



Policy and Resources Committee

9 December 2021

Title	Telecare – Request for a 1-year contract waiver
Report of	Chairman of the Policy and Resources Committee
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	None
Officer Contact Details	Muyi Adekoya, Head of Older Adults Commissioning muyi.adekoya@barnet.gov.uk Conor Maguire, Health and Social Care Commissioner Conor.maguire@barnet.gov.uk

Summary

Barnet Council entered into a contract with Argenti for the provision of care technology services for a period of three (3) years from 1st April 2017 (with the option to extend for an additional two (2) years).

The Argenti care technology service provides Barnet Council with a high quality, innovative offer that uses care technology, monitoring and support to enable people to live as independently as possible within their homes.

The two available contract extension options have been exercised and the contract will come to an end on the 31st March 2022.

This report seeks approval from the Committee to extend the contract with Argenti for a further year via a waiver of the Contract Procedure Rules at a cost of £1,850,000. The additional time granted by the waiver will enable the council to engage with NHS partners to develop integrated services over the longer term.

Recommendations

- 1. That Committee approve a waiver of the Contract Procedure Rules pursuant to Rule 12.1. for the extension of the contract with Argenti for the provision of the Telecare service from 1st April 2022 for the period of one year up to 31st March 2023 at a cost of £1,850,000**

1. WHY THIS REPORT IS NEEDED

- 1.1 In accordance with section 12.1 of the Contract Procedure Rules which states: if the application of these Contract Procedure Rules prevents or inhibits the delivery or continuity of service, Approved Officers (Heads of Service or above) may apply for a waiver. All applications for a waiver of these Contract Procedure Rules must be submitted to Policy and Resources Committee specifically identifying the reason for which a waiver is sought, including justification and risk.
- 1.2 This report seeks the approval from the Committee to waive Contract Procedure Rules in order to extend the care technology service contract with Argenti from 1st April 2022 for the period of one year up to 31st March 2023 at a cost of £1,850,000.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The digital offer within the care technology service was adapted to respond to the change in local needs during the pandemic. The current provider responded well to the challenges, working jointly with social care and health to develop approaches to support increased hospital discharges and delivery of support to those residing in community settings.
- 2.2 The original intention was to work with NHS colleagues to design integrated telecare/technology approaches and seek to commission a new integrated telecare/care technology service. However, the pandemic has meant that the detailed work required to develop this could not take place, as NHS and council staff have been focused on continuing to respond to the need of residents during the pandemic. The additional time granted by the waiver period will enable council commissioners to engage with NHS commissioners to develop and appraise options for joint commissioning and delivery of telecare/care technology.
- 2.3 The pandemic also created the conditions for enhancement and innovation through necessity. The waiver will provide valuable time to explore further some of the examples of emerging good practice and technological advancement spearheaded locally.
- 2.4 These include:
 - 2.4.1 The distribution of iPads to all care homes in the borough, alongside training and support to utilise them effectively for remote consultations. This ensured that in the early weeks and months of the pandemic, care home residents were not

disproportionately impacted by the shift from 'in person', to remote care and consultations across all parts of health and care.

