

Notice of Non-Key Executive Decision

Subject Heading:	Direct award of contract to L&Q for Havering's Contract for the Provision of Supported Living Services for People with a Learning Disability for a period of up to 24 months, following the approval of the Competition Financial Thresholds Exceptions Form.
Cabinet Member:	Councillor Jason Frost, Cabinet Member for Health and Adult Care Services
SLT Lead:	Barbara Nicholls, Director for Adults Social Care and Health
Report Author and contact details:	Imani Nassor, Senior Commissioner & Projects Manager Imani.nassor@havering.gov.uk
Policy context:	Havering Health & Wellbeing Strategy 2015 – 2018 Theme A: Preventing, reducing and delaying the need for care and support through effective demand management strategies. A Strategy to Manage Growing Demand 2015-2018 - 4.Build and strengthen community resilience
Financial summary:	The total cost of the 24 month contract would be £435,828, this would be fully funded from the Better Care Fund.

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Relevant OSC:	Individuals.
Is this decision exempt from being called-in?	Yes, as it is a non-key decision.

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

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input checked="" type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This paper aims to seeks authorisation to:

To agree the direct award of the existing provision to L&Q until 30 June 2023 at an estimated cost of £435,828 to ensure service continuity whilst the service undertakes the relevant assessments and options as to the redesign of the future service provision.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Constitution, Section 3.3 delegates power to Members of the Senior Leadership Team to award all contracts with a total contract value of between £500,000 and £5,000,000 other than contracts covered by Contract procedure Rule 16.3.

STATEMENT OF THE REASONS FOR THE DECISION

Impact of COVID-19

1. Due to reassignment of Joint Commissioning Unit (JCU) resources as the 'Provider Emergency Contact Centre' (PECC) testing and vaccination rollout programme, during the outbreak of COVID-19 and subsequent lockdowns during wave one and wave two, a number of recommissioning exercises had to be put on hold. This included the Contract for the Provision of Supported Living Services for People with a Learning Disability.
2. In normal circumstances, a full review of options would have been undertaken but this has not been possible. As a result, this is a request for exception to competitive financial thresholds in order to directly award this contract with a view to re-commissioning as soon as possible, which will be no less than but no more than 24 months.
3. At the beginning of the COVID outbreak, the decision was made for the JCU to become the PECC for the Local Authority. In order to mobilise this with immediate effect the work within the JCU across all projects and contracts was reviewed to determine what could be continued and what projects and contracts had to be paused to provide the capacity required to deliver the PECC.
4. In March 2020, the JCU had 84 live projects and contracts and it was agreed 60 activities would be put on hold to enable the department to deliver the PECC. This has been continually reviewed over the last 15 months, with work reinstated appropriate to capacity and priority of activity.

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5. In addition, the operational activity across the Business Units was reviewed and pathways adapted to facilitate the delivery of COVID care. This required support from across the project and contract managers, to redesign and implement new pathways, again requiring business as usual activity to be put on hold.
6. **Provider Emergency Contact Centre Responsibilities**
 - 6.1 PECC responsibilities are outlined below and the JCU was required to deliver this, at short notice, from the beginning of the Pandemic in March 2020:
 - 6.2 **Provider communications**
 - 6.3 To establish and maintain proactive communications with all care providers in Havering (and beyond where Havering residents are cared for out of borough) throughout the COVID crisis, to ensure that they were able to continue to provide care as required to their service users. To ensure links were available seven days per week. Havering has a much larger care market than most other local authorities, with over 150 providers of different sorts, requiring significant support.
 - 6.4 **Protect service users**
 - 6.5 The approach taken was ultimately necessary to try and protect service users by ensuring care that was needed was provided in line with operating guidelines and managed risk throughout the COVID crisis
 - 6.6 **Hospital Discharge Pathway**
 - 6.7 It had to be ensured that the flow from the hospital into the care market paid due regard to the COVID 19 hospital discharge process – and ensured safe, swift and effective transfers of care. This was a significant draw on resources with pathways and arrangements with care providers having to be continually redesigned. It included setting up completely new services at short notice in unprecedented timescales.
 - 6.8 **Capacity**
 - 6.9 The JCU continually worked with partners to maximise capacity and ensure the wider system worked effectively.
 - 6.10 There was also a requirement to work with the care market to try and ensure that there was capacity for projected demand. This again demanded significant resources, for example establishing a covid safe homecare service that operated throughout the pandemic.
 - 6.11 **Personal Assistant Market**
 - 6.12 Ensuring that the Personal Assistant (PA) market remained safe, had access to Personal Protective Equipment (PPE), and that PA capacity and capability was

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used to the full extent.

6.13 Personal Protective Equipment

6.14 Ensuring that PPE was available for all social care and support providers in Havering, being clear about messages and availability.

6.15 Actively managing the provider requests for PPE (coming in on a daily basis) where that was held and managed by Havering.

6.16 Finance

6.17 To ensure the flow of payments to all service providers was maintained in a timely way and to reduce the time between receipt of invoice and payment wherever possible. Financial management was complicated further by the need to distribute millions of pounds of local and central government Covid funding equitably and within strict guidelines to the large provider market.

6.18 To try and ensure financial stability in the care markets in Havering.

6.19 Internal Communications

6.20 To ensure that JCU communications were effective and supported all those in the JCU in the time of lockdown. The pressures on JCU teams and staff was significant and internal support mechanisms had to be effective.

6.21 Stakeholders

6.22 To make links and support colleagues across the organisation to ensure that they both understood the purpose and activities of the JCU as PECC but could also work with the JCU where necessary (e.g. the distribution of PPE).

