

	<h2>CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT</h2>
<p style="text-align: center;">Title</p>	<p>Agreement to enter in to a contract with Your Choice Barnet for the provision of extra care services at Ansell Court</p>
<p style="text-align: center;">Report of</p>	<p>Strategic Director for Adults, Communities and Health</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>None</p>
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Summary

This report is required to authorise the Council to enter in to a contract with Your Choice (Barnet) Ltd (YCB) for provision of care and support at Ansell Court Extra Care Scheme for 5 years, with the option to extend for a further period(s) of up to 2 years.

On 10th November 2016, the Adults and Safeguarding Committee agreed for the Council to enter into a formal dialogue with Your Choice (Barnet) Ltd (YCB) to provide care and support services at Moreton Close Extra Care Scheme (now renamed Ansell Court Extra Care Scheme).

As Your Choice (Barnet) Ltd (YCB) is part of The Barnet Group (TBG), a Council-controlled wholly owned trading company, the Teckal exemption applies. This means that the Council can make a direct award of agreement to YCB without a competitive procurement under the Public Contracts Regulations 2015 (PCRs 2015).

Decisions

- 1. To enter into contract with Your Choice (Barnet) Ltd (YCB) for 5 years, from the 11 February 2019 to 10 February 2024, with the option to extend for a further period(s) of up to 2 years for the provision of care and support at Ansell Court Extra Care Scheme.**

1. WHY THIS REPORT IS NEEDED

- 1.1 Your Choice (Barnet) Ltd (YCB) was launched in February 2012 as a Local Authority Trading Company. It provides a range of social care services to residents.
- 1.2 YCB is part of The Barnet Group (TBG) and as a Council-controlled wholly owned trading company the Teckal exemption applies¹ (see paragraph 5.4.1 for further details).
- 1.3 The Adults and Safeguarding Committee Commissioning Plan (2015 – 2020) identified the expansion of extra care housing schemes as a key mechanism for managing demand for residential care places for older people.
- 1.4 In 2014/2015 a small number of potential extra care sites were identified in the borough, including Moreton Close in Mill Hill. Capital funding of £15 million was secured for a Barnet Homes development of 51 units of extra care. The completed site, now renamed Ansell Court (henceforth referred to as such), is scheduled to open in February 2019 and will now provide 53 additional extra care flats.
- 1.5 The Ansell Court Extra Care scheme will have a dementia focus and will be primarily for frailer older people and some younger people with disabilities. Residents will have a housing need together with a social care need.
- 1.6 The aim of Ansell Court is to maximise independence and choice for residents in providing an alternative to residential care. Residents at the scheme will have their own self-contained flat and security of tenure. Ansell Court will provide care and support for people with varying levels of need and support which will be available on-site 24 hours a day.
- 1.7 On 10th November 2016 the Adults and Safeguarding Committee agreed that the Council enter into a formal dialogue with Your Choice (Barnet) Ltd (YCB) to provide care and support services at Ansell Court Extra Care Scheme.
- 1.8 On 1st December 2016 the Policy and Resource Committee agreed the use of the Teckal exemption for Ansell Court Extra Care Scheme under the Council's Procurement Forward Plan for 2017/18.
- 1.9 In 2017 the Council co-produced a service specification for Extra Care provision at Ansell Court with Your Choice Barnet. The specification has been developed in-line with the Adults and Safeguarding Commissioning Plan 2015-2020, Barnet Council's Corporate Plan 2015 – 2020 and The Right Home - Barnet's Strategic Commissioning Plan for

¹ "Teckal" – legal definition relating to a type of shared service, public company structure, arising from the name of a 1999 European legal judgement and subsequent case law.

Adults Accommodation and Support.

- 1.10 Initially the Ansell Court development was due to be completed and ready for residents to move in to by July 2018. However the July completion date was delayed due to issues with the building works and the site is now due for completion in January 2019 with the scheme ready for the first residents to take up residence from 11th February 2019.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Early in its development, it was recognised that Ansell Court would benefit from partnership working between the Council and an expert care provider to ensure innovation in the delivery of care and support, and to maximise the use of the space at the scheme. As Ansell Court is a Barnet Homes development overseen through The Barnet Group, the Council was able to engage with Your Choice Barnet (YCB), the Barnet Group's care provider, to co-produce an enhanced offer with input from the Council, the provider and representatives of service users and carers.
- 2.2 YCB have significant expertise in working effectively with service users who have behaviours that may challenge services due to a proven track record in services for people with learning disabilities. It is anticipated that due to the dementia focus that the Ansell Court Extra Care Scheme will have, the expertise that YCB have in this area will enable them to deliver positive outcomes for service users.
- 2.3 YCB and Barnet Homes will work together to deliver the care and support and housing management services at the Ansel Court Extra Care Scheme. YCB will deliver the care and support service; Barnet Homes will provide the housing management and facilities management at the scheme. A protocol will be put in place between YCB and Barnet Homes, in-line with good practice, to ensure there is genuine separation of the support and the housing functions within the service.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The option to take these services to full Official Journal of the European Union (OJEU) procurement was considered but rejected. This is on the basis that formal dialogue with the Barnet Group achieved the Council's commissioning intentions, whilst avoiding the time and costs of an OJEU procurement, and the close working of Barnet Homes and YCB provides additional value which the Council would have found it more difficult to secure through other arrangements.