- 2.4.2 The role out of the care home sector pilot utilising using the Whzan Digital Health Monitoring 'Blue Box tool, an 'all-in-one' telehealth case. This cutting-edge technology measures vital signs, records photos and performs multiple assessments and questionnaires, meaning that signs of deterioration or illness are identified earlier. The solution has enabled local GPs and community healthcare services to monitor patients, make recommendations and deliver support remotely. Across London the pandemic has seen an huge upswell in investment into remote monitoring, with remote monitoring in 224 care homes covering a population of more than 7,000 residents.
- 2.4.3 The development of a new oxygen saturation monitoring service, through which council staff and resident volunteers delivered a mobile device to help Covid 19 symptomatic patients in their own homes. This device allowed residents to measure their oxygen saturation levels at home, allowing their GP to remotely monitor their condition. This programme was also winner of a regional NHS Parliamentary ward for innovation in primary care
- 2.5 In addition to enabling officers to develop and build on these new solutions with NHS partners, the extension of the Telecare contract with the current provider will also support the build and mobilisation of the new extra care scheme in Barnet.
- 2.6 Stagg House, a 51-unit development in Burnt Oak, is due to open in July 2022. The extension of the contract will enable the current provider Argenti to continue the work with both the construction company and Barnet Homes to support defining the assistive technology options that will be included in the extra care scheme during the build phase.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Allow the contract to cease after the contract term (31st March 2022). This option is not recommended. Telecare helps vulnerable residents and provides them and their family/carer with the reassurance that they can get help in an emergency. It is a key mechanism to support people to remain living independently for longer. The continuation of this contract will provide people with a range of technology to ensure personalised services.
- 3.2 Recommission the Telecare service with current specification. This option was not recommended. The one-year waiver period will allow time to further work with the NHS to develop integrated options and support the development of national requirements for integrated care systems.

4. POST DECISION IMPLEMENTATION

- 4.1 Following approval of the recommendation, a contract variation will be implemented.
- 4.2 Re-procurement initiated: Communications and Engagement activities will be initiated to support the upcoming procurement. A project team will be mobilised to

support the programme of work which will involve discussions with health colleagues, market engagement, and dialogue with service users and practitioners to inform the development of the new service specification.

- 4.3 The performance of the service will be monitored continuously through the Care Quality Team monitoring process.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan for 2021 to 2025 sets out the vision and strategy for the next 4 years. This includes:

- **Clean, safe and well run:** a place where our streets are clean and antisocial behaviour is dealt with so residents feel safe. Providing good quality, customer friendly services in all that we do
- **Family Friendly:** creating a Family Friendly Barnet, enabling opportunities for our children and young people to achieve their best
- **Healthy:** a place with fantastic facilities for all ages, enabling people to live happy and healthy lives
- **Thriving:** a place fit for the future, where all residents, businesses and visitors benefit from improved sustainable infrastructure & opportunity

Telecare/care technology supports the aim of “enabling people to live happy and healthy lives”.

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

- 5.2.1 The original term for the Telecare service is 3+1+1 years. The option to extend both 1-year extensions has now been exercised.

- 5.2.2 The estimated value of the total contract (including both extension terms) is £6,888,221.

- 5.2.3 The demand for care technology has continued to grow over the lifetime of the current contract. Care technology is routinely considered prior to offering other types of care services for people.

- 5.2.4 The proposed one-year waiver financial projection is based on the anticipated increase in demand for and cost of telecare equipment, along with further enhancements to digital technology. The cost of the one-year extension is estimated at £1,850,000, which will be funded by from the existing adult social care budget.

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.

5.3.2 Therefore, prior to initiating a procurement process, commissioners should consider whether and how the services they procure or the procurement methodology could secure additional value and benefits for their area or stakeholders.

5.3.3 This approach is being employed in developing the proposed model for future delivery of telecare and assistive technology

5.4 Legal and Constitutional References

5.4.1 Public procurement rules apply to the commissioning of this contract and the Council's Contract Procedure Rules (CPR) will be applied in resolving this matter.

5.4.2 Pursuant to the Public Contracts Regulations 2015 (PCR), Regulation 72(1) Contracts and framework agreements may be modified without a new procurement procedure in certain circumstances. Regulation 72(1) (c) *permits a modification where all of the following conditions are fulfilled: —*

- (i) *The need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;*
- (ii) *The modification does not alter the overall nature of the contract;*
- (iii) *Any increase in price does not exceed 50% of the value of the original contract or Framework agreement.*

