated that this work would be completed during 17/18 however there have been a number of setbacks meaning that the work is now planned during the early part of 18/19. Consultation with the Business Intelligence (IBI) Programme Board has taken place and the recommendation is that we should renew the Abacus software licence for a further 12 months to enable the migration of more recent data and internal work required to archive older data from the Abacus system and retrieve.	Migration of more recent data and internal work required to archive older data from the Abacus system to retrieve this as necessary.
Adults, Health and Wellbeing	Tunstall Gold Maintenance Contract Extension	£5,220	31/03/18	The Tunstall PNC 6 system is an assistive technology system utilised by the Council 24/7, 365 days per year to monitor and respond to alerts for assistance from vulnerable residents via	The Council is currently going through a huge transformation and to allow the necessary analysis and decisions to be reached in relation to the future direction of Pendant Alarm Monitoring the current Tunstall Gold maintenance and call-out	Extend the current contract for a further 3 months to allow appropriate preparation and review of the service



Directorate	Contract Description	Waiver Value	Waiver End Date	Background	Reason for waiver	Proposed action
				pendant alarms In excess of 6000 residents rely upon this service. The Tunstall PNC 6 system is also used for the protection of Council building assets via building alarm alerts and subsequent key holding and response.	contract which was awarded under The Northern Housing Consortium (NHC) Framework was extended via available contract extension options until the 31 Mar 18 when it will expire with no further extension options.	prior to a tender exercise for a new contract which will allow the Council to determine the future of Assistive Technology.
Corporate Resources	Local Assistance Scheme Awards Fulfilment Service	£30,000	31/03/21	The Council is internalising the administration of the Local Assistance Scheme (LAS) from 1 April 2018. This has been endorsed by the Mayor and Chief Executive and accords with the wishes of Members and Senior Leadership. LAS provide assistance for vulnerable individuals and families who face unforeseen crisis or emergency situations. Assistance is provided in the form of white goods, furniture, bedding, etc. and cash awards (via Paypoint) for utilities, food and emergency travel costs.	Alternative options for LAS awards fulfilment has been considered to use the existing contract the Council has with Pre-paid Financial Services (PFS). Under both of these alternative options for fulfilling goods and cash awards, the cost of goods and services would be considerably higher as we would not benefit from the supplier group discounts achieved by Family Fund.	The CPR waiver arrangements will enable the Council to maximise use of the LAS budget available by taking advantage of Family Fund supplier discounts which in turn means we can provide this vital support to more families in crisis and emergency situations.
Regeneration and Environment	Consultancy Support from Hull City of Culture Team (Hull2017)	£25,000	31/05/18	Team Doncaster is prioritising the town centre as a key area of development. The service wishes to procure the Hull City of Culture Consultancy team to share advice and delivery techniques with external partners and officers/members within the Council.	2020 has been identified as the year that Doncaster can celebrate a 'year of culture' with many key anniversaries and major developments coming together.	This award would directly contribute to Doncaster achieving this delivery for 2020.