6.23 Managing our BAU Projects

6.24 To suspend, in a controlled way, the projects and commissioning exercises that were in progress before the COVID crisis and could not be continued as intended.

Service Provision

1. Supported Living arrangements aim to deliver targeted housing related support services to increase individuals' independence and skills by reducing dependency over a period of time. This should therefore increase the independence of the adult and reduce the amount of paid and unpaid support that they need. This enables people to try new things, allows the provision of care and support in their own homes and may support people to move-on to more independent forms of accommodation. One such service is the provision of Supported Living services for people with a Learning Disability, provided by L&Q Living.

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2. The Supported Living Service operates across five schemes offering accommodation for 29 service users in either single person flats, or shared houses.
3. The table below provides a summary of some of the key features of the schemes;

Profile	L&Q Living Supported Living (various sites)
Age	18 - 65
Gender	Men and women
Length of stay	Varies* (Maximum of 2 years)
Hours of support	5 hours per week per client (used flexibly)
Type of accommodation	2 x shared houses – 24 x self-contained flats
Number of units	29
Contract type	Block
Referral route	CLDT

4. The hours of support paid for by the council are always fully utilised. The hours are used flexibly, so that where there are differing levels of support needed, clients can have more than or less than 5 hours of support.
5. The schemes operate with a high level of occupancy. When there are voids, the provider works with the council to place a new service user and fill the empty unit as quickly as possible.
6. Due to an intention to re-model floating support into one integrated service to commence on 1st August 2021 a waiver was sought. This waiver was seeking approval to award interim contracts for the Provision of Supported Living Services for People with a Learning Disability and two other Learning Disability services to bring contract end dates in line with the end date for the Here to Help contract. The waiver was requested for a period of sixteen months from 1st April 2020 to 31st July 2021.
7. Since then the decision has now been made to exclude this contract from the floating support remodelling due to the interdependence between the accommodation and the care. Therefore, in this extension period, the JCU has been consulting very closely with the provider with a view to re-commissioning as soon as possible, but this has been delayed due to the demands of reassigning JCU resources during the COVID-19 lockdowns. The proposed award will enable the providers to continue to provide care while the re-commissioning is being reconsidered. Services have continued to be provided and payment made.

The reasons for requesting to directly award the contract further are as follows;

- a) An 2 year contract will ensure that there is a formal agreement in place between the Council and the Provider to continue services whilst avoiding instability and uncertainty for the Providers and service users.
- c) An 2 year contract will enable the Council sufficient time to develop new specifications.

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d) As the interim contract will ensure that there are longer mobilisation periods, incumbent providers and new providers will have time to consult and prepare service users and families for new service provisions, and for transferring to new accommodation.

e) We have ensured that through this interim contract we will be getting good value for money from the provider. The annual value of the original contract was £263,171.92 but this has been reduced to £217,914.

The basis for the direct award is as follows:

In accordance with the Council's Contract Procedure Rules (Paragraph 14.4), it is in the best interests of the Council to waive its Rules in order to progress the procurement of the services. In the case of this decision, the proposed contract will provide the Council sufficient time to complete an open competitive tender and to review commissioning of Learning Disability supported living as a whole.

Contract Period and Costs

The proposed contract will cost a total of £435,828 for up to 24 months based on block contract per annum of £217,914.

OTHER OPTIONS CONSIDERED AND REJECTED

Retender the Contract Immediately

The proposed contract of up to 24 months will enable the Council sufficient time to review the current contract. The documentation for the tender and contract will be produced jointly by a tender board to ensure it meets the needs and expectations of all stakeholders.

Do nothing and let the contract expire

If the contract were allowed to expire it would expose the council to risk and threaten the ongoing delivery of the service.

PRE-DECISION CONSULTATION

Consultation with a range of internal and external stakeholders. These include;

- Commissioning Programme Manager, Children & Young People
- Procurement
- Legal
- Service Supplier

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

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Name: John Green

Designation: Head of Joint Commissioning

Signature:

Date:

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a general power of competence under s1 of the Localism Act 2011 to do anything that an individual generally may do subject to other statutory provisions limiting or restricting its use. The recommendation in this report is compatible with this statutory power.

The value of the proposed contract is below the threshold for Light Touch Services (as listed in Schedule 3 of the Public Contract Regulations 2015).

Although the Council's Contracts Procedure Rules require each procurement with an estimated value of £100,000 or above to be subject to a formal tender exercise in conjunction with SPU, this report seeks approval to directly award a contract without undertaking a competitive process.

Officers have therefore obtained a waiver of the relevant Contract Procedure Rule (CPR 9.9) in accordance with the procedure set out in CPR14.

Officers must also satisfy themselves that L&Q have performed the service to a satisfactory level under the current contract.

FINANCIAL IMPLICATIONS AND RISKS

This report seeks authority to direct award a contract by up to 24 months.

The annual cost of the current contract is £217,914 per annum and this will be funded fully by the Better Care Fund.

The total cost over the 24 month direct award period will be £435,828.

There is not likely to be a reduction in the Better Care Fund over the next 24 months so there should be sufficient budget to cover the cost of the contract. If there was a reduction then alternative funding would need to be found to meet the cost of the contract.

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.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

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The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

BACKGROUND PAPERS

None

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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

Delete as applicable

~~Proposal NOT agreed because~~

Details of decision maker

Signed



Name: Barbara Nicholls

Member title: Director of Adult Social Care and Health

Date: 22.07.2021

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____