

Notice of Non-key Executive Decision

Subject Heading:	Approval for Providers to join the Active Homecare Framework during the 5 year term in Havering
Cabinet Member:	Councillor Wendy Brice-Thompson, Cabinet member for Adult Services and Health
CMT Lead:	Barbara Nicholls, Director for Adult Services
Report Author and contact details:	Ben Campbell, Commissioning Manager, 01708 433018 ben.campbell@havering.gov.uk
	The Havering Adult Social Care Market Position Statement 2015, states the Council's commitment to work with providers to develop homecare that provides:
Policy context:	'...Positive outcomes for adults with care needs in preventing the worsening of their condition, looking to re-able and rehabilitate individuals where it is possible.'
Financial summary:	The Council currently spends approximately £9,460,560 per year on homecare. The potential value of this new homecare framework over five years would be £47,302,800
Relevant OSC:	Individuals
Is this decision exempt from being called-in?	Yes, this is a non-key decision by a member of staff

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The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input checked="" type="checkbox"/>
Residents will be proud to live in Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This Executive Decision follows the Cabinet paper, 21 September 2016, seeking approval to establish the Active Homecare Framework for the placement of packages of homecare in Havering and delegating authority to the Director of Adult Services to approve providers to join the framework.

This Executive Decision is seeking approval from the Director of Adult Services for successful providers to join the Active Homecare Framework during its 5 year term, following a competitive tendering exercise.

14 Providers described below are recommended to join the Active Homecare Framework from 30 January 2017. Thereafter, approval is sought from the Director of Adult Service to permit the Joint Commissioning Unit to manage the Active Homecare Framework and allow further providers on the framework during its 5 year term following a tender process.

The Active Homecare Framework will commence from 30 January 2017 for a term of five years.

AUTHORITY UNDER WHICH DECISION IS MADE

Delegated authority to the Director of Adult Services contained in the approved Cabinet paper from 21 September 2016. Below is the text from the Cabinet paper:

Delegate authority to the Director of Adult Services to take all necessary steps to set up the Dynamic Purchasing System to be known as the Active Care Framework in accordance with the Public Contract Regulations 2015 (the Regulations) and the Council's Contract Standing Orders (CSO), including but not limited to agreeing a specification for the service, approval of and dismissal of providers, approval of contract terms, setting quality requirements and considering any necessary Equality Impact Assessment and implementing any changes required by it.

STATEMENT OF THE REASONS FOR THE DECISION

The current homecare framework commenced in 2013 and ceases on the 27 January 2017. This framework has failed to deliver the required homecare capacity (i.e. availability of staff) intended within the model. This led to adult social care experiencing difficulties in setting up packages of homecare. To place packages of care the Council has had to increasingly spot purchase care from homecare providers outside the framework.

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To resolve these issues we are establishing a new Active Homecare Framework (AHF). This will give the Council and homecare providers greater flexibility and ensure that all homecare is procured and evaluated in the same way to provide excellent quality homecare to Havering residents.

AHF is our description for a new type framework which is similar to a standard framework agreement. It allows a number of providers to be appointed to deliver services of a similar nature by successfully completing an evaluation process. It is active in that providers can easily join the framework at any time by successfully completing the evaluation process. It is also active in that the Council can modify how the AHF is applied in the future, providing this has been made clear to all. (This process is known under EU Procurement law as a Dynamic Purchasing system (DPS)).

The Council's Brokerage team will seek bids for all new packages of homecare to all eligible Providers on the AHF. This will detail each individual's care and support requirements, outcomes and when the care package needs to start. The first Provider to positively respond to the bid will be offered the package.

Evaluation

The AHF has been procured in accordance with EU and domestic legislation and the Council's Contract Procedure Rules.

The Council placed a call for competition in the Official Journal of the European Union (OJEU) to make known the intention to establish the AHF. Following this the Council issued a suite of documents setting out Havering's specified model for delivering homecare, the quality requirements, selection criteria, how the AHF will operate, the value, requirements and approximate quantities. These documents will remain available throughout the life of the contract.

In order to establish the AHF interested Providers were invited to submit an application and given four weeks to respond. Submitted applications were evaluated against a set quality criteria. This assessed Providers knowledge, experience and expertise in delivering homecare. This is explained in more detail below.