5.4.3 The current proposed extension complies with these requirements and is therefore PCR compliant.

5.4.4 The extension is also subject to paragraph 11 of the CPR. Paragraph 11.4 states that in addition to the requirements of Regulation 72 PCR, contracts may only be extended or varied if they meet all the conditions set out therein, including the requirement that; *'if the initial Contract was subject to an EU regulated tender procedure, that the extension option was declared within the OJEU contract notice and the original Acceptance report (Delegated Powers Report/relevant Committee Report)'*. This condition cannot be met since the original procurement did not factor in this additional year. It is therefore necessary to seek a waiver of the CPR in accordance with paragraph 12 of the same. This requires all applications for a waiver to be submitted to Policy and Resources Committee, specifically identifying the reason for which a waiver is sought, including justification and risk. In addition, it states that a *'waiver should only be granted for a maximum period of 12 months, except in exceptional case'*.

5.4.5 Under section 12.1 of the Contract Procedure Rules (CPR) which states: If the application of these Contract Procedure Rules prevents or inhibits the delivery or continuity of service, Approved Officers (Heads of Service or above) may apply for a waiver. All applications for a waiver of these Contract Procedure Rules must be submitted to Policy and Resources Committee specifically identifying the reason for which a waiver is sought, including justification and risk.

5.4.6 The provision of Telecare service is in line with the duties of the Council under the Care Act 2014 in providing choice to residents, preventing or reducing needs and promoting a resident's well-being.

5.5 Risk Management

5.5.1 The extension addresses the risk of the council approaching the market with a specification that would not accurately reflect the changing requirements of Barnet's residents and the acceleration of digital transformation the pandemic has brought into the Telecare market.

5.5.2 Service Provision: The existing provider has been consistent with the delivery of the service throughout the contract. The provider has continued to develop the service offer to meet the needs of Barnet residents, evident from the COVID-19 pandemic response to service delivery.

5.5.3 Service Performance: The provider has satisfactorily met all the KPIs identified each year to date and has continued to meet the cost avoidance targets set by the council year on year.

5.5.4 To avoid any risks to implementing the waiver to the contract, the council will follow a project management approach, which will include the recording and management of risks as set out in the supporting plans.

5.5.5 The performance of the service will continue to be monitored through the quarterly Care Monitoring process

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.

5.6.2 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.

5.6.3 Any organisation providing public sector services is subject to scrutiny by the Council to ensure that delivery complies with the public-sector equality duty.

5.6.4 The contract for this service includes explicit requirements fully covering the Council's duties under the Equality Act 2010.

5.6.5 The Telecare service has a positive impact on people with protected characteristics, namely supporting the independence of people with disabilities or age-related frailty.

5.6.6

5.7 Corporate Parenting

5.7.1 None in the context of this report.

5.8 Consultation and Engagement

5.8.1 The extension of this contract will allow sufficient time to safely engage with service users and practitioners to understand how their requirements may have changed as a result of the pandemic and to effectively plan for a Telecare service to respond to the increasing demand.

5.9 Insight

5.9.1 Not Applicable

6. BACKGROUND PAPERS

DPR	To exercise the options to extend contract for two (2) years.	HTTPS://BARNET.MODERNGOV.CO.UK/DOCUMENT/S/S58842/8115551%20-%20PUBLIC%20DPR%20-%20EXTENSION%20OF%20TELECARE%20CONTRACT%20-%20LEGAL%20AMENDS_.PDF#:~:TEXT=APPROVAL%20OF%20EXTENSION%20OF%20THE%20TELECARE%20SERVICES%20CONTRACT,AFFAIRS%20OF%20THE%20COUNCIL%20AND%20AGE%20UK%20BARNET.
DPR	To approve the procurement of a new Telecare provider	Telecare June 16 Committee Report.pdf (moderngov.co.uk)
REPORT	Annual Procurement Forward Plan 2020/21	https://barnet.moderngov.co.uk/documents/s56940/Appendix%201%20Annual%20Procurement%20Forward%20Plan%20202021.pdf