



Havering
LONDON BOROUGH

Notice of Non-Key Executive Decision

Subject Heading:	Approval to waive the Council's Contract Procedure Rule (CPR) 9.9 to allow a Direct Award a 6 month Havering Safe at Home contract
Decision Maker:	Cllr Gillian Ford, Cabinet Member for Adults and Health
Cabinet Member:	Cllr Gillian Ford, Cabinet Member for Adults and Health
ELT Lead:	Barbara Nicholls, Strategic Director of People
Report Author and contact details:	Laura Wheatley, Portfolio Manager Live Well & Age Well 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 direct award for 6-month contract will cost £45,000.00 The contract will be funded by the Havering Integrated Team at Place Ageing Well Fund. This will result in a saving of £45,000.00 for Havering Council.
Relevant Overview & Scrutiny Sub Committee:	People's Overview and Scrutiny Sub Committee
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

Non-key Executive Decision

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

People - Supporting our residents to stay safe and well X

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report is seeking approval from the Cabinet Member for Adults and Health to waive the Council's Contract Procedure Rule (CPR) 9.9 to allow a direct award the Havering Safe at Home contract for a period of 6 months from 1st October 2024 to 30th April 2025 at a total value of £45,000.00.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3.2.5 of the Constitution
Individual Cabinet members' responsibilities for functions

(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.

Part 4.4 [Contracts Procedure Rules] of the Constitution

14.1 No exception to these Rules shall be permitted except upon approval by an individual Cabinet member using an Executive Decision or by some other provision in this Rule. The report shall set out the background, the rule being waived, the reasons the waiver is required, how value for money will be demonstrated, any legal or financial risks or implications and shall be approved by the Director of Legal and Governance and the Chief Executive.

14 WAIVERS

14.1 No exception to these Rules shall be permitted except upon approval by an individual Cabinet member using an Executive Decision or by some other provision in this Rule

Exceptions to competitive requirements

14.3 Exceptions to the competition requirements may be made only if all relevant law is complied with and one of the following circumstances applies:

- i. the contract falls within one of the exceptions listed in this Rule; AND
 - a. the Competition Financial Thresholds Exceptions, is fully and properly completed and signed by the relevant Member of SLT; AND
 - b. the person awarding the contract can demonstrate that the contract represents the best value that can be obtained in the circumstances.
- ii. an individual Cabinet member has approved the waiving of the application of these rules, as permitted by Rule (a) above.

STATEMENT OF THE REASONS FOR THE DECISION

The Havering Safe at Home contract is currently provided by Age UK and ends on the 30th September 2024. The service originally started as a one-year pilot between 2013 and 2014. Historically, the service agreement has been renewed each year for a further year.

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This paper is seeking approval to waive the Council's Contract Procedure Rule (CPR) 9.9 requiring a formal tender exercise and to allow a direct award a 6-month contract in compliance with the Council's statutory duties already set out in the body of this report.

A waiver to the Council's Contracts Procedure Rules (CPR) 19 is therefore be required. CPR 14.1 requires waiver approval by an individual Cabinet member.

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.

The 6-month extension of the current service will allow sufficient time to review the impact of the Adult Social care restructure into portfolio areas and recommission the service fully to ensure the best value for money and outcomes for residents.

In Havering Age UK East London help to improve security, increase safety and independence at home and prepare the home for hospital discharge.

Referrals for this service are through professional routes which include health and social care, voluntary sector, lunch clubs, Police and London Ambulance Service (LAS).

Under this agreement Age UK provide the following services:

1. Basic Target Hardening for Victims of Domestic Violence
2. Minor Adaptions Without Delay

Basic Target Hardening

Basic target hardening aims to reduce crime and the fear of crime amongst victims of domestic violence by providing free advice and target hardening. This element of the service also offers target hardening within the homes of identified vulnerable groups who have been the victims of crime with the aim of reducing repeat victimisation.

The service user group are residents of Havering who are known to be victims of domestic violence.

This service is provided free of charge to eligible service users where a standard package of target hardening materials is supplied and fitted. Additional security measures may be provided and fitted, if considered advisable and agreed by the Council.

Age UK East London visit the homes of victims of domestic violence, audit their home in relation to safety and security, provide appropriate advice and make recommendations to improve security.

The works that can be undertaken include the supply and fitting of:

- Window locks
- Door locks
- Window grilles
- Door viewers
- Door chains

On average 30 people receive this service a year.

