



# Doncaster Council

## Report

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Date: 27 January 2021

To the Chair and Members of the  
**AUDIT COMMITTEE**

**UPDATE REPORT ON CONTRACTS AND COMMISSIONING IN ADULTS,  
HEALTH AND WELLBEING**

Relevant Member(s)	Cabinet	Wards Affected	Key Decision
Cllr Blake			No

### **EXECUTIVE SUMMARY**

1. This report provides Members an annual progress update on improvements made by the adults commissioning and contracts function since January 2020.

### **EXEMPT REPORT**

2. There are no exemptions in this report.

### **RECOMMENDATIONS**

3. To note the information contained in this report and to stand down the reporting of progress by the Adult Commissioning and Contracts function to Audit Committee, which has been in place since April 2017. To revert to business as usual audit processes to provide oversight and assurance in respect of commissioning and contract activity going forward.

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

4. Effective commissioning, procurement and contract management is essential, to ensure the delivery of value for money, quality, effective and efficient services to the citizens of Doncaster.

### **BACKGROUND**

5. Prior to 2017, there had been a number of breaches of the Council's Contract Procedure rules (CPR's) and a number of waiver requests to

CPR's. There were 30 contracts that had either expired or were due to expire and required recommissioning or to be decommissioned. The Commissioning and Contract team had a range of continuity issues, with resources in key positions leaving and a lack of stable senior leadership, which led to the team working in a consistently reactive way and did not allow any of the managers to be strategic / forward looking or build the foundations to support future joint commissioning and work with partners; based on a clear, coordinated strategic approach and direction.

6. The key issue identified was one of capacity, not capability. In order to address this issue, experienced additional capacity and leadership posts were put in place. Priorities were re-profiled and changes made to staff reporting lines i.e. to maximise available capacity and focus that capacity on essential work priorities.
7. Year on year improvements have been noted by Audit Committee since 2017 which has led to a gradual stepping down of the frequency of progress reports required by Audit Committee in recognition that sustained improvement was being made over a continued period.
8. A pivotal milestone in this improvement journey was the appointment of two permanent Heads of Service in summer 2018. In 2019 an audit was undertaken as part of Audit's 2019/20 annual work plan to assess the governance arrangements and processes in place within the Contract and Commissioning Team for Adults and Communities. The findings of the audit were received by Commissioning and Contracts on 20th December 2019 and concluded:-

*"In our opinion, the control environment for the governance arrangements and processes in place within the Contracts and Commissioning Team for Adults and Communities are sound and are being well managed. As such, we are able to provide **substantial assurance** that effective governance and management of the service are currently in place."*

The content of this report demonstrates that effective governance and management of the service has continued.

## **ACTIVITY**

9. Achievements of the Commissioning and Contracts function in the last twelve months (since January 2020) cover a range of activity and actions including a functional realignment of Commissioning and Contracts, (ongoing) COVID19 pandemic response work and business as usual activity:-

### **Functional Realignment**

10. During 2019/20 a review of the Commissioning and Contracting commenced as part of the "One Council" programme involving a review of all functions across the Council commenced. The Council's response to the COVID19 pandemic impacted on the original timeline to complete and action this review in terms of Commissioning and Contracts. However in September 2020 the review concluded and a realignment of Commissioning and Contracts functions was implemented to create

- A Strategic Commissioning function sited within Public Health. This function is focussed on integrated systems and population based strategic commissioning bringing together Adults, Children's and health commissioning activity.
  - An Operational Commissioning function which remains within Adult Social Care. This function is focussed on procurement, contract management and quality monitoring of commissioned adult social care services.
11. Both functions continue to work closely together driven through complementary and collaborative working lead by the Heads of Service of both functions to maintain end to end joint working from commissioning through to procurement, contract award, contract management and quality monitoring.
12. More recently Strategic Commissioning have convened an all age Integrated Localities Commissioning Group. This group will provide a focal point for delivering commissioning actions flowing from Doncaster's Locality Working Model to improve outcomes at a local level, predicated on a strengths based approach. This will involve drawing insights and intelligence from localities both in terms of local assets, needs and gaps to inform commissioning actions and investment.

