

South Ayrshire Council

**Joint Report by Director of Health and Social Care
and Director - Place
to Cabinet
of 14 June 2022**

Subject: Annex 2 Contract Awards in Q3 and Q4 2021/22

1. Purpose

- 1.1 The purpose of this report is to advise the Cabinet, in accordance with Clause C.6 of Annex 2 of [Standing Orders Relating to Contracts](#), of contracts directly awarded under South Ayrshire Council's Annex 2 arrangements during 1 October 2021 to 31 March 2022.

2. Recommendation

- 2.1 **It is recommended that the Cabinet considers the detail listed at Appendix 1, of directly awarded contracts to service providers, using the provisions of Annex 2 of Standing Orders relating to Contracts.**

3. Background

- 3.1 The Council's Standing Orders Relating to Contracts, at Annex 2, indicate circumstances where an Executive Officer may, without prior advertisement or competition, enter negotiations with one or more providers to develop contracts relating to health or social care services.
- 3.2 Services procured using the provisions of Annex 2 of Standing Orders Relating to Contracts reflect the principles set down in the Statutory Guidance issued by Scottish Ministers in terms of the Procurement Reform (Scotland) Act 2014 as well as the Best Practice Guidance on the Procurement of Care and Support Services 2016, the 'Light Touch Regime,' issued in terms of the Procurement Reform (Scotland) Act. Procured services are defined by [Common Procurement Vocabulary \(CPV\) codes](#) covered under the Light Touch Regime.
- 3.3 Where there are special circumstances justifying a departure from advertisement or competition, the Executive Officer should provide the Cabinet with a list of such contracts, in accordance with Standing Orders Relating to Contracts, Annex 2, Clause C.6.
- 3.4 Special circumstances include (but are not limited to) for example; where EU Treaty principles around advertisement and competition do not apply; where service user(s) needs are best met by a particular provider; where particular provision of social care is limited due to geographic location or particular skills; or the existing service provider(s) are the only provider(s) capable of delivering the service to meet the needs of the individual(s) concerned.

- 3.5 Where there is a requirement to enter into a contract with a service provider, using the provisions of Annex 2 of Standing Orders Relating to Contracts, approval is first required by the relevant Executive Officer along with a Service Finance Team Coordinator and the Service Lead - Procurement.
- 3.6 Appointments then made under Annex 2 of Standing Orders Relating to Contracts are concluded following a robust process, using the Council's contract terms and conditions, the completion of a contract strategy and contract document. The contract document sets out the outcomes required for the service user against similar, national services and are assessed, financially, against Local Government Benchmarking Framework Data from Comparator Councils to ensure that Best Value is achieved.
- 3.7 Any decisions taken under paragraphs C.2, C.3, C.4 or C.5 of Annex 2 of Standing Orders Relating to Contracts, that neither advertising nor competition will be required for a particular contract, shall be subject to review by the Executive Officer at regular intervals (and at least annually).

4. Proposals

- 4.1 Members of the Cabinet are requested to consider the award of contracts, during October 2021 to March 2022, under Annex 2 of the Council's with Standing Orders Relating to Contracts, as detailed at Appendix 1.
- 4.2 Column B of Appendix 1 details the name of the Directorate of the Contract Owner.

5. Legal and Procurement Implications

- 5.1 There are no legal implications arising from this report.
- 5.2 The recommendations in this report are consistent with procurement requirements and reflect appropriate advice.

6. Financial Implications

- 6.1 The financial implications relating to these contracts have been accounted for and approved through the appropriate Request for Procurement Action (RPA) and Annex 2 approval process.

7. Human Resources Implications

- 7.1 There are no human resource implications for South Ayrshire Council as a result of this report.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1 There are no risks associated with adopting the recommendations.

8.2 **Risk Implications of Rejecting the Recommendations**

8.2.1 Rejecting the recommendations may impact on the reputation of the Council.

9. **Equalities**

9.1 An Equalities Impact Assessment (EQIA) has been carried out on the proposals contained in this report, which identifies potential positive and negative equality impacts and any required mitigating actions. The EQIA is attached as Appendix 2.

10. **Sustainable Development Implications**

10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. **Options Appraisal**

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. **Link to Council Plan**

12.1 The matters referred to in this report contribute to the Council strategic objective, 'Grow Well, Live Well, Age Well' and the commitment to 'Health and Care Systems that meet People's Needs.'