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Minor Adaptions Without Delay

Minor Adaptations Without Delay identifies a range of minor adaptations, for example the fitting of stair or grab rails, for which there is a clear consensus that initial assessment by occupational therapists is not required unless during the information gathering process, it appears that the potential user may have more complex or additional needs that require assessment. Such adaptations are often needed by older people to safeguard their safety or to facilitate discharge from hospital. Works are completed within 2 working days of receiving the referral.

Works include:

Category	Works	Hrs
1. Rails	External Grab rail to front Door (12" / 18")	½
	Internal Grab rail for access to room with step (12" / 18")	½
	Grab rail to enable transfer (12" / 18") - Chair/ Bed/ Toilet	½
	Bath Rails (referral/approval required from OT prior to install) ¹	½
	Stair Hand Rails	1
2. Access	Internal door threshold Ramps - for wheelchair users only	1½
3. Bathroom	Grab Rails	½
	Raised Toilet Seats	¼
	Toilet Frames	¼
4. General Needs	Extender plugs - 2 per property	¼
	White paint on edge of access steps	½
	Chair raisers	¼

Referrals are mainly from the Havering Adult Social Care Team.

650 people receive this service per year, with 600 pieces of equipment installed.

This element of the service prevents referral to Occupational Therapists via the ASC front door.

Recommendation

The Council is seeking an extension for this service with the current provider via a direct award to allow for the Council to undertake a full review and redesign the service specification in conjunction with the provider to reflect changes in demand and developments in other related services. That will then allow the Council to carry out a full re-commissioning exercise within the 6-month extension period.

OTHER OPTIONS CONSIDERED AND REJECTED

Option 1 - Do nothing

There is the option to do nothing and stop providing Havering Safe at Home when the contract ends on the 30th September 2024. This option is not advised due to some of the services being provided by this contract not being provided anywhere else at present and it could leave service users at risk.

Option 2 – Recommission

The contract ends at 30th September 2024, so there will not be sufficient time to complete a full recommissioning. This option has been rejected as there is not sufficient time to complete the recommissioning exercise to a good standard.

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None

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

Name: Laura Wheatley

Designation: Portfolio Manager Live Well & Age Well

Signature:



Date: 24/09/2024

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

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 Age UK for a 6-month extension to the Havering Safe at Home contract and to comply with the above duties.

The Council's CPR Regulation 9.8, requires officers to obtain 3 quotes for a contract valued from £25k up to £100k CPR 14 permits exceptions to the competitive requirements where it does not infringe any applicable procurement laws; and meets the criteria set out in CPR 14.3.

A request for quotation exercise was not carried out as required by the Contract Procedure Rules (CPR). A waiver to the Council's Contracts Procedure Rules (CPR) 19 will therefore be required. CPR 14.1 requires waiver approval by an individual Cabinet member unless one or more of the exceptions set out at CPR 14.3 apply. In accordance with CPR 14 a waiver is now sought from the lead member prior to authorising the award of this contract without competition.

This report confirms that officers have undertaken the relevant steps and therefore, it is recommended that the lead member authorises this waiver request.

FINANCIAL IMPLICATIONS AND RISKS

This decision paper is seeking approval to waive the Council's Contract Procedure Rule (CPR) 9.9 to allow a direct award a 6-month extension to the Havering Safe at Home contract. The current contract is due to end on 30th September 2024 and costs £90,000 per annum and this is currently funded from the Better Care Fund.

The total cost of the 6-month contract is estimated to be £45,000 and this extension will be funded by the Havering Integrated Team at Place from the Ageing Well Fund.

This will result in a saving of £45,000.00, this saving is not a general fund saving as this contract is fully funded from the Better Care Fund. A review of the Better Care Fund and a reallocation of expenditure will be undertaken following approval at Health and Wellbeing Board level which may result in the £45,000 saving attributed to the general fund.

The current provider has had the contract since 2013 and the extension is required due to limited time available to undertake a full procurement process and having a gap in the service provision would leave vulnerable residents at risk or accessing council services that are a more expensive option.

The current provider has not requested any inflationary uplifts since the commencement of the contract in 2013 and the council would be unlikely to procure a provider operating at similar rates due to market conditions.

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A full service redesign and re-procurement will be undertaken during the 6-month extension to ensure that the service is still meeting the