



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL  
NEATH PORT TALBOT SOCIAL CARE HEALTH & WELL-BEING  
CABINET BOARD**

**30<sup>th</sup> January 2020**

**Report of the Head of Adult Services – A. Thomas**

**Matter for Information**

**Wards Affected:** All wards

**Contractual Arrangements for Externally Commissioned Specialist Day Services and Specialist Care Homes**

**Purpose of the Report:**

To inform Members of the intention for the Head of Adult Services to enter into new contracts with providers of specialist day services and specialist care homes.

**Executive Summary:**

Over the years, there have been a number of changes to the regulatory and legal framework governing social care services. In addition, expectations in terms of service models and delivery have changed. In light of this, there is a need to develop new contracts for specialist day services and specialist care homes.

Neath Port Talbot County Borough Council's ("the Council") Contract Procedure Rules' (CPR's) requires officers to inform the Council when such contracts are entered into.

**Background:**

The Council have a number of contracts with providers of specialist day services and specialist care homes.

These contracts have been in place for a number of years, a review of our current contractual arrangements highlighted that there was a need to refresh and re-issue new contracts to providers of these services.

The reason for this is to ensure that these agreements take into account the current regulatory and legal framework governing social care services. In addition, this will ensure that the service specification better reflects the Council's quality and outcome requirements for the services we purchase.

Rule 2.1 of the Council's CPR's sets out that tenders should be invited for contracts in excess of £50,000. The contracts will allow the Council to 'spot purchase' individual placements. There is no obligation to spot purchase individual placements as a result of entering into these contracts, therefore these contracts have no value.

Individual placements made under the contract will have a financial value. Rule 3.1 (xv) of the Council's CPR's allow Social Care contracts to be excluded from the requirements of Rule 2.1. The number and total value of individual placements made under these contracts will be reported back to Neath Port Talbot Social Care Health and Well-being Cabinet Board on an annual basis.

**Financial Impacts:**

The contracts in themselves have no financial value and there is no obligation to spot purchase placements as a result of entering into the contracts. Placements made under the contracts will be overseen by the Common Commissioning Unit and agreed by the Resource Allocation Panel to ensure that the Council receives best value for money. All placements will be in line with the available budget for adult social care.

The number and total value of individual placements made under these contracts will be reported back to Neath Port Talbot Social Care Health and Well-being Cabinet Board on an annual basis.

In the 2018/19 financial year, the gross spend on services covered by these contracts was (please note the below figures represents total spend, not total amount of new placements made in 2018/19):

Service Type	Annual spend (Gross)
Learning disability specialist external residential care homes (excluding standard elderly homes)	£3,096,705
Learning disability specialist external day services	£1,118,116
Mental health specialist external residential (excluding standard elderly homes)	£2,232,473
Mental health specialist external day services	£7,329

### **Integrated Impact Assessment:**

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment (Appendix 1) has indicated that a more in-depth assessment is not required. A summary is included below.

A first stage impact assessment identified this proposal has no impact as it seeks to put updated formal agreements in place for long standing arrangements. Therefore, this proposal will not result in people experiencing a fundamental change to the nature of the services that they currently receive or a change to their ability to receive the Services.

**Valleys Communities Impacts:**

No impact – the recommendation has no spatial impact on our valleys communities and does not link to the impacts identified in the Cabinet’s response to the Council’s Task and Finish Group’s recommendations on the Valleys.

**Workforce Impacts:**

No impact.

**Legal Impacts:**

The cost of the contracts have no value in itself and as such is below the threshold of undertaking a competitive tender in the Official Journal of the European Union (OJEU), the threshold for this being £615,278.

Nevertheless, even though this contract is exempt from the threshold to competitively tender in the OJEU, the Council is still caught by the general obligations of transparency, equal treatment, non-discrimination and proportionality that derive from the Functioning of the European Union (TFEU) when contracts are of ‘certain cross border interest’.

What these principles imply in practice is that the contract should be transparently awarded in a non-discriminatory way. The simplest way to demonstrate compliance would be going through a procurement process exercise compliant with the principles outlined above.

Individual placements made under the contract will have a financial value. Rule 3.1 (xv) of the Councils CPR’s allow Social Care contracts to be excluded from the requirements of Rule 2.1. Therefore the risk of a legal challenge from providers who have not had an opportunity to bid for the contracts are reduced.

**Risk Management Impacts:**

No further risk management impacts other than those contained in the report.

**Consultation:**

There is no requirement for external consultation on this item.

**Recommendations:**

To note the contents of this report.

**Reasons for Proposed Decision:**

Report for information only.

**Implementation of Decision:**

Report for information only.

**Appendices:**

Appendix 1 - First Stage Assessment

**List of Background Papers:**

None

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