



Havering
LONDON BOROUGH

Notice of Non-Key Executive Decision

Subject Heading:	Permission to waive the procurement process and Direct Award the Complete Continuing Healthcare Reviews to Riverside Consultants.
Decision Maker:	Barbara Nicholls, Strategic director of People.
Cabinet Member:	Councillor Gillian Ford, Cabinet Member for Health and Adult Care Services
SLT Lead:	Barbara Nichols, Strategic Director of People
Report Author and contact details:	Laura Wheatley, Senior Commissioner and Project Manager T: 01708 434019 E: laura.wheatley@havering.gov.uk
Policy context:	The Adult Social Care and Support Planning Policy states that Havering's vision is: 'Supporting excellent outcomes for the people of Havering by helping communities to help themselves and targeting resources and interventions to encourage independence'
Financial summary:	The Complete Continuing Healthcare Reviews will cost £31,000.00. The total cost is broken down as: CHS Lived Experience Review: £15,000.00 LD CHC Service Review: £12,500 5 CHC Case Reviews: £3,500
Relevant Overview & Scrutiny Sub Committee:	People's Overview and Scrutiny Sub Committee

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Is this decision exempt from being called-in?	The decision will be exempt from call in as it in a Non key Decision
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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.

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

For reasons detailed in this report, the Strategic Director of People is recommended to agree to direct award the Complete Continuing Healthcare Reviews to Riverside Consultants at a total value of £31,000.00 for the period of 6 months.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

Powers of Members of the Senior Leadership Team

General powers

c) To make arrangements to secure continuous improvement in the way the Council's functions are exercised having regard to a combination of economy, efficiency and effectiveness etc. as required by external regulatory agencies.

Contract powers

(b) 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

For reasons detailed in this report, we are seeking permission to waive Rule 9.9 of the Council's Contract Procedure Rules (CPR) and the requirement for the procurement process to be subject to a formal tender, and direct award the Complete Continuing Healthcare Reviews to Riverside Consultants at a total value of £31,000.00 for a period of 6 months.

Introduction

London Borough of Havering Council are seeking to appoint a partner organisation with the appropriate health and social care expertise to support them in undertaking a review of their CHC processes, their CHC services for adults with a learning disability and 5 CHC case reviews.

Background

Havering Council (LA) has, for some time, been concerned with the Continuing Healthcare (CHC) Packages and Funded Nursing Care (FNC) processes as delivered by NHS NEL.

Continuing Healthcare (CHC) is a package of ongoing care, for adults aged 18 years and older, provided outside hospital. It is arranged and funded solely by the NHS, where it has been assessed the someone's need for care is primarily due to their health needs.

Funded Nursing Care (FNC) means the NHS contributes to a service user's fees by paying a flat rate directly to the care home.

The statutory duty sits with the ICB, but the Council are partners in this and the inter-relationship is that the local authority will make referrals to the ICB for individuals whose needs exceed what they are able to provide or if they feel that an individual's needs may meet the threshold of Continuing Healthcare, of which there is a set of eligibility criteria which is covered in the National Framework of NHS Continuing Healthcare and NHS Funded Nursing Care (2022). If they meet the criteria they will be fully funded by the NHS.

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The Council are concerned about the CHC processes and practices that are being used and their compliance with the National Framework for NHS Continuing Healthcare and NHS Funded Nursing Care (2022).

The Proposal

The review will be formed of two parts:

The CHC Lived Experience Review

This review will focus on Havering Council's experience of CHC and compliant with the National Framework.

The review will:

- determine if the end-to-end delivery of CHC is aligned with the National Framework and is using the best practices available.
- assess if the level of involvement the Council has in the CHC process is appropriate and in line with the National Framework
- explore issues/experiences that the Council feels do not fit with their understanding of the National Framework
- ensure decisions on CHC eligibility are being made consistently and accurately in line with the National Framework

The Review will also:

- undertake a case review of 5 CHC cases where the LA have concerns regarding the eligibility decision.

