

30 September 2021**Agenda Item: 10****REPORT OF SERVICE DIRECTOR – FINANCE, INFRASTRUCTURE &
IMPROVEMENT****FINANCIAL REGULATIONS WAIVERS 2020/21****Purpose of the Report**

1. To inform Members about requests to waive the Financial Regulations (waivers) in the Period 1st April 2020 - 31st March 2021.
2. To inform Members about the request to waive the Financial Regulations (waivers) due to the Covid19 response.

Information

3. The Council's Financial Regulations set out the procedures and standards for financial management and control that must be followed by officers.
4. The Council may only contract with external parties within the legal framework for Local Authority procurement. However, there are occasions where it is not practical or possible to procure contracts in accordance with the standard contract procedures. In such instances officers may seek exemption through a waiver. The waiver process acts as a peer challenge to such requests to ensure there is a valid reason for approval.
5. Waiver requests are considered by the Council's Section 151 (S151) Officer who determines whether they can be approved or not.
6. There are four categories of exemption where the rules for obtaining quotations or running tenders can be suspended. These are: -
 - i. The Section 151 Officer, may vary, waive, or suspend any financial regulation,
 - ii. The works to be executed or the goods or materials to be supplied consist of repairs to, or parts for, existing proprietary machinery, where such repairs or parts are specific to that machinery or upgrades to existing software packages.,

- iii. Works, supplies or services are urgently needed for the immediate protection of life or property, or to maintain the immediate functioning of a public service for which the Council is responsible. In such cases the contract must only last as long as is reasonably necessary to deal with the specific emergency,
- iv. The Corporate Director, in consultation with the Group Manager for Procurement, decides that special circumstances make it appropriate and beneficial to negotiate with a single firm or that a single tender be invited and that best value for the Council can be achieved by not tendering.

7. The Group Manager for Procurement presents an annual waiver report to Governance and Ethics Committee. The table below summarise the number of waivers granted in 2020/21 (Table1) compared to the previous year by directorate and value, full details for those waivers are contained in Appendix 1.

Table 1	2020-21				2019-20			
Directorate	Number Waivers	Total Value	No. Rejected	Value Rejected	Number Waivers	Total Value	No. Rejected	Value Rejected
Chief Exec	6	£1,679,710	2	£1,506,852	3	£280,000	0	0
Adult Social Care (ASC) Health & Public Protection & Public Health	11	£1,162,241	0	0	8	£890,808	2	£70,156
Children, Families & Cultural Services (CFCS)	9	£895,245	1	£51,000	7	£655,167	0	0
Place	1	£11,751	0	0	7	£827,949	5	£722,949
Schools	0	0	0	0	0	0	0	0
TOTAL	27	£3,748,947	3	£1,557,852	25	£2,653,924	7	£793,105

- 8. The total number of waivers has increased by 2 from the previous year, an overall increase of 8%. In 2020-21 11% of requests received were rejected.
- 9. There has been an increase in waiver requests from both Adults and Children's departments. The number of waiver requests from the Place department have significantly reduced from

last year and although the number of waiver requests from Chief Executive department has doubled, only 4 waivers were approved and 2 were rejected. The value of approved waivers from the Chief Exec department has decreased from the 2019/20.

10. Category Managers continue to work with the directorates to develop Procurement Category Strategies that will aid the continued reduction of waiver requests. The Procurement team have delivered several training sessions at departmental team meetings reminding officers / commissioners of the financial regulations.

Covid Waivers

11. Due to the Council's focus on the response to Covid19 there was a need to extend contracts and direct award to suppliers to ensure business continuity.
12. Category Managers will work with the directorates to develop compliant contracts as the council moves towards the recovery stage of the Covid19 response.
13. In 2019/20 15 waivers for were approved during the Covid response. A significant of effort has been made from the Procurement Team to ensure compliant routes to market have been found and to ensure the financial regulations have been adhered too. This year only 3 waivers were requested and approved in relation to the Covid 19 response. The table below summarises this, full details for the waivers are contained in Appendix 2.