Quality Criteria

Providers wanting to join the AHF were required to apply to join through the Council's procurement-tendering portal; capitalEsourcing. Through this portal Providers were required to supply information about their business, their experience, business probity and insurances. Providers were required to answer a number of questions about the business which formed the Qualification Envelope using the latest Standard Selection Criteria as recommended by the Crown Commercial Service. The Qualification Envelope covers areas for discretionary and mandatory exclusion and clearly explains what those are.

In addition to the Standard Selection Criteria Providers were also required to answer questions about their experience of delivering care and support, current CQC rating and whether they had ever defaulted on a contract resulting in a client terminating the contract prematurely. The Qualification Envelope also required Providers to submit

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copies of specific policies; Safeguarding, Safer Recruitment and Medication. These policies were evaluated by leads from the Quality team, Safeguarding and Commissioning according to an agreed set of measures described in the Service Specification. A failure in any part of the Qualification Envelope resulted in the Technical Envelope not being evaluated.

The Technical Envelope, also known as Method Statement questions, is where the Council determined whether the Provider had the required skills and ability to deliver the service as specified within the Contract documents. There were 10 questions with an equal weighting covering staffing, service delivery, quality, outcomes and safeguarding. Provider responses were evaluated by a panel consisting of representatives from Adult Commissioning, Quality team, Brokerage, Social Work leads and moderated by Senior Category Specialist – Adults, Strategic Procurement Unit. Providers were required to achieve an average minimum score of at least 40% for any one method statement response and an average overall minimum score of at least 60% for the technical envelope to be considered eligible to join the AHF.

Price

There was no evaluation of price as all homecare will be paid at the agreed Havering standard hourly rate, as stated in the contract. However, as part of the evaluation, Providers were required to indicate how they would convert the higher hourly rate paid by the Council into a higher comparative payment rate for carers in Havering so that recruitment will be enabled. This included how much front line care staff would be paid for both delivering care and for travel between appointments.

Summary Evaluation Scores

Provider	Qualification Envelope basic compliance	CQC requirement	Policies at required standard	Evaluation question responses met the required standard
1	Pass	Fail	-	-
2	Pass	Pass	Pass	Pass
3	Pass	Pass	Fail	Fail
4	Pass	Pass	Pass	Pass
5	Pass	Pass	Pass	Pass
6	Pass	Pass	Pass	Pass
7	Pass	Pass	Fail	Fail
8	Pass	Pass	Pass	Pass
9	Pass	Fail	-	-
10	Pass	Fail	-	-
11	Pass	Pass	Fail	Fail
12	Pass	Pass	Pass	Pass
13	Pass	Pass	Pass	Pass
14	Pass	Pass	Fail	Fail
15	Pass	Fail	-	-
16	Pass	Fail	-	-

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17	Pass	Pass	Pass	Pass
18	Pass	Pass	Pass	Pass
19	Pass	Pass	Pass	Pass
20	Pass	Pass	Fail	Fail
21	Pass	Pass	Fail	Fail
22	Pass	Pass	Pass	Pass
23	Pass	Pass	Pass	Pass
24	Pass	Fail	-	-
25	Pass	Pass	Pass	Pass
26	Pass	Pass	Pass	Pass
27	Pass	Pass	Fail	Fail

Following the completion of evaluation we recommend Providers 2,4,5,6,8,12,13, 17,18,19,22,23,25 and 26 are approved to join the AHF from commencement on 30th January 2017. Providers approved to join the framework will be issued with a contract. Following this those Providers on the AHF will be able to bid to deliver any individual package of homecare advertised. This is the call off from the framework.

Feedback will be offered to unsuccessful bidders and they will have the opportunity to reapply.

OTHER OPTIONS CONSIDERED AND REJECTED

Reasons for the decision:

This decision is required as the current framework agreement for homecare is due to expire therefore the Council needs to establish a new way of purchasing homecare from 30 January 2017 onwards. Establishing a AHF will ensure that all homecare providers have been quality assured and evaluated in the same way and offer greater flexibility to make changes and add new providers in the future.

Other options considered:

Option a) Introduce a standard framework agreement.

