



Cabinet

Title	Integrated Community Equipment - Direct award service provision to the London Consortium via a waiver of the contract procedure rules
Date of Decision	12 December 2023
Report of	Dawn Wakeling, Executive Director – Adults and Health
Wards	All
Status	Public
Urgent	No
Appendices	Appendix A – Delegated Powers Report - Community Equipment
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Summary

Barnet and Brent Councils along with North Central London (NCL) and North West London (NWL) Integrated Care Boards (ICBs) commissioned integrated community equipment service from Millbrook Healthcare via a framework managed by the London Borough of Barnet. The total contract value was circa £16.1m with an annual contract value £3.2m, variable, dependant on activity.

Millbrook Healthcare were awarded the current contract on 1st September 2021 for four years following a competitive tender process. The COVID pandemic adversely affected the providers ability to source equipment resulting in the development of a backlog of referrals for service deliverables to residents.

On 1st March 2023 Millbrook Healthcare formally confirmed their intentions to exit the current contract; a contract end date of 31st July 2023 was agreed by all parties.

Commissioners subsequently liaised with procurement, legal and carried out detailed market research regarding alternative service providers. Following this the decision was taken in June 2023 to join the London Consortium integrated equipment service framework via a waiver of contract procedure rules; the equipment provider is NRS Healthcare.

Decisions

- 1. To note the decision taken under delegated powers to agree a waiver of the Contract Procedure Rules pursuant to Contract Procedure Rules 12.2 to authorise the direct award of the Integrated Community Equipment contract to the London Consortium framework at an annual contract value of £3.2m, effective 1st August 2023**

1. Reasons for the Recommendations

- 1.1 LBB has a statutory duty to meet the care needs of vulnerable adults and children, within the borough, who have special health and social care needs in relation to equipment supply. This provision is based on assessment of need. Adults Social Care is required, in partnership with NCL ICB (where necessary), to provide this equipment.
- 1.2 Community equipment is a key enabler for both the council and the North Central London Integrated Care Board (NCL ICB), supporting the delivery of both statutory requirements and services as well as key outcomes.
- 1.3 On 1st March 2023 Millbrook Healthcare formally confirmed their intentions to exit the current contract; a contract end date of 31st July 2023 was agreed by all parties.
- 1.4 Following this, the decision was taken under delegated powers to join the London Consortium integrated equipment service framework via a waiver of the contract procedure rules, effective 1st August 2023.
- 1.5 As per 12.2 of the Contract Procedure Rules, Approved Officers may take decisions on emergency matters (i.e., an unexpected occurrence requiring immediate action) in consultation with the Leader providing they report to the next available Cabinet meeting.
- 1.6 As required under the Contract Procedure Rules, this decision is presented to this meeting of cabinet for noting.

2. Alternative Options Considered and Not Recommended

- 2.1 n/a – these are provided in the main report (Appendix 1)

3. Post Decision Implementation

- 3.1 Following approval to award this contract Commissioners and the Care Quality team oversee the Mobilisation of the new service which commenced on the 1st August 2023.
- 3.2 Due to the framework nature of the Consortium, overall service delivery is managed centrally by the Consortium commissioning team in the Royal Borough of Kensington and Chelsea however local performance of the service will be monitored continuously through the Care Quality Team monitoring process.
- 3.3 The Council's Care Quality Team will continue to work closely with the service provider to ensure that it consistently delivers a high- quality service to the residents in Barnet. This will include regular service reviews as part of proactive performance management.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

4.1 This decision supports the following Council's corporate priorities as expressed through the Corporate Plan for 2023-2026, which sets out the vision and strategy for the next five years based on the core principles of fairness, responsibility and opportunity, to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life;
- Where people are helped to help themselves, recognising that prevention is better than cure;
- Where responsibility is shared, fairly; and
- Where services are delivered efficiently to get value for money for the taxpayer.

Corporate Performance / Outcome Measures

4.2 N/A

Sustainability

4.3 N/A

Corporate Parenting

4.4 In line with the Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. This decision has no implications for the council's corporate parenting obligations.

Risk Management

4.5 The risks of not implementing this decision include:

- Failure to approve the waiver will require a full procurement, which will not be completed in time for a new provider is able to deliver the service before the current contract ends. This will see people placed at risk as their equipment orders will not be fulfilled.
- Reputational damage – allowing the current contract to expire without a new contract in place to continue delivering a services result in reputational damage to the Council and the ICB.

Insight

4.6 The provision of Community Equipment is consistent with the council's strategic objectives. The recommended waiver will ensure the service continues to meet the needs of Barnet residents by supporting them to regain and maintain their independence, thereby enabling them to live fuller lives within the community.

Social Value

- 4.7 The Public Services (Social Value) Act 2012 requires that consideration is given for above threshold (currently £213,477) service contracts to secure benefits for the community, environment and value for money for the London Borough of Barnet as follows:
- How what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area; and
 - How, in conducting the process of procurement, it might act with a view to securing that improvement.
- 4.8 Integrated community equipment services are of direct benefit to the community by improving the wellbeing and independence of residents

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

- 5.1 The costs of the service are met from the existing integrated community equipment budget, estimated to be £3.2m gross per annum, dependent on demand and the share of equipment recharged to NCL ICB.
- 5.2 There are additional costs associated with joining the London Consortium. These include a one-off joining fee of £37,000 and an annual membership fee which for 2022/23 was £9,450. (*The annual membership fee is currently being reviewed and will change if the review recommendations are accepted, until then the membership fees will attract an annual inflationary uplift*). The membership fee funds the activity of the central Consortium commissioning team.
- 5.3 The London Consortium have confirmed that there are no additional management fees associated with joining the consortium. There may be additional costs associated with tackling the backlog as a priority in the first 30 days of the new service being in place. These costs are dependent on the size of the backlog at the time of transition from Millbrook to the Consortium.

6. Legal Implications and Constitution References

- 6.1 In accordance with 5.4 of the Contract Procedural Rules, where the Council accesses an existing Framework Agreement, the Framework Agreement terms and conditions of contract will be used, amended as appropriate as permitted by the Framework Agreement. Before entering into a Framework Agreement, due diligence check must be carried out to demonstrate that the Council can lawfully access the Framework Agreement.
- 6.2 The London Consortium framework ('the Framework') is a compliantly procured framework which has been established in compliance with the Public Contract Regulations 2015. The Framework is available for the local authorities who are existing or may become future members of the London Community Equipment Consortium. As a consortium member, the Council will be entitled to call-off from the Framework.
- 6.3 As per 12.2 of the Contract Procedure Rules, Approved Officers may take decisions on emergency matters (i.e., an unexpected occurrence requiring immediate action) in consultation with the Leader providing they report to the next available Cabinet meeting.

6.4 As required under the Contract Procedure Rules, a copy of the decision taken under delegated powers to agree the waiver is now being reported to this Cabinet meeting.

6.5 The authority sought by the delegated powers report and this Cabinet report complies with the Council's Contract Procedure Rules and the Public Contract Regulations 2015.

7. Consultation

7.1 Not applicable

8. Equalities and Diversity

8.1 The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- advance equality of opportunity between people from different groups.
- foster good relations between people from different groups.

8.2 Council officers will utilise the available contractual levers to ensure that providers and suppliers abide by the statutory requirements of the Equality Act 2010 by integrating considerations of equality into day business and keeping them under review in decision-making, the design of policies and the delivery of services.

8.3 The London Consortium service provider was required to demonstrate their compliance with the Equality Act 2010 as part of the tender process.

8.4 An Equalities Impact Assessment is not required.

9. Background Papers

9.1 None