Directorate	Number of Waivers	Total estimated value
Chief Exec		
Adult Social Care (ASC) Health & Public Protection & Public Health		
Children, Families & Cultural Services (CFCS)		
Place	3	£1,160,000.00
Schools		
TOTAL	3	£1,160,000.00

Other Options Considered

10. Other options were not considered applicable for this annual update report.

Reason/s for Recommendation/s

11. This report is to inform Members about requests to waive the Financial Regulations (waivers) in the Period 1st April 2020 - 31st March 2021 and during the Covid19 response. Every effort is made to ensure waivers are kept to a minimum and through this report, members are updated of the detail of spend coming through financial regulation waivers.

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) Members of the Governance and Ethics Committee to support the detail contained in the report Financial Regulations Waivers 2020/21 and the continued progress in keeping waivers to a minimum.

Nigel Stevenson

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For any enquiries about this report please contact:

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Constitutional Comments (KK 30/07/2021)

13. The proposal in this report is within the remit of the Governance and Ethics Committee.

Financial Comments (RWK 12/08/2021)

14. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

Waiver Details

Number	Ref	Subject	Value	Department	Waiver Details	Approval/Rejection
1	FR324	AET training licence for SFSS	£57,421.20	Children's and Families	AET are the only company who can deliver the SFSS team with a licence to deliver training on their behalf.	Approved - Accredited company and therefore no other companies can provide the service.
2	FR325	Children on the edge of care	£60,000.00	Children's and Families	SFFC will run a pilot projected working with 40 families to utilise voluntary services which are available by any other provider.	Approved - Pilot Project and must be evaluation during the next 12 months to determine whether this is needed going forward.
3	FR326	Outdoor play area including play surface and works, play equipment, and canopies	£51,000.00	Children's and Families	Money was allocated for improvements to outdoor areas to better meet the physical, emotional, and academic development of the students. The aim was to make improvements over the year, however COVID 19 and the need to educate	Rejected - Framework in place which can be utilised.

					our pupils who all have significant special needs and are unable to social distance means the demand for them accessing outdoor learning is more crucial	
4	FR327	Placement Stabilisation Programme	£10,000.00	Children's and Families	This programme supports children in care to achieve stable family type placements (e.g. stepping down from residential care with new types of support) and to remain at home with their families or primary carers where safe to do so.	Approved – 3-month contract before the SIB starts to enable children to step down from residential care
5	FR328	Venue finding solution	£1,500,000.00	Chief Exec	Direct award using CSC framework to a vendor which will provide venue booking solution. Removes need for long and resource intensive tender which small vendors are unlikely to engage in.	Rejected – compliant route sought.
6	FR329	Care Leaver Flat	£19,500.00	Children's and Families	Pilot project for Care Leavers offering self-contained flat with coaching towards apprenticeship or job offering parent approach to the young person. if successful will be expanded across all	Approved - Pilot project with nothing similar currently available

7	FR330	Public Health Obesity Pilot	£15,000	Public Health	National Charity to assist with NCC 3-year Childhood Obesity Trailblazer Programme in 6 early years settings	Approved - Unique and Low value
8	FR331	Healthwork	£80,000.00	Chief Exec	Provision of occupational health services	Rejected - Retrospective
9	FR332	Burdett Nursing Trust	£40,000.00	ASCH	Specialist training for nurses within social care, grant provided by Health Education England	Approved - One off training provision
10	FR333	LGR Financial Appraisal	£19,000	Chief Exec	Financial appraisal review	Approved – urgent evaluation required, and provider previously commissioned to do the work.
11	FR334	Theraplay Training	£15,500.00	Children's and Families	Only provider of training in the UK	Approved – Only licensed provider
12	FR335	Covid winter grant fund	£99,000	Children's and Families	Winter grant scheme for vulnerable families for utilities bills and food	Approved – Short timeframe to deliver vital work