### **COVID19 pandemic response**

13. A primary focus of Commissioning and Contracts for the majority of the year has been supporting providers to maintain safe delivery of services since the onset of the COVID19 pandemic in March 2020. This broad offer of support includes daily provider contact for information sharing, advice, guidance and signposting to mitigate transmission within services. In addition, a range of targeted financial support has been provided to offset the extraordinary costs service providers are incurring, increasing their resilience to the financial pressures they face in the delivery of their services during the COVID19 pandemic.
14. **Non-financial support**
- Supported providers to put in place business continuity plans once the response to COVID19 pandemic commenced
  - Maintained daily contact with all contracted social care providers (including residential care, nursing care, domiciliary care, extra care, housing related support, day services and others) throughout the COVID19 pandemic to:
    - Ensure appropriate support when dealing with symptomatic or positive individuals or staff
    - Provide information on number of cases recorded for each service to provide senior management with an oversight of cases and outbreaks
  - Supported providers experiencing outbreaks in services including signposting to appropriate Infection Prevention and Control, Public Health and Psychological support.
  - Provided information to colleagues in hospital discharge, Public Health, Primary Care and partner organisation of services closed to admission due to outbreaks
  - Supported residents being discharged out of hospital to ensure they are placed in the most appropriate service based on their COVID19 status and the COVID19 status of their home of choice

- Attended and contributed to Daily COVID19 Incident Management Meetings and the weekly COVID19 Board meetings chaired by Public Health to maintain oversight of high risk areas with outbreaks
- Jointly set up, chaired and contributed to the Locality Care Home MDTs to oversee the COVID19 status and quality of service delivery within care homes, organising and supporting a wide range of partner organisations to support care homes in a responsive manner.
- Undertaken visits to services to monitor quality when high risk concerns are identified utilising appropriate infection control measures including appropriate use of PPE
- Provided support to the provider market and Direct Payment recipients with access to Council supplies of PPE when providers have been unable to source their own supplied
- Supported the planning and roll out of the vaccination programme for care homes and the Social Care workforce
- Provided regular communication of changes in guidance and supported with the interpretation of the guidance to different service types

#### 15. **Financial support**

- **Care Home Void Payments:** These payments were targeted at the residential and nursing care home sector in recognition that such services experienced a decline in the number of residents within their homes where they had been dealing with a COVID19 outbreak both through loss of residents and through no new placements into the service. Commissioning and Contracts managed this process within the agreed criterion for such payments.
- **Supplier Relief Scheme:** This scheme was implemented in response to the 'Procurement Policy Note 02/20 Supplier Relief' due to COVID19 which was released by the Cabinet Office to guide contracting authorities around payments to suppliers to ensure service continuity during and after the current situation. The scheme was designed to help sustain existing council providers and their supply chains including adult social care providers. Commissioning and Contracts worked in partnership with Strategic Procurement and Finance colleagues to manage Doncaster's scheme within a set criterion.
- **Adult Social Care Infection Control Fund:** The objective of this financial support was to support care homes and Care Quality Commission regulated community care providers, including those with whom the local authority does not have a contract, to reduce the rate of COVID19 transmission. The funding was ring fenced exclusively for actions which support care homes and community care providers to tackle the risk of COVID19 infections and was made in addition to funding already received.

#### **Business as usual Commissioning and Contracting**

16. Activity over the last twelve months has included:
- Reduced off contract spend from £447k (2020) to circa £161k (2021)
  - Achieved savings of £332k in 20/21 and contributed to additional Adults, Health and Wellbeing budget reductions including Day Opportunities (£409k) and Front Door/Community Offer (£1.103m)
  - Continued delivery of the Joint Commissioning Strategy between the Council and NHS Doncaster CCG supported by detailed delivery plans to deliver integrated working across all commissioning functions.
  - Extended the following services:

- Community Based Crisis Support
- Positive Steps - GP Service
- DIAL Welfare Benefits Advice and Tribunal Service
- Home Support Immediate Response Service
- South Yorkshire Domestic Abuse Perpetrator Programme
- Doncaster Foyer (Supported Accommodation for Young single people aged 16-25)
- Harrogate Court Extra Care Housing and Support for Older People
- Homelessness services - Outreach Workers Waiver
- Homelessness Services (Wharf House, Open House Plus and Tenancy Support)
- Substance Misuse Accommodation and Support Service (Providing a Path to Recovery)
- Supported Accommodation and Support Service for Vulnerable People
- Supported Accommodation and Support Service for Vulnerable People (RRP variation)

A number of these services have been extended as a direct result of the impact of the COVID19 pandemic and the ability of both the Council and providers to undertake re-commissioning/re-procurement at such a critical time.

