

	<p><b>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER 21 November 2016</b></p>
<p><b>Title</b></p>	<p><b>Contract Award for provision of Enablement</b></p>
<p><b>Report of</b></p>	<p>Adults and Communities Director</p>
<p><b>Wards</b></p>	<p>All</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Enclosures</b></p>	<p>None</p>
<p><b>Officer Contact Details</b></p>	<p>James Mass Assistant Director <a href="mailto:james.mass@barnet.gov.uk">james.mass@barnet.gov.uk</a></p>

## Summary

Following the termination of one of the Enablement contracts for service in October the Council needs to award a new Enablement contract. Following an options appraisal it was agreed that the best option was to award the new contract to Your Choice Barnet, part of the Barnet Group.

The enablement contract is to commence in November 2016 with an initial term of one year with the option to extend on one or more occasions for up to a maximum of four further years.

The provision of the Enablement service is part of a preventative and early intervention service that promotes independence, reduces dependency and reduces or delays the need for longer term care and support. Enablement homecare provides intensive time limited care to adults with assessed needs to help them gain or regain a higher level of independence and improved quality of life.

## Decisions

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| <p><b>1. To award the Enablement contract to <u>Your Choice Barnet</u> as a Strategic Provider for a period of one year with the option to extend on one or more occasions for up to a maximum of four further years subject to satisfactory performance and budget. The maximum cost of the contract is £10million over a possible 5 years.</b></p> |
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## **1. WHY THIS REPORT IS NEEDED**

- 1.1 This report is required to authorise the recommended award of contract to Your Choice Barnet to provide an Enablement Service.
- 1.2 Following the termination of one of the Enablement contracts for service in October the Council needs to award a new Enablement contract. Following an options appraisal it was agreed that the best option was to award the new contract to Your Choice Barnet, part of the Barnet Group.
- 1.3 The current contract for Enablement Homecare has been terminated and ends on 22 November 2016.

## **2. REASONS FOR DECISIONS**

- 2.1 The contract for Enablement is for one year with an option to extend up to a maximum of four further years. This length of contract is similar to other preventative service contracts.
- 2.2 The Council carried out an options appraisal to determine how best to respond to the provider failure and it was agreed that the optimal approach was to award to Your Choice Barnet.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 3.1 To commence a new formal OJEU procurement. Whilst this would provide the opportunity to fairly evaluate the market offer the option was rejected as it would take a long time and lead to worsened outcomes for vulnerable adults. It would also leave the current homecare market in a stretched and vulnerable position and there was relatively little interest during the last procurement

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 Following award of contract the service will be mobilised and launched. The existing service has been run down so there will be no transition of clients between enablement providers.

#### **5. IMPLICATIONS OF DECISION**

##### **5.1 Corporate Priorities and Performance**

- 5.1.1 The service specification for Enablement and award of this contract supports the;

- vision that health and social care services will be personalised and integrated with more people supported to live longer in their own homes
- four main themes of the Barnet Health and Wellbeing strategy
- 'wellbeing principle' which underpins the Care Act 2014 and the Councils aim that 'all adults will be given the opportunity to live well, age well and stay well' and
- promotes choice and independence by supporting people to live longer in their own home, market management and the development of outcomes based commissioning.

- 5.1.2 The contract for these services will be robustly monitored and reviewed including the performance of the provider through the key performance indicators.

##### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 The funding for the Enablement service is from the Adults & Communities budget. There is additional funding from the Clinical Commissioning Group (CCG) via the Better Care Fund and the Systems Resilience Grant for the enablement service. The amount is determined year on year and appropriate contract variations sought in line with contract procedure rules where appropriate and as necessary.

- 5.2.2 Contract commencement will be from 22 November 2016 for an initial term of one year with the option to extend for up to four years. The maximum contract spend is £10million.

##### **5.3 Legal and Constitutional References**

- 5.3.1 Clause 7.1 and Annex A of the Contract Procedure Rules authorises the Director of Adults & Communities, in consultation with the Chairman of Adults and Safeguarding Committee, to award contracts over the value of £164,176

provided that the procurement has been published on the Procurement Forward Plan and that Procurement Forward Plan has been approved by the Policy & Resources Committee.

- 5.3.2 The Contract Procedure Rules, as outlined in the council's constitution, states that single tender actions can be taken "insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the Council, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with".
- 5.3.3 Contract Procedure Rules, section 9 sets out that a single tender action, in compliance with the law, must be approved in advance by the Commercial and Customer Services Director. This approval has been granted.
- 5.3.4 HB Public Law has been consulted on this during the process and shall assist in the preparation of the relevant contracts.
- 5.3.5 The Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE') will apply to the employees of the outgoing contractor who will have the right to transfer their employment to Your Choice Barnet and so the contract with Your Choice Barnet will include appropriate obligations in respect of its responsibilities under TUPE.
- 5.3.6 The Council can lawfully award the new contract directly to Your Choice Barnet under Regulation 12 of the Public Contracts Regulations 2015 as Your Choice Barnet is a so-called Teckal company owned and controlled by the Council.
- 5.3.7 The Adults and Safeguarding Committee is due to receive a report regarding this service at a future meeting, focussing on lessons learned. In this report information will also be provided regarding the contract award to Your Choice Barnet so as to clearly inform the committee.

#### **5.4 Risk Management**

- 5.4.1 A lessons learned exercise has been undertaken and the findings are built into a robust risk management approach with this new contract.

#### **5.5 Equalities and Diversity**

- 5.5.1 An Equality Impact Assessment was completed prior to the procurement of the services. The procurement of these services does not impact in a negative /disproportionate way on residents.

#### **5.6 Consultation and Engagement**

- 5.6.1 A co-design ethos was used to develop the specification.

## 6. BACKGROUND PAPERS

- 6.1 The Enablement Home Care Commissioning Strategy was agreed by Adults & Safeguarding Committee on 12 November 2015. <https://barnetintranet.moderngov.co.uk/documents/b26450>
- 6.2 Home and Community Support Strategy was agreed by Adults and Safeguarding Committee on 20<sup>th</sup> November 2015. <https://barnetintranet.moderngov.co.uk/documents/b24996>
- 6.3 The procurement of these services was agreed on the Procurement Forward plan on 4<sup>th</sup> November 2013.
- 6.4 Urgency Committee, 17 October 2016, item 9, update on adult social care enablement service, <http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=716&MId=9062&Ver=4>

## 7. DECISION TAKER'S STATEMENT

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

## 8. OFFICER'S DECISION

### I authorise the following action

- 8.1 To award the Enablement contract to Your Choice Barnet as a Strategic Provider for a period of one year with the option to extend on one or more occasions for up to a maximum of four further years subject to satisfactory performance and budget.

Signed Matthew Kendall, Adults & Communities Director

Date 21/11/2016