

Contains Confidential or Exempt Information	NO
Title	Contract for care services at extra care sheltered housing schemes – Adult Services
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Portfolio(s)	Cllr Hitesh Tailor Health and Adults Services
For Consideration By	Cabinet
Date to be considered	15 th September 2015
Implementation Date if Not Called In	28 th September 2015
Affected Wards	All
Keywords/Index	Procurement, Domiciliary Care, Home Support, Framework Contracts, Dynamic Purchasing Systems, WLA, Extra Care Sheltered Housing

Purpose of Report:

This report seeks approval of the proposals for commissioning & procurement of home support services for vulnerable adults at the Moorlands extra care sheltered housing scheme and the Turnberry court extra care sheltered housing scheme. Authority is sought to undertake a mini competition from the WLA Home Support Framework for two separate contracts; to invite and evaluate tenders via a mini competition, and subsequently to award contracts for Domiciliary care (home support) Framework contracts specifically for Extra Care sheltered housing for each premises.

1. Recommendation

It is recommended that Cabinet:

- 1.1 Authorises running mini competitions for domiciliary care (home support) at Moorland Court and Turnberry Court using the WLA Home Support Framework.
- 1.2 Delegates authority to the Executive Director Children and Adults to award a contract to the most economically advantageous tenderer for each premises

via a mini competition from the WLA Home Support Framework following consultation with the Portfolio Holder for Health and Adults Services.

2. Reason for Decision and options considered

- 2.1 Ealing Council has a statutory duty to provide social care services to eligible service users based on an assessment of their needs. The provision of Home Care services to residents in Extra Care sheltered housing is in response to assessed need.
- 2.2 Adults' Services currently has contractual arrangements with two Home Care providers which are due to expire on 2nd September 2015 at Moorland Court Extra Care Sheltered Housing scheme and 30 March 2016 at Turnberry Court Extra Care Sheltered Housing scheme. These providers are Care UK (taken over by Mears in June 2015) at Moorland Court and Notting Hill Housing Association at Turnberry Court. The Director of Adults' Services has authorised the extension of the contract at Moorlands Court to February 2016 to allow for the procurement of the replacement contract using the WLA Framework agreement.
- 2.3 The WLA Home Support Framework Agreement started on 1st October 2014. This Framework Agreement was established by Brent as lead authority who procured the Framework Agreement following a competitive tendering process on behalf of itself and the other WLA boroughs. Each of the West London local authorities can procure a provider for a particular extra care sheltered housing scheme by holding a mini-competition from the Framework Agreements.
- 2.4 The needs of residents in the Extra Care Sheltered Housing Schemes require the availability of home care provision 24 hours a day seven days a week and cannot be adequately procured by using a direct award through the call off arrangement as this does not provide 24 hours a day service provision. Cabinet are now asked to authorise the use of the WLA Home Support Framework for a mini competition to procure home care services and to delegate authority to the Executive Director of Children and Adults Services to award a contract for each premises following consultation with Portfolio Holder for Health and Adults Services.

3. Key Implications

- 3.1 Cabinet on 22nd October 2013 authorised Ealing Council to enter into an access agreement for and use the WLA Home Support Framework, delegating authority to the Executive Director of Children and Adults Services to award call-off contracts as required from the WLA Home Support Framework following consultation with Portfolio Holders for Children and Adults. As a result Ealing is a named party on the Brent lead procurement of the home support framework. The WLA framework agreement includes 6 lots for various services beyond those of the original framework agreement, these are:
- Lot 1 - Personal care and home support services for adults in the community.
 - Lot 2 - Extra care and supported housing domiciliary care and support services.

- Lot 3 - Reablement services and therapeutic approaches.
- Lot 4 - Children's services including transition services.
- Lot 5 - Community nursing and integrated health and social care home based care.
- Lot 6 - Housing Related Support

3.2 Officers now propose to undertake a mini competition using the providers registered on Lot 2 - Extra care and supported housing domiciliary care and support service. This will be undertaken through the use of the Due North Portal for the submission of tenders. We anticipate that the existing WLA Lot 2 providers will submit tenders for the Extra Care Sheltered housing service.