➤ Homelessness related activity:

- Led/co-ordinated successful bids for funding from the Ministry for Housing, Communities and Local Government (MHCLG):
  - Next Steps Accommodation Programme securing £291,344 of funding to support the Council's response to accommodating rough sleepers during the COVID19 pandemic
  - Cold Weather Fund - £90,000 for 2020/21 to support delivery of Doncaster's Homelessness and Rough Sleeping Winter Plan and Severe Weather Emergency Protocol.
- Developed and submitted Doncaster's Rough Sleeper Delivery Plan received and approved by MHCLG
- Developed delivery plans for each of the three strands of focus and activity of the Homelessness and Rough Sleeping Strategy (Prevention, Accommodation and Care and Support), approved by the (recently) convened Homelessness Board.
- Established partnership agreements with additional providers of accommodation to support and enable the delivery of an additional 30 Housing First properties/tenancies, a key priority of Doncaster's Homelessness and Rough Sleeping Strategy (Accommodation strand).
- Progressed plans for the reform of hostel provision (Accommodation strand) including a best practice review and engagement with hostel landlords regarding the strategic direction of travel. An options paper has been developed for the Director of Public Health and Director of Adult Social Services to inform a wider strategic conversation.

➤ Worked in partnership with Strategic Procurement and Legal Services to obtain approval to directly award a two-year contract to YMCA Doncaster to remedy a historical breach for the Goodall House supported accommodation service. The contractual arrangement includes tapered council funding coinciding with an alternative funding model secured by the provider coterminous with the expiry of the two year contract.

- Procured and established a Framework Agreement for Extra Care service providers to facilitate the future re-procurement of existing Extra Care services housing and procurement of any additional Extra Care services.
- Worked collaboratively with Public Health to progress plans to jointly commission an innovative new model of substance misuse services supporting delivery of Doncaster's ambition to deliver joint commissioning solutions
- Secured a further 12 months Better Care Fund funding for the Council's Complex Lives service through the submission of a business case to and approval by Doncaster's Joint Commissioning Management Board.
- Entered into a Section 76 Integrated Mental Health Service agreement with NHS Doncaster CCG to March 2021 whilst progressing partnership work with NHS Doncaster CCG to develop and implement the Doncaster Mental Health Transformation Programme
- Progressed delivery planning and implementation of the Learning Disability Housing work stream including contributing to the South Yorkshire sub-regional Strategic Housing Needs Assessment for learning disabilities, autism and mental health.
- Progressed delivery planning and implementation of the Learning Disability Short Breaks work stream including work to increase the Shared Lives service offer in partnership with the provider and Adult Social Care.
- Worked collaboratively with Strategic Housing, contributing to their review and refresh of Doncaster's Housing Strategy in respect of specialist housing needs including Older People, Physical Disability and Learning Disabilities.
- Progressed development of the Section 76 with Doncaster NHS CCG within the constraints imposed by NHS England regarding advising local NHS CCGs not to progress/enter into new contractual arrangements during the NHS response to the COVID19 pandemic.
- Continued to work collaboratively with Strategic Procurement and Legal Service to guide commissioning and contracting activity.
- Continued work with providers to support contingency planning in preparation for and following Brexit
- Supported a care home to close following significant quality and management concerns during the COVID19 pandemic response with all residents relocated to other services
- Supported two care homes with inadequate CQC ratings to improve the quality of service and receive follow up inspection results of requires improvement
- Supported the registered providers to continue to meet their regulatory responsibilities with no contracted social care providers in Doncaster having an inadequate CQC rating by January 2021

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

18. Following the imposition of the COVID19 national lockdown in March 2020 it was recognised that in responding to the impact of COVID19 pandemic, authorities may need to direct award contracts or extend existing contracts without a call for competition for the duration of the COVID19 pandemic and recovery phase activities. Doncaster Council implemented such measures in the context of:
  - Waivers to directly award contracts without a call competition to allow the Council to provide a sustained response for the duration of the

- COVID19 pandemic immediately and in the recovery phase activities.
- Waivers to extend contracts without a call for competition to incumbent providers for a specified periods to allow the Council to provide a sustained response for the duration of the COVID19 pandemic immediately and in the recovery phase activities.