Procuring homecare through a standard framework agreement would not offer the same levels of flexibility. If providers were unable to deliver the required levels of homecare in the future we would not be able to introduce new providers to the framework. We would also not be able to make changes such as varying the quality threshold or focusing on the outcomes of the care delivered.

Option b) Continue spot purchasing.

Spot purchasing homecare would put the Council at risk. This would mean spending significant level of funding without following a standardised procurement process which is not fair and transparent to all.

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Option c) Do nothing

The other option would be to do nothing. This is not a viable option due to the issues raised in this report.

PRE-DECISION CONSULTATION

Cabinet paper from 21 September 2016

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: John Green

Designation: Head of Joint Commissioning

Signature:

A handwritten signature in black ink, appearing to read 'John Green', with a small mark to the right.

Date: 11.1.17

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

There is a statutory duty to provide care and support to adults in need as provided under the Care Act 2014, sections 18-19. Further section 8 of such Act provides for the way in which the Local Authority can do this: (1) (b) care and support at home or in the community.

Here the expenditure on care utilising the Active Homecare Framework set up by the Council is estimated at £47,302,800.00 during the five year term. Due to problems experienced in the past in providing homecare which led to extensive spot purchasing Officers have set up a Dynamic Purchasing System in accordance with the Council's Contract Procedure Rules (CPRs), Financial Regulations and EU legislation. Such action permitted by way of Cabinet Report dated 21 September 2016.

The AHF has been designed and published in consultation with the Manager Senior Category Lead – Adults, Social Care Procurement and Senior Procurement Adviser, Strategic Procurement Unit, OneSource.

Here Officers seek delegated authority from The Director of Adult Services for the Joint Commissioning Unit to manage the Active Homecare Framework during its 5 year term firstly starting with the submission of 14 providers on 30 January 2017.

For the purpose of this decision it is important to note that the Public Procurement Regulations, Public Contract Regulations 2015 provide that any call for competition must make it clear that a DPS is involved and must offer unrestricted and full access to the procurement documentation (this has been done by way of OJEU Notice dated 8th December 2016 for the duration of the DPS. Officers of both the Procurement teams and Officers of the Service area must ensure that such access to procurement documents is available during the 5 year term of the Active Homecare Framework. Strategic Procurement Unit.

Terms and Conditions have been prepared and it is important that such Contract is executed by each Provider that joins the Framework during the 5 year term.

Asha Gajan – Procurement Lawyer

FINANCIAL IMPLICATIONS AND RISKS

The establishment of an Active Homecare Framework (AHF) will allow a flexible approach in providing homecare

Providers will be assessed and can join and leave accordingly, and at the same time under performing providers can be easily removed.

It is anticipated that the AHF approach will allow times of unpredictable demand coming from Hospitals, or increased demand due to severe winter weather to have assessed providers on hand and avoid spot purchasing as the current position stands at times of increased demand.

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The homecare rate has been increased by 10% which has allowed for a fair price of homecare provision to be provided, therefore, it is anticipated that this will attract providers to join the AHF that can cover the demand of care required throughout the year and over the entire geographic location of Havering.

There is a risk to the service if the necessary checks and controls are not embedded when checking quality standards of the providers, or to remove any underperformers from the Active Homecare Framework in a timely manner.

Provision will also need to be made for any future increases in prices in order to ensure a varied provider framework that can meet the needs of the users.

Falil Onikoyi – Strategic Finance Business Partner

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

Cheryl Graham - Strategic HR Business Partner (interim)

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

A full equality impact assessment has been completed.

If the establishment of the Active Homecare Framework is approved it will mean the Council are able to continue providing Homecare services offering support to vulnerable adults.

The introduction of the new homecare framework is likely to have a positive impact on service users accessing homecare services. The framework will ensure homecare is procured and evaluated in the same way to provide excellent quality homecare to Havering residents.

With the introduction of the AHF we will also introduce a new way of collecting feedback from homecare users to better understand the quality of the care given and the outcomes achieved. This will help improve quality in the market.

Savi Bhamra - Corporate Diversity Advisor

BACKGROUND PAPERS

None

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: Barbara Nicholls

Cabinet Portfolio held:

CMT Member title: Director of Adult Social Care & Health

Head of Service title

Other manager title:

Date:

11/1/2017

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on

J. J. [Signature]

Signed

03/04/2017