3.3 The new contracts for Extra Care sheltered housing will allow for four years with an option to extend for up to two years from the date the contract commences.

3.4 Cabinet is requested to authorise accessing the WLA Home Support Framework contract to undertake the mini competitions and to delegate authority to the Executive Director of Children and Adults Services to award a contract for each premises from the WLA Home Support Framework in consultation with the Portfolio Holders for Health and Adults Services.

3.5 Applicants will be invited to tender by a specified date and time. A panel of council officers will evaluate the responses against pre-set criteria with the most suitable applicant being awarded the contract. The tender award criterion for this tender will be based on the 'most economically advantageous' tender. This process will be applied separately for each premise.

3.6 The Moorlands Court Extra Care contract will be tendered first to ensure that the new service is stable and operating successfully. The new Moorlands contract will be in place by 2 February 2016. The Turnberry Court Extra Care contract will follow with the new contract in place by April 2016.

4. Financial

4.1 Financial impact on the budget

4.2 New contracts for Extra Care Sheltered Housing home care at Moorlands Court will take effect in the 2015/16 financial year and financial implications will be managed within the relevant directorate budgets set for 2015/16 following the budget setting process. New contracts for Extra Care Sheltered Housing home care at Turnberry Court will take effect in the 2016/17 financial year.

4.3 Financial cost pressures are anticipated due to:

(1) Inflationary increases in the cost of home support

(2) The potential impact of the home care providers benchmarking wages to the London Living Wage.

4.4 The current contract price for Moorlands Court was offered in 2007, and the terms of the contract did not allow for automatic inflationary uplift for the duration of the contract. Similarly, the current contract price for Turnberry court was offered in 2012, and the terms of the contract did not allow for automatic inflationary uplift for the duration of the contract. We expect, therefore, that the rates offered in forthcoming tenders may include inflation. This inflationary pressure will be applied to all new contracts for care commissioned from the WLA framework. The use of a mini competition using the WLA framework is the most cost effective way to deliver this statutory service.

4.5 The Home Care budget in Adults' Services Extra Care sheltered housing is currently approximately £0.6m.

5. Legal

5.1 Under the Care Act 2014 the Council is required to assess the care and support needs of individuals. If a person has needs which meet national minimum eligibility criteria and the conditions in S 18 or S20 of the Act are met the Council must work with the individual to draw up a plan for meeting them. The plan will include the personal budget of the individual.

5.2 Local Authorities are under a duty to promote the wellbeing of adults with care and support needs including so far as relating to control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided).

5.3 The proposed contractual arrangements allow an individual who wishes to exercise their entitlement to request direct payments to purchase their own support by making their own contractual arrangements. This risk is addressed through the financial modelling arrangements whereby one part of the service for 24 hour presence in the extra care sheltered housing scheme is paid irrespective of the number of individuals receiving the home care service from the provider, this set amount does not change. The second part is of the service relates to the actual hours of care provided to individuals resident within the extra care sheltered housing scheme which is variable depending on the needs and number of residents.

5.4 S 149 Equality Act 2010 requires public authorities to have due regard to the need to—

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 5.5 The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
- 5.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 5.7 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 5.8 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) Tackle prejudice, and
 - (b) Promote understanding
- 5.9 Compliance with the duties in this section may involve treating some persons more favourably than others.
- 5.10 The law requires that this duty to pay 'due regard' is demonstrated in the decision-making process. Public authorities must be able to demonstrate that decisions, including financial decisions are made in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through
- assessing the impact that changes to policies, procedures and practices
 - Could have on different protected groups and, where possible, identifying methods for mitigating or avoiding any adverse impact on those groups.
- 5.11 The mini competition tender process for each premises will follow the process outlined in the framework agreement which will be in compliance with the Public Contracts Regulations 2006 which apply to this framework and therefore also in compliance with the Councils Contract Procedure Rules.