4. POST DECISION IMPLEMENTATION

- 4.1 A contract will be issued by HB Public Law for the care and support service.
- 4.2 The completion of the Ansell Court site is scheduled for January 2019.
- 4.3 The contract will be monitored by the Council to ensure that performance meet the requirements set out in the performance framework/Contract.
- 4.4 The Ansell Court mobilisation group, which has representation from Barnet Council and Your Choice Barnet, will continue to meet fortnightly for the six months following the scheme opening. The Ansell Court mobilisation group will continue to:
- Oversee the effectiveness of the referral pathway
 - monitor the number of admissions in to the scheme
 - ensure on-going engagement, communication and promotion of the scheme to staff, service users, their families and other relevant organisations
 - Embed the approach to void management at the scheme to ensure use of the resource is maximised and referrals appropriate

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Corporate Plan 2019 – 2024 set out the Council's vision and strategy for the next five years. One of the three key outcomes is for 'residents to live happy, healthy, independent lives with the most vulnerable protected.' The Corporate Plan sets out that one of the key deliverables to support this outcome is: 'opening new extra care schemes for people that need additional support to remain living independently.'
- 5.1.2 The expansion of extra care provision in partnership with the Barnet Group supports delivery of these priorities. It also supports the priorities of the Joint Health and Wellbeing Strategy (2015 – 2020) and the strategy's themes of wellbeing in the community and care when needed. The expansion of extra care contributes to meeting the commitments of the Dementia Manifesto for Barnet, supporting people with dementia to live a full and active life, and enabling them to live at home for longer.

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

- 5.2.1 The Policy and Resources Committee on 28th June 2016 tasked the Adults and Safeguarding Committee with developing proposals for savings of £15.070m between 2016 and 2020.
- 5.2.1 The Medium Term Financial Strategy (MTFS) savings set out for the Moreton Court Extra Care scheme (now called Ansell Court) was £465m in 2018-2019.
- 5.2.2 These savings will be secured by providing a responsive service that can delay or prevent older people being admitted to residential care. The scheme will contribute to cost avoidance by making available an alternative to residential care, enabling residents to remain in their own home as long as possible as care can be adjusted to respond to

changing needs, reducing the need for costly residential care.

- The care and support service at Moreton Court will have the following components the Council will pay for: **core support** this will ensure that staff members are available 24 hours a day, 7 days a week for background support and emergency care when needed. The core service will be on-site and will ensure that residents'/service users' health and wellbeing needs are met
- **additional care and support hours** provided to residents as defined in their individual care plans devised by social workers.

5.2.3 In 2018/19 the total annual financial forecast spend for all current existing extra care provision in Barnet was £1,085,594.

5.2.4 Regular financial monitoring forms part of the Contract, as does working within the ethos of continuous service improvement. The Provider will be required to evidence key performance indicators that will form part of performance monitoring and contract monitoring which will take place on a quarterly basis

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

5.3.2 The specification for the service requires YCB to expand social value into the wider community through:

- intergenerational initiatives with local schools – leading to befriending and a reduction in social isolation;
- health and social care apprenticeships (local) & graduate programmes;
- digital inclusion initiatives; and
- volunteering.

5.4 Legal and Constitutional References

5.4.1 HB Public Law has confirmed that the so-called “Teckal” exemption (Regulation 12[1]) applies under the PCRs 2015. This exemption allows the Council to make a direct award of a service agreement to YCB without a competitive procurement.

5.3.1. The Teckal exemption is satisfied because:

- Regulation 12(1)(a) – YCB is “controlled” by the Council (as it is the sole shareholder through the Barnet Group). There is a shareholder agreement in place between The Barnet Group and the Council;
- Regulation 12(1)(b) – YCB carries out over 80% of its activities for the Council; and
- Regulation 12(1)(c) – There is no private ownership of YCB

5.4.2 Where a Contract is within Budget, the Council's Constitution Article 10 - Table B Para D (Contract Procedure Rules – March 2018) authorises the award of a Contract, which has received prior authorisation through the Annual Procurement Forward Plan, P&R

Committee by an authorised Chief Officer in consultation with Chairman of relevant theme Committee.

