

# 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:  
**AHWB/015/2018 Waiver re Making Space day centre provision**

## Box 1

**DIRECTORATE:** Adults Health and Wellbeing

**DATE:** 1<sup>st</sup> May 2018

**Contact Name:** Rosemary Leek

**Tel. No.:** 01302 735485

**Subject Matter:** **Subject Matter:** To extend the current contract for a 12 month period for the Static Day Centre contract (provider is Making Space) as this contract is in scope for the wider Day Opportunities Review.

## Box 2

### DECISION TAKEN:

To extend the current contract for a for a 12 month period for the Static Day Centre contract (provider is Making Space) as this contract is in scope for the wider Day Opportunities Review.

## Box 3

### REASON FOR THE DECISION:

1. Making Space is the contracted provider to deliver day services at the Council owned sites of Sandalwood, Moat Hills and Crimpsall centres. The contract start date was 1st July 2013; the options to extend the Contract have all been taken (2 x 12 months), with the contract due to end on 30th June 2018. The contract value is £430,000 per annum, each centre receiving £143,000 per annum.
2. The future of this type of provision is included in the current Day Opportunities Review and the intention is to request a short term waiver to extend the current contracting arrangements beyond the contract end date pending the outcome of the day care review. [redaction]  
[redaction]
3. [redaction]

4. There is limited time to go out to tender for a 12 month period and this realistically is very unlikely to be attractive to potential bidders given set up costs and potential TUPE considerations and short contract period.
5. Contract Monitoring audits have concluded that Making Space are providing a high quality service, with people using the service reporting high levels of satisfaction.
6. [redaction]
7. Contract Monitoring audits have concluded that Making Space are providing a high quality service, with people using the service reporting high levels of satisfaction.
8. Making Space pay rent to the Council for the use of the 3 centres and they are responsible for maintaining the properties.
9. [redaction]
10. This service was included in the Adult Services Commissioning Cabinet Report that was approved on 27<sup>th</sup> March 2018.

#### **Box 4**

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

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

**Option 1:** Approve the application for a Contract Procedure Rules request for a 12 month contract waiver for the Static Day Centre contract (provider is Making Space) as this contract is in scope for the wider Day Opportunities Review.

**Option 2:** Do nothing, contract will expire without any robust plan for an alternative service provision and will not align to the Day Opportunities Review.

**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.

The Care Act 2014 places a duty on the Council to promote an individual's well being.

[redaction]

[redaction]

[redaction]

[redaction]

**Name: Debra Buckingham Signature: Debra Buckingham Date: 09.05.18  
Signature of Assistant Director of Legal and Democratic Services (or  
representative)**

**Box 6****FINANCIAL IMPLICATIONS:**

The contract value payable to Making Space for the three Council owned sights is fully budgeted for in the 2018-19 financial year so there are no direct financial implications arising from the proposal to extend the contract for a 12 month period.

There are opportunities to re-design the service and these contracts are within scope of the wider Alternative Delivery Model of the Councils in-house Day Care Services project. The outcomes of the project are not yet decided therefore any potential savings going forward or how the service will be delivered in the future cannot be quantified at this stage.

**Name: Heather Waddingham Signature: [redaction]  
Signature of Assistant Director of Finance & Performance  
(or representative)**

**Date: 3<sup>rd</sup> May 2018**

[redaction]

[redaction]

**Name: Julia Cooke Signature:  
Signature of Assistant Director of Finance & Performance  
(or representative)**

**Date: 08/05/2018**

**Box 7  
HUMAN RESOURCE IMPLICATIONS:**

There are no Human Resources implications at this stage as the Day Services do not employ DMBC staff in the 3 establishments listed in the Report. If, as part of the wider Day Opportunities Review, this contractual situation changes in such a way which incorporates potential staffing implications, then this will be consulted with affected staff and Trades Unions in line with the policy and processes of the Council's Industrial Relations Framework.

**Name: Paula Monk Signature: [redaction] Date: 02/05/18  
Signature of Assistant Director of Human Resources and Communications (or representative)**

**Box 8  
PROCUREMENT IMPLICATIONS:**

The aggregated spend of the Day Centre Provision is £2,150,000 over its 5 year duration, including the proposed 1 year extension (£430k) will mean an aggregated value of £2,580,000 which exceeds the threshold for EU Light Touch Regime for Services, currently £615,278, therefore there is a risk of challenge from alternative providers.

The Adult Services Commissioning Cabinet Report that was approved on 27<sup>th</sup> March 2018 recommended the following *"A review of day services is currently being undertaken. As the contract will expire prior to the review being concluded a short term waiver will be required. The outcome of the review will inform the future commissioning intentions"* before a formal tender is undertaken.

Due to the limited timescale and this service being subject to review, the application of a CPR waiver will enable the service to continue with minimal disruption to individuals accessing the service.

The author of the CPR Waiver report should ensure the Chief Financial Officer is aware of all risks and appropriate mitigating actions that have been undertaken or are proposed to inform their decision with minimal risk of challenge.

It is important to note that all agreements should be formalised. Once agreed a Contract Award Notice must be completed and sent to the Strategic Procurement Team.

**Name: \_Glyn Sparrow\_ Signature: \_By email\_\_\_\_\_ Date: \_04/05/18\_\_\_\_\_**  
**Signature of Assistant Director of Finance & Performance**  
**(or representative)**

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

There are no ICT implications associated with this decision.

**Name:** Peter Ward (Governance & Support Manager)

**Signature:** [redaction] **Date:** 01/05/18

**Signature of Assistant Director of Customers, Digital & ICT (or representative)**

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

[redaction]

**Name:** Sarah Fish **Signature:** Sarah Fish **Date:** 03 May 2018

**Signature of Assistant Director of Trading Services and Assets**  
**(or representative)**

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

**To be completed by the report author**

1. People are left without a service and any viable alternatives
2. Provider is left without a viable exit plan and sufficient time to implement this

3. Reputational risk to the Council
4. Loss of revenue to the Council for the rental of the static day service properties

**(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**

As the request is to keep the service as is for the next 12 months there will not be any equality implications. Any equality implications in terms of the Day Opportunities Review will need to be considered when scoping out a new service offer.

[redaction]

**Name: Rosemary Leek Signature:**  
**(Report author)**

**Date: 1<sup>st</sup> May 2018**

#### **Box 13**

##### **CONSULTATION**

###### **Officers**

Denise Bann, Strategic Lead Commissioning – in agreement

**(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:**

In accordance with the Freedom of Information Act 2000, signatures will be redacted, as well as all commercially sensitive content.

**Name: Gillian Parker Signature: by email Date: 21/06/2018  
Signature of FOI Lead Officer for service area where ODR originates**

**Box 15**

[redaction]

**Signed: \_\_\_\_\_ Date: 13/06/2018  
Karen Johnson Assistant Director**

**Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Additional Signature of Chief Financial Officer or nominated  
representative for Capital decisions.**

**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