6. Value for Money

- 6.1 Collaborative procurement, savings from WLA framework. Through working together the participant councils through the WLA supported programme have achieved financial savings or avoided upwards cost pressures. This joint commissioning and procurement is designed to deliver value for money through maximizing joint procurement opportunities, which also provide an effective market management strategy.
- 6.2 The programme uses a variety of procurement techniques and processes to make best use of the councils' collective purchasing power. These include:
- a restricted tender processes to address the home care markets
 - creation of an approved list for Home Care Maximising access to range of quality assured home support focused on customer needs
 - Home support improves independence to help people to remain at home reducing the need for more complex/costly residential packages

7. Sustainability Impact Appraisal

Not applicable to sustainability objectives.

8. Risk Management

- 8.1 Financial risks will be managed through the budget setting process and through effective commissioning of packages of care within the 2015/16 directorate budgets.
- 8.2 The proposed contractual arrangements allow an individual who wishes to exercise their entitlement to request direct payments to purchase their own support by making their own contractual arrangements. This risk is addressed through the financial modelling arrangements whereby one part of the service for 24 hour presence in the extra care sheltered housing scheme is paid irrespective set amount does not change. The second part is of the service relates to the actual hours of care provided to individuals resident within the extra care sheltered housing of the number of individuals receiving the home care service from the provider, this is variable depending on the needs and number of residents.
- 8.3 Contract risks will be managed through adherence to Contract Procedure Rules, management of procurement timetables.
- 8.4 Care and Quality risks will be managed through assessment the procurement processes, and through on going contract and compliance monitoring.

9. Community Safety

Not applicable to community safety objectives.

10. Links to the 6 Priorities for the Borough

10.1 The procurement of home support services for vulnerable adults and children supports the following strategic priorities:

- Making Ealing Safer
- Securing Public Services
- Delivering Value for Money

11. Equalities, Human Rights and Community Cohesion

11.1 Equalities considerations are taken into account through equality assessments in procurement processes, with separate EAs conducted for each procurement exercise, ensuring that detailed consideration will be given to the specific impacts of decisions.

12. Staffing/Workforce and Accommodation implications:

None

13. Property and Assets

There are no property implications.

14. Any other implications

None

15. Consultation

Consultation with the Adults Senior Management Team, Service Managers and Commissioners, Contracts Managers, the legal and finance departments, the SPU and Boroughs participating in the WLA Adults Services Programme.

16. Timetable for Implementation

TIMESCALE FOR MOORLAND COURT CONTRACT TENDER	DATE
Period of Tender application and evaluation	Up to 27/10/2015
Contract starts – new Provider on site	01/2/2016

TIMESCALE FOR TURNBERRY COURT CONTRACT TENDER	DATE
Period of Tender application and evaluation	Up to 4/1/2016
Contract starts – new Provider on site	4/4/2016

17. Appendices

None

18. Background Information

Cabinet report on 22nd October 2013 authorising Ealing Council to enter into an access agreement for and use the WLA Home Support. Item 10

<http://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/100/Committee/3/Default.aspx>

Consultation (Mandatory)

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Louella Harteam	Head of Strategic Procurement & GBSC	1st August	15/7/15	throughout
Donna Creffield	Contracts Lawyer	13/7/15	15/7/15	throughout
Jane Batalona	Head of Social Care Legal	1st August	5/8/15	throughout
Stephen Day	Director of Adults' Services	1st August	27/8/15	throughout
Judith Finlay	Executive Director of Children and Adults Services	1st August	27/8/15	throughout
Jonathan Scholtz	Finance Manager, Adults	1st August	13/8/15	throughout
External				
Hari Pillai	West London Alliance	1 st August		No comments

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	
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