The Learning Disability Review

This review will focus on the current structure and delivery of the learning disability Continuing Healthcare (CHC) service in Havering.

The review will consider all aspects of CHC delivery from checklist to reviews and identify any potential inequalities or inefficiencies that arise from the current model.

Areas covered will include but not be limited to

- The CHC process
- Care planning
- Case Management
- 6 and 12 month Reviews
- The provision of CHC at home
- Brokerage and Placements (Integrated Personal Commissioning)

Costs

CHC Lived Experience Review	£15,000
LD CHC Service Review	£12,500
5 CHC Case Reviews	£3,500
Total	£31,000

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OTHER OPTIONS CONSIDERED AND REJECTED

Option 1: Go out to Tender.

This is not a viable option as it is in the best interests of the council and residents to have the review completed in a timely manner. Also it is not a good use of council resources to complete a full procurement exercise for a contract of such a small value. Additionally, the value of the proposed contract is estimated to be £31,000 which is below threshold for services, under Public Contract Regulations 2015 (PCR). Accordingly, the contract is not subject to the full PCR regime. Therefore, this option has been rejected.

Option 2: Do Nothing

This is not a viable option as the Council are concerned about the CHC processes and practices that are being used and their compliance with the National Framework for NHS Continuing Healthcare and NHS Funded Nursing Care (2022). Therefore, this option has been rejected.

PRE-DECISION CONSULTATION

None

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

Name: Laura Wheatley

Designation: Senior Commissioner and Project Manager

Signature:



Date: 21/02/2024

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

This report seeks approval to waive the Council's Contract Procedure Rule (CPR) 9.1 requiring a formal competitive process and to directly award a contract to Riverside Consulting for a period of 6 months.

CPR 14 provides that a waiver of the Rules is permissible if all relevant law is complied with and the contract falls within one of the exceptions listed in CPR 14.4. As set out in the body of this report, the most relevant exception to the competitive requirements of CPR 9.1 is for reasons of it being in the best interests of the council. The Council is therefore under no obligation to advertise the contract opportunity on the UK e-notification service, 'Find a Tender'.

Further, the Council has the power to award a contract for these services under Section 111 of the Local Government Act 1972, which allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

Additionally, through its general power of competence under Section 1 of the Localism Act 2011, the Council can do anything that individuals generally may do, subject to statutory limitations.

Officers seek authorisation to make a direct award to Riverside Consultants to undertake the Complete Continuing Healthcare Reviews and to comply with the above duties.

The value of the proposed contract is estimated to be £31,000 which is below threshold for services, under Public Contract Regulations 2015 (PCR). Accordingly, the contract is not subject to the full PCR regime.

For the reasons set out above, the Council may direct award the contract to Riverside Consulting.

FINANCIAL IMPLICATIONS AND RISKS

This decision paper is seeking approval to direct award the Complete Continuing Healthcare Reviews to Riverside Consultants.

The total cost of this direct award will be £31,000 and although there is no dedicated funding available, the review is intended to generate cost reductions for Havering through a more robust CHC framework being implemented and achieving more CHC funding from the ICB for eligible care packages.

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.

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EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

Havering has a diverse community made up of many different groups and individuals. The council values diversity and believes it essential to understand and include the different contributions, perspectives and experience that people from different backgrounds bring.

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, gender, race and disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The recommendations made in this report do not give rise to any identifiable environmental implications or risks.

BACKGROUND PAPERS

Havering Waiver Template – Direct Award Riverside Consulting

APPENDICES

None

Non-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

Details of decision maker

Signed



Name: Barbara Nicholls

Cabinet Portfolio held:

CMT Member title: Strategic Director of People

Head of Service title

Other manager title:

Date: 26/02/2024

Lodging this notice

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

For use by Committee Administration

This notice was lodged with me on _____

Signed _____