

Notice of NON-KEY Executive Decision

Subject Heading:	Approval to waive one of the Council's Contract Procedure Rules for the tender of the Reablement Service
Decision Maker:	Councillor Gillian Ford, Cabinet Member Health and Adult Care Services
Cabinet Member:	Councillor Gillian Ford, Cabinet Member Health and Adult Care Services
SLT Lead:	Barbara Nicholls, Director for Adult Services and Health
Report Author and contact details:	Laura Neilson, Commissioning Programme Manager, Joint Commissioning Unit T. 01708 431729 E. laura.neilson@havering.gov.uk
Policy context:	Supports priorities in the Joint Health and Wellbeing strategy: <ul style="list-style-type: none"> • Better integrated support for people most at risk; • Quality of services and patient experience Supports statutory requirement to reduce care needs (Care Act 2014)
Financial summary:	There are no committed financial costs associated with this decision.

Key Executive Decision

Relevant OSC:	People
Is this decision exempt from being called-in?	Yes

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

People - Things that matter for residents X

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This decision paper seeks approval to waive rule 18.4 of the Contract Procedure Rules (CPR) requiring tenders to be evaluated against pre-determined of 70:30 best price-quality ratio weighting in order to allow the Reablement service tender to be evaluated on 80% quality ratio (5% assigned for social value) and 20% weighted against price.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3.2 of the Council's Constitution – Executive Functions

2.5 The following Functions may be delegated to individual Cabinet members by the Leader

(g) To approve an exception to the Contracts Procedure Rules set out in Part 4 of this constitution, in accordance with Rule 14(1) of those Rules.

STATEMENT OF THE REASONS FOR THE DECISION

Background

The Council is intending to commence a competitive tender process to recommission Havering's Integrated Reablement service. The tender is due to be published in August 2023 .

The new reablement contract is due to commence on 1 April 2024. The estimated cost to the local authority for the service over the next five years is £10million, this is excluding additional funding required from the NHS North East London to meet service demand. There continues to be ongoing dialogue to secure support from system partners to fund any further demand increases over and above what will be commissioned by the local authority for the future.

Duties

Reablement is a personalised, short term service which supports people to recover and live independently at home. A referral for reablement can be made following a:

- stay in hospital
- change in need
- loss of confidence

Key Executive Decision

Reablement services are provided under a statutory duty in Section 2 of the Care Act which stipulates that Local Authorities must provide or arrange services, resources or facilities that maximise independence for those already with such needs, for example, interventions such as rehabilitation/reablement services.

Existing Contract

The service has demonstrated good outcomes for residents that complete a package of reablement, approximately 80% receive no further care after their service, 10% go on to Local Authority funded care and 10% self-fund their care. On average, the service has seen a reduction of care hours by 922 per month compared to the hours commissioned when the period of Reablement begins (as at April 2023)

Recommendation

Due to nature of the service, the Council needs to ensure that the successful provider can evidence sufficient levels of quality to deliver the service. Reablement service supports Havering's most vulnerable residents and therefore evaluating providers higher on quality during the tender is critical. The implications of a lower quality criteria may result in an increased number of people requiring long term care.

There is limited market for this type of service as it requires staff to deliver services at short notice, hence we do not expect many bids. The previous tender was evaluated on 100% quality, the Council successfully commissioned the service to a provider who could adapt their service to meet demand from the hospital.

For this procurement exercise we recommend continuing with a high quality weighting, in order to secure the best service possible. However, we propose to set 80% quality for the re-procurement, allowing scope for some small savings against the existing contract.

As a result, this decision concludes that it is in the best interest of the Council to waive the Council's Contract Procedure rules in respect of the requirement that tenders are evaluated according to the standard weighting of 70% for cost and 30% for quality and ensure the tender evaluation focuses on examining how bidders will deliver their proposed services by assigning the proposed 80% / 20% quality/price split. 5% of the quality weighting assigned for social value.

OTHER OPTIONS CONSIDERED AND REJECTED

Do nothing and evaluate providers at 70% price 30% quality: This option was rejected, as it could result in a bidder with a marginally lower price being successful over a provider better able to deliver longer-term benefits and higher quality reablement services. This would be a false economy in that the financial benefits to the NHS and Local Authority will come from the quality of the reablement service.

Key Executive Decision

PRE-DECISION CONSULTATION

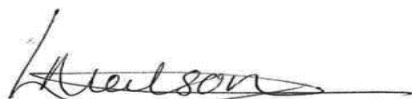
LBH Assessment and Care
LBH Assessment Community Review
NHS Integrated Care Board
BHRUT

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

Name: Laura Neilson

Designation: Commissioning Programme Manager, Joint Commissioning Unit

Signature:



Date: 12 May 2023

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

In line with the Council's Constitutional Contract Procedure Rules officers are seeking a waiver from the standard rule in relation to the MEAT criteria. It is a discretionary matter for a Member of the Cabinet to decide. The decision as to pre procurement will follow and be subject to the outcome from this report.

CPR 18.4 requires tenders to be evaluated against the predetermined best price quality ratio of 70% cost and 30% quality weighting. However, CPR 14.1 allows individual Cabinet members to make executive decisions to make exceptions to particular rules. Therefore, the Council can make a decision to make an exception to CRP 18.4 for this tendering process.

FINANCIAL IMPLICATIONS AND RISKS

This report is seeking approval to waive the Council Procedure rules of evaluating the Reablement tender at 70% price and 30% quality and for the tender to be evaluated on the following weightings: 75% quality, 5% Social Value and 20% price.

Evaluating the tender on the proposed weightings gives rise to a risk that the tender values may be higher than they would have been if a 70% price 30% quality ratio had been used. However, due to the vulnerable clients that this service is supporting, the quality aspect is extremely important and providing a high quality service should mitigate increased costs in other areas due to clients requiring longer term packages from a lower quality reablement service.

Initial analysis of the data from the current contract is indicating that approximately 87% of clients who successfully complete reablement go on to require no further care. Finance have further work to undertake in regards to analysing the data in detail from the current contract to ensure the reablement contract is value for money for the Council.

The council has a responsibility to demonstrate value for money from contract expenditure and as such close scrutiny of the unit costs and benchmarking will need to be undertaken as part of the contract monitoring processes.

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

Key Executive Decision

At this stage, there are no HR implications for LBH employees and/or posts, however should there be, they will be managed in accordance with the Council's HR policies and procedures.

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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

1 There are no direct implications relating to the environment or climate change relating to this report.

2. The Council will embrace the Environment and Climate Agenda both strategically and globally through its development of footprint reduction initiatives, Climate Action plans and externally delivered services. The council will strive to minimise negative impacts and optimising positive opportunities delivering our Climate change action plan.

BACKGROUND PAPERS

None

APPENDICIES

Key Executive Decision

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: Councillor Gillian Ford

Cabinet Portfolio held: Cabinet Member Health and Adult Care Services

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____