13	FR336	Oral Health Promotion	£24,500.00	Public Health	Oral health promotion for all age groups	Approved – requirement to maintain service whilst new tender and contract can be established.
14	FR337	Doorstep Track and Trace	£30,000.00	Public Health	Services required to undertake door to door Covid contact tracing	Approved – Short timeframe to provide service in response to Covid.
15	FR338	Winter Grant Scheme	£500,000.00	Children's and Families	Covid Winter Grant scheme which must be used for meals and financial support with utility bills for families. Huggg is the only free voucher scheme to councils. Tight grant scheme must be spent before end of March 2021	Approved - Ensuring families receive this support in the timely and secure manner necessitates direct award.
16	FR339	Audit Pentana System	£11,463.02	Chief Exec	Current supplier, continuing for a further year allows continuity. Changing would be disruptive.	Approved - software meets business needs and is relatively low cost compared to alternatives.
17	FR340	New models of Care	£24,750	ASCH	Review of current care models as a result of the impact and learning from the Covid pandemic	Approved - timing of completion of the report and the time limit for the funding available.

18	FR341	Nurse-led homelessness health service	£72,634.00	ASCH	Extra homelessness outreach service, the provider already provides the service for the CCG. Extra service and staff required due to pressures from the Covid 19 pandemic.	Approved - Tender process would take too long to be effective
19	FR342	NHS Heath checks	£453,691.00	ASCH	NHS checks are currently a mandated service which the GP practices are best to deliver, a single contract with a GP service doesn't exceed £20,000	Approved – Mandated service in conjunction with GP practices.
20	FR343	Xpert HR	£6,852.00	Chief Exec	Been using the supplier for 10 years for HR advice etc, gain discount as they are the provider for the whole east Mids.	Rejected - Retrospective
21	FR344	Post discharge support service for mental health patients	£60,666.00	ASCH	Post discharge support service for mental health patients using additional funding grant for winter period	Approved - post Covid response short term provision
22	FR345	Local Area Coordination (LAC) network	£42,000.00	ASCH	Only vendor to provide LAC membership	Approved - only vendor available
23	FR346	Integrated advertising campaign	£62,395.44	Chief Exec	Targeted Covid advertisement across all platforms, radio, podcast, outdoor and public transport.	Approved - tight timescales and paid through Covid grant funding

24	FR347	Community Care Inform	£82,824.00	Children's and Families	Online training resource for frontline workers, face to face training is unlikely to return given the current Covid restrictions	Approved - discussion to join G cloud when this reopens
25	FR348	Care Friends App	£14,000.00	ASCH	New app to support recruitment for health and social care staff	Approved - one-year contract and this is a new initiative supported by health
26	FR349	Tree removal robin hood line	£11,751.60	Place	Urgent tree removal due to tree survey on robin hood line.	Approved - Urgent tree removal due to tree survey, compliant route through reed failed.
27	FR350	Inpatient detoxification	£385,000.00	ASCH	Inpatient scheme for Nottinghamshire County Council and Notts City Council, funded by a new government grant.	Approved - Edwin House is owned and managed by Framework Housing and is the only Medical Detoxification unit locally, there is no other Provider able to provide this facility.

Covid Waiver Details

Appendix 2

Project Title	Estimated Annual Value	Estimated Duration	Comments	Category	Date	Approved
Meat - Maloney's	£250,000	8 Months	Contract extended to 30/06/2021. School meals still not as normal and supplier has assisted with supplying sandwiches. New contract timed for July orders ready for new school year 2021/22	Place	October 2020	Approved for service continuity
Public Analyst Contract - PASS	£10,000	6 Months	Contract extended to 21/04/2021. Key stakeholders heavily involved in Covid work	Place	October 2020	Approved for service continuity
Parking Enforcement Services – NSL Ltd	£900,000	12 Months	Contract extended to 21/06/2022 due to using officers as part of the track and trace service and understanding requirements as things return to normal	Place	November 2020	Approved to ensure Covid response service delivery and planning for new service.