5.5 Risk Management

- 5.5.1 The success of Ansell Court Extra Care will depend on effective partnership working on a number of levels and across a range of stakeholders. Central to this will be effective partnership working between the core agencies of Strategic Housing, Adult Social Care Services, YCB and Barnet Homes to ensure that the appropriate people are referred into the service to ensure that service users receive the right support to support them to step-down from residential or to avoid them escalating to residential care and ensure that the Council will meet its MTFS savings.
- 5.5.2 Places will be allocated through the scheme allocations policy. The allocations policy will ensure that the risk related to void management is minimised and controlled. The allocations policy will be reviewed annually to look at bandings to ensure that these will deliver the aims and outcomes of the scheme.
- 5.5.3 Dementia presents a significant health and social care challenge to the borough. Ansell Court Extra Care scheme will contribute to ensuring that appropriate housing and support is available for people with dementia in Barnet.
- 5.5.4 Dementia is an acknowledged cause of delayed discharge from hospital, where the individual is unable to return to the home from which they were admitted. Ansell Court will provide a further option in such circumstances.

5.6 Equalities and Diversity

- 5.6.1 The core provisions of the Equality Act 2010 came into force on 1st October 2010 and the public sector equality duty (section 149 of the Act) came into force on 5th April 2011. Under section 149, the Council must have due regard to the need to eliminate discrimination, harassment and victimisation prohibited under the Act and to advance equality for opportunity and foster good relations between those with protected characteristics and those without.
- 5.6.1 The protected characteristics are age; disability; race; gender reassignment; pregnancy and maternity; religion or belief; sex; and sexual orientation. They also cover marriage and civil partnership with regard to eliminating discrimination.
- 5.6.2 Any organisation providing public sector services is subject to scrutiny by the Council to ensure that delivery complies with the public sector equality duty.
- 5.6.3 The contract for care and support services at Ansell Extra Care Scheme includes explicit requirements fully covering the Council's duties under equalities legislation. The person-centred approach that has been built in to the specification for care and support services at Ansell Court will enable service users to have choice and control over their day, this will include a choice about the gender of the staff they are supported by, the times of day they are supported and their cultural specific requirements.

5.7 Corporate Parenting

5.7.1 N/A

5.8 Consultation and Engagement

5.8.1 Between October 2015 and January 2016 the Council met with a wide range of stakeholders (including a working group with residents of one of Barnet's current extra care schemes; engagement with carers and social care teams and visiting extra care schemes in other councils) to research good practice in the provision of care and support in extra care housing schemes. This research was used when designing the Ansell Court scheme and in the development of the specification.

5.9 Insight

5.9.1 It is estimated that there are currently over 4,000 people with dementia in Barnet and by 2021 this figure is expected to increase by 24%. People with dementia are usually, at a later stage of the disease, admitted to residential care and Ansell Court will provide an alternative option.

6. BACKGROUND PAPERS

6.1 Appendix 1 of the Annual Procurement Forward Plan (agenda Item 10, line 189 and 190 of the appendix) for 2017/2018 presented to the Policy and Resources Committee on 1 December 2016 which provided approval for the Teckal exemption for Moreton Close <https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=8731&Ver4>

6.2 Adults Safeguarding Committee, 10 November 2016, (agenda Item 9) agreed that the Council enter into a formal dialogue with Your Choice (Barnet) Ltd (YCB) to provide care and support services at Moreton Close Extra Care Scheme <https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=698&MId=8674&Ver=4>

6.3 Housing Strategy and Housing Committee Commissioning Plan, Housing Committee, 19th October 2015 <https://barnet.moderngov.co.uk/documents/s26448/Housing%20committee%20report20housing%20commissioning%20plan%20strategy%20final%20cleared%20report.pdf>

6.3 Funding for an Extra Care Housing Scheme at Moreton Close, NW7 and Advance Acquisitions of Leasehold properties on Regeneration Estates, 21st July 2014 <https://barnet.moderngov.co.uk/documents/s16154/Funding%20for%20an%20Extra%20Care%20Housing%20Scheme%20at%20Moreton%20Close%20NW7%20and%20Advance%20Acquisitions%20of%20Leasehold.pdf>

6.4 Annual Performance Report and the Local Account 2015/16, 13th July 2016 <https://barnet.moderngov.co.uk/documents/s33224/Annual%20Performance%20Report%20and%20Local%20Account.pdf>

6.5 Adults and Safeguarding Business Plan 2016-17 , Adults and Safeguarding Committee, 12 November 2015 <https://barnet.moderngov.co.uk/documents/s27181/Adults%20and%20Safeguarding%20Business%20Plan%202016-2017.pdf>

Chairman of the Adults & Safeguarding Committee

Date: 29th January 2019

Strategic Director for Adults, Communities and Health

Date: 22nd January 2019