

ACTION TAKEN BY CABINET MEMBER (EXECUTIVE FUNCTION)

Subject	Regularisation of Home and Community Support Contracts
Cabinet Member	Cabinet Member for Adults
Date of Decision	20 March 2014
Date of decision comes into effect	10 April 2014 (Publication Date: 3 April 2014)
Summary	This report seeks authorisation to enter into a number of new contracts and to regularise a number of contracts to supply Home and Community Support to residents as a single source until October 2015.
Officer Contributors	Enid Coleman, Category Manager, Adults and Communities
Status (public or exempt)	Public (with separate exempt report)
Wards affected	All
Enclosures	None
Reason for exemption from call-in (if appropriate)	N/A
Key decision	Yes
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1. RELEVANT PREVIOUS DECISIONS

- 1.1 The Cabinet Member for Community Services on 14 August 2008 under delegated powers (DPR 606) approved the extension of the home care contracts to September 2010.
- 1.2 Pension Fund Committee, 17 March 2010 (Decision item 6) – agreed in principle, to the admission of organisations awarded the home and community support into the Council’s Pension Fund in relation to any Council Pension Fund Members transferring into that organisation under TUPE arrangements.
- 1.3 Cabinet Resources Committee, 19 July 2010, Item 5 (Report of Cabinet Member for Adults - Contract Award for Enablement and Home and Community Support).
- 1.4 Cabinet Resources Committee, 7 November 2012 (Decision item 7) - approved contract procurement activity for the 2013/14 financial year.
- 1.5 Cabinet Resources Committee, 4 November 2013 (Decision item 14) approved contract procurement activity for the 2014/15 financial year.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The recommended decision is intended to ensure compliance with the Council’s Contract Procedure Rules and therefore supports the Corporate Plan commitment to the Council’s business being well run, efficient and transparent.
- 2.2 The service provision is for a flexible personal care support service for people with disabilities and high support needs in their own home. This service meets the aims of Adult Social Care to promote choice, well-being and employment, and to enable people to manage their conditions and live as independently as possible.
- 2.3 The planned and on-going commissioning and procurement activity related to these contracts contribute to the priorities of the Council’s Corporate Plan 2013/14-2015/16 by promoting “a healthy, active, independent and informed over 55 population in the borough so that Barnet is a place that encourages and supports residents to age well”.
- 2.4 Barnet’s Health and Wellbeing Strategy 2012-15 aims to reduce health inequalities by focusing on how more people can “keep well” and “keep independent”. These contracts allow Barnet residents to remain in their homes and maintain independence.

3. RISK MANAGEMENT ISSUES

- 3.1 There is a significant reputational risk attached to failure to regularise existing contractual relationships and there will be a risk that the Council will not be able to meet the needs of the service users in accordance with its statutory social service duties.

- 3.2 Due to the urgent nature of the need for these spot placements and specialist care required, it is not possible to complete a competitive procurement exercise within the timescales. Therefore, a single tender action approval is being sought to award spot contracts to a number of home care providers to increase capacity from March 2014 until October 2015.
- 3.3 All providers awarded contracts have undergone a financial check by the Council's Corporate Finance Team and will be monitored under the new contracts.

4. EQUALITIES AND DIVERSITY ISSUES

- 4.1 The Equality Act 2010 places a duty on public authorities to have due regard to eliminating unlawful discrimination, advancing equality and fostering good relations in the contexts of age, disability, gender reassignment, pregnancy and maternity, religion or belief and sexual orientation.
- 4.2 The services being procured will operate inclusively for all care groups covering all postcodes in the Borough. By contracting directly with sub-contractors and increasing capacity and the number of providers, this allows for any niche areas of demand which may relate to language, culture or diagnosis to be covered with greater choice.
- 4.3 The recommended contracts require providers to have a high standard of equitable behaviours. This includes compliance with Equalities Legislation, operating an equal opportunities policy, observing Codes of Practice issued by the Commission for Equality and Human Rights, and giving appropriate consideration to each customer's race, nationality, cultural or ethnic background, marital status, age, gender, religion, sexual orientation and disabilities.

5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 5.1 The 2013/14 and 2014/15 budgets for expenditure on Homecare are £9.21m and £8.88m respectively. A current procurement arrangement for homecare is provided by the existing framework providers when capacity is available and within budget.
- 5.2 Spot contracts outside of the existing framework will be commissioned at various hourly rates. New service users are assessed and the number of hours of support required to meet their needs is commissioned with the provider.
- 5.3 This is a Part B service and due to the nature of the requirement the Council's Contract Procedure Rules would normally require a competitive tender exercise to be undertaken. However due to capacity issues, client choice and requirements, it is not possible to complete this work at this time.

6. LEGAL ISSUES

- 6.1 These services are Part B Services under public procurement rules with no apparent cross border interest so the Council does not need to undertake a competitive procurement exercise under the Public Contracts Regulations 2006.
- 6.2 The Council's Commercial and Customer Services Director has approved the contract awards as a Single Tender Action as required by Contract Procedure Rule 9.1 of the Council's Constitution.
- 6.3 The proposed contracts will be in a standard form approved by the Council's Legal Services.

7. CONSTITUTIONAL POWERS

- 7.1 Council Constitution, Contract Procedure Rules sets out authorisation and acceptance thresholds and procurement methods for Contracts.
- 7.2 Council's Constitution, Contract Procedure Rules Section 9, allows for a single tender action or commitment to take place with approval in advance by the Commercial and Customer Services Director.
- 7.3 Contract Procedure Rules, Appendix 1 – Table A sets out acceptance thresholds for procurements. The services being commissioned are likely to exceed £500,000 in value, so a Cabinet Member DPR is required to authorise the procurement.

8. BACKGROUND INFORMATION

- 8.1 The services being commissioned are for people with critical and substantial need in the area of personal care and are provided to enable them to remain living in their own home. The aim of the service is to promote choice, well-being and employment, and to enable people to manage their conditions and live independently as possible.
- 8.2 Following a tender process in 2010 a framework contract was awarded to three providers covering the north, west and south localities to provide the borough's requirements for home care for four years until October 2015. Where the needs of the client cannot be met through these providers other spot contracts have been identified on an individual need basis.
- 8.3 Uptake rates of home care have increased over the last three years, and this has led to more capacity being required within the borough. The spot provision will run concurrently with the current three framework providers until 2015. Further work will be undertaken in 2014/15 to review the current service provision and to map out future requirements for new contracts in 2015.

9. LIST OF BACKGROUND PAPERS

9.1 None.

10. DECISION OF THE CABINET MEMBER(S)

I authorise the following action

10.1 To issue a 20 month contract (March 2014 - October 2015) for Home and Community Support to eight providers stated in the exempt report:

Signed



Date

20th March 2014
