

Notice of KEY Executive Decision

Subject Heading:	Variation of the Active Homecare Framework Contract
Cabinet Member:	Councillor Frost, Cabinet member for Health and Adult Care Services
SLT Lead:	Barbara Nicholls, Director of Adult Social Care
Report Author and contact details:	Ben Campbell, Commissioning Programme Manager
Policy context:	At a local level, this contract supports the Council to meet its Communities Theme priorities in its Corporate Plan 2019/20. This plan sets out how the Council intends to invest and transform the borough with an emphasis on improving the lives of vulnerable children, adults and families. In summary, this service ensures the Council fulfils its aim of ensuring that the needs of the most vulnerable are met and that people are supported to be healthy and active.
Financial summary:	Estimated spend for the variation period is approximately £5,000,000 which will be met from existing budgets.

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Reason decision is Key	Expenditure or saving (including anticipated income) of £500,000 or more
Date notice given of intended decision:	
Relevant OSC:	Individuals
Is it an urgent decision?	No
Is this decision exempt from being called-in?	No

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 type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Approval to vary the Active Homecare Framework contract for a period of six months to the end of July 2022, as per the original Contract Notice, to allow for a re-procurement to take place.

AUTHORITY UNDER WHICH DECISION IS MADE

Constitution Part 3 Responsibility of Functions Section [2.5 paragraph \(h\)](#)~~3.3 Powers~~ Individual Cabinet Members to award contracts, agree extensions of contract terms and awards/extensions of Consortia contracts of a value above £5,000,000 and up to £10,000,000.

STATEMENT OF THE REASONS FOR THE DECISION

On a daily basis vulnerable people are discharged from hospital who need packages of care to enable them to go home and live safely. This requires the hospital and the local authority to work together to specify the care package and get things in place as smoothly as possible. Prior to 2017 this meant people in Havering's brokerage teams using resource intensive processes, phoning providers, often based on individual knowledge before being able to place. The Dynamic Purchasing System (DPS), named the "Active Homecare Framework" (AHF), transformed this way of operating. It introduced an automated system linking Council Officers to quality-checked homecare providers and modernising the way that the flow from hospital into the community worked. It has paid significant dividends and created a strong market that Havering has positive relationships with.

It has been successful in reducing the number of homecare packages placed with care providers outside of the DPS on a 'spot' contract basis. The quality of the service from the providers on the DPS has been high. For the last three years feedback collected from those receiving a service shows 86% rated their service overall as either good or very good.

We have a stable, high quality market of 15 care providers on the DPS. The providers have capacity to meet homecare demand and we want to continue working with them.

When the service was tendered in 2017, the Contract Notice advertised a DPS with an eight year term to expire on 31st December 2025. The contracts issued did not replicate the Contract Notice and currently has an end date of 31st January 2022.

We are seeking approval to vary the Active Homecare Framework DPS contracts for six months up to 31st July 2022 to allow for procurement of a Light Touch framework

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to replace the existing contracts. A separate decision paper is being drafted seeking approval to commence the procurement process.

OTHER OPTIONS CONSIDERED AND REJECTED

If the Active Homecare Framework expires and the Council is not able to continue to call-off new packages of care, the Council would need to explore purchasing care outside the DPS (Spot Purchase arrangements).

This would result in the Council having less contractual control over the services and mean the providers have not been evaluated in the same way using the same criteria therefore risking a decrease in quality. This would also be more resource intensive and make it difficult to quality assure a wider range of providers.

This option has been considered and rejected as it would put residents and the Council at risk. The system and processes are established and working well.

PRE-DECISION CONSULTATION

Not applicable

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

Name: John Green

Designation: Head of Joint Commissioning Unit

Signature



Date: 17.11.21

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Under Schedule 3 of the Care Act 2014, the Local Authority may be given notice that a patient ordinarily resident in its area requires a needs assessment before they can be discharged.

The local authority must then carry out an assessment of the patient's need and, where applicable, the carer's need, with a view to identifying the care and support that is necessary for them to be safely discharged.

The recommendation in this report is compatible with this statutory duty.

This report seeks approval to vary the term of the Active Homecare DPS for a period of 6 months by relying on Regulation 72(1)(a) of the Public Contracts Regulations 2015.

The proposed extended term was set out in the original Contract Notice, in fact the original Contract Notice advertised a DPS that would only expire in 2025. Therefore, the Council can rely on Regulation 72(1)(a) which requires that the modification (irrespective of its monetary value) has been provided for in the initial procurement documents in clear clauses or options.

The Council's Contract Procedure Rules state that the reasons and authority to vary, modify or extend a contract shall be recorded in writing and loaded onto the Council's preferred e-tendering suite.

FINANCIAL IMPLICATIONS AND RISKS

The extension of this contract from January to July 2022 is estimated to cost approximately £5 million and will be fully funded from the existing Adult Social Care Home Care Budget.

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

There are no implications or risks anticipated to Council staff as the employees involved in the delivery of the current service are employed directly by the existing Supplier.

The tender was subject to TUPE (Transfer of Undertakings (Protection of Employment) Regulations). As such, the ITT document specified that potential contractors were obliged to satisfy themselves that they would be able to meet all TUPE requirements relating to this tendering exercise, including any pension provision obligations.

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The bidders were provided with relevant details of all affected staff employed by the current service providers, in line with TUPE and subject to Data Protection Act principles, and their pension status.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

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.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The extension of the existing contract, while the procurement process is taking place, will allow the continuity of care for the service user residents and ensure access to new service users who will benefit from the service.

BACKGROUND PAPERS

Establish Active Homecare Framework Cabinet Report dated 13.07.2016

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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

Details of decision maker

Signed

Name: Councillor Jason Frost

Cabinet Portfolio held: Cabinet Member for Health and Adult Care Services

CMT Member title:

Head of Service title

Other manager title:

Date:

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 _____