13. **Results of Consultation**

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Lee Lyons, Portfolio Holder for Health and Social Care, Councillor Bob Pollock, Portfolio Holder for Economic Development, and Councillor Ian Davis, Portfolio Holder for Finance, Human Resources and ICT, and the contents of this report reflect any feedback provided.

14. **Next Steps for Decision Tracking Purposes**

14.1 If the recommendations above are approved by Members, the Director of Health and Social Care and the Director – Place will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
To provide Cabinet with an updated list of Annex 2 Contracts awarded in Q1 and Q2 of 2022/23	October 2022	Service Lead - Procurement

Background Papers **Report to Leadership Panel of 26 October 2021 – [Annex 2](#)**
[Contract Awards in Q1 and Q2 2021/22](#)

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Date: 7 June 2022

ANNEX 2 CONTRACT AWARDS - LEADERSHIP PANEL REPORT JUNE 2022 - APPENDIX 1

Item Nr	Directorate	Contract Reference	Service Commenced	Contract Award	Contract Expiry/End Date	Service Duration	Contract Value	Benchmarking Information	Contract Description	Supplier Name	Collaborative Partners	Justification For Use of Annex 2 Provisions	Notes (include comment where the award date is a month past the commencement date)	Tender options (include comment confirming that this Annex 2 agreement will be tendered in the future)
1	Health & Social Care Partnership	CE-96-21-B	12/04/2021	05/11/2021	11/04/2022	1 Year	£ 85,406.88	Benchmarked against Scotland Excel Framework 1918 - Care Homes for Adults with Learning Disabilities	Provision of an Individual Residential Care Placement (DR)	Wallacetown Gardens Limited	N/A	In terms of Standing Orders Annex 2, clause C.4.1, the needs of the service user(s) concerned would be best met by a particular service provider.	Delay between commencement and award date due to the budget approval process being delayed.	N/A - Individual Placement
2	Health & Social Care Partnership	CE-194-21-B	08/12/2021	30/03/2022	07/12/2024	3 Years	£ 256,220.64	Benchmarked against Scotland Excel Framework 1918 - Care Homes for Adults with Learning Disabilities	Provision of an Individual Residential Care Placement (AC)	Wallacetown Gardens Limited	N/A	In terms of Standing Orders Annex 2, clause C.4.1, the needs of the service user(s) concerned would be best met by a particular service provider.	Delay between commencement and award date due to the budget approval process being delayed.	N/A - Individual Placement

South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: [Equality Impact Assessment including Fairer Scotland Duty](#)

Further guidance is available here: [Assessing impact and the Public Sector Equality Duty: a guide for public authorities \(Scotland\)](#)

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. See information here: [Interim Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018.

1. Policy details

Policy Title	Annex 2 Contract Awards in Q3 and Q4 2021/22
Lead Officer (Name/Position/Email)	David Alexander, Service Lead – Procurement – david.alexander3@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	n/a	n/a
Disability	n/a	n/a
Gender Reassignment (Trans/Transgender Identity)	n/a	n/a
Marriage or Civil Partnership	n/a	n/a
Pregnancy and Maternity	n/a	n/a
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	n/a	n/a
Religion or Belief (including lack of belief)	n/a	n/a
Sex – gender identity (issues specific to women & men or girls & boys)	n/a	n/a
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	n/a	n/a
Thematic Groups: Health, Human Rights & Children's Rights	n/a	n/a

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage? (Fairer Scotland Duty). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	n/a	n/a
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	n/a	n/a
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	n/a	n/a
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	n/a	n/a
Socio-economic Background – social class i.e. parent’s education, employment and income	n/a	n/a

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low impact
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low impact
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low impact
Increase participation of particular communities or groups in public life	Low impact
Improve the health and wellbeing of particular communities or groups	Low impact
Promote the human rights of particular communities or groups	Low impact
Tackle deprivation faced by particular communities or groups	Low impact

5. Summary Assessment

<p>Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)</p>	<p>YES</p> <p>NO</p>
<p>Rationale for decision:</p> <p>This report proposes that Members approve the award of Annex 2 contracts. This has no specific equality implications</p>	
<p>Signed : David Alexander Service Lead</p> <p>Date: 24 May 2022</p>	