19. The number of waiver reported to audit committee in the last twelve months reporting period is detailed in the table below, together with the number of waivers previously requested in the same time period. Responding to the COVID19 pandemic has been attributable to the increased number of waivers during this reporting period:-

February 2019 to December 2019	February 2020 to December 2020
<b>6</b>	<b>10</b>

Of the ten waivers submitted to (and approved by) the Council’s Monitoring Officer, four waivers were classed as being part of wider strategic programme of works. Three of the four related to the continuation of rapid rehousing pilot services due to additional funding being made available to the council by the Ministry of Housing and Local Government (MHCLG) and one related to continued housing management services at an Extra Care scheme which is subject to a strategic review. All other waivers were put in place based upon the guidance issued by government to public bodies in March in the form of Procurement Policy Note (PPN 01/20) as referred to above. Commissioning and Contracts worked in collaboration with Strategic Procurement and Legal services to identify contracts that were due to be tendered or awarded in 2020 and to extend those contracts to prevent disruptions to services during the COVID19 pandemic. It should be noted that there have been no breaches to Contract Procedure Rules over the last 12 months.

### OPTIONS CONSIDERED

20. Not applicable - for information only.

### REASONS FOR RECOMMENDED OPTION

21. Not applicable - for information only.

### IMPACT ON THE COUNCIL’S KEY OUTCOMES

22.

	<b>Outcomes</b>	<b>Implications</b>
	<p><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;</p> <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>Effective commissioning and contracting:-</p> <ul style="list-style-type: none"> <li>• Benefits the local economy by increasing opportunities for local service providers.</li> <li>• Supports the delivery of modern, quality, value for money services.</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>	
	<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>	
	<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 homes</li> </ul>	<p>Robust contract management processes ensures that individuals remain safe and supported.</p>
	<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 delivering value for money</li> <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</li> </ul>	<p>Effective Commissioning, procurement and contract management supports modern, quality, value for money services</p>

	<p>community assets and strengths</p> <ul style="list-style-type: none"> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	
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## **RISKS AND ASSUMPTIONS**

23. Key risks include:

- A reduction in key posts within the commissioning and contracts function which would impact on the team's ability to deliver business as usual commissioning and contracting. The realignment of the Commissioning and Contracts Service did not necessitate a reduction in posts and ordinary turnover of staff has been managed through recruitment to vacant posts except where voluntary redundancy has been approved by the Council.
- The impact of responding to the ongoing COVID19 pandemic in terms of capacity to support and maintain services for vulnerable citizens and support service provider viability/sustainability and the need to direct resources and prioritise accordingly whilst seeking to maintain business and usual commissioning and contracting activity. This is being mitigated by close working with colleagues in Procurement and Legal services to balance procedural and statutory requirements against the demands of responding to the COVID19 pandemic as referred to in 'Waivers to CPRs' section above.

## **LEGAL IMPLICATIONS [Name: SRF Date: 18/01/21]**

24. The Council has a series of legal powers and duties around the provision of Adult Services. The Council must also follow both internal and external regulations surrounding its Commissioning and Procurement processes including compliance with Contract Procedure Rules.

Legal Services provides ongoing advice and assistance on commissioning and procurement exercises and contract matters and will continue to input into the matters detailed with this report.

## **FINANCIAL IMPLICATIONS (PW 19/01/2021)**

25. The overall Adults Health and Wellbeing budget has been adjusted to reflect the reductions identified in paragraph 17 of this report. There are no further financial implications arising from this report.

## **HUMAN RESOURCE IMPLICATIONS (AT 15/01/21)**

26. There are no direct HR implications in respect of this report. Continued HR & OD support will be provided to the Commissioning & Contracts Team to assist them in delivering their key priorities.

## **TECHNOLOGY IMPLICATIONS: (ET 15/01/21)**

27. There are no direct technology implications in relation to this report

## **HEALTH IMPLICATIONS (Initials: RS Date: 15/01.2021)**

28. Commissioning is a key way to improve and protect the health of Doncaster residents and this includes both the policy making and sourcing elements of the commissioning processes. Decision makers should welcome this update on key elements of the commissioning cycle and should also take note of the performance and contribution of key contracts in improving health and reducing health inequalities.

## **EQUALITY IMPLICATIONS [MW 13/01/21]**

29. Due Regard Statements will be completed as necessary in line with Council Policy and the Public Sector Equality Duty.

## **CONSULTATION**

30. Consultation will be undertaken with key stakeholders associated with in pursuit of the delivery of commissioning and procurement priorities.

## **BACKGROUND PAPERS**

31. Nil

## **GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

- CPR's – Contract Procedure Rules
- CCG - Clinical Commissioning Group
- MDT – Multi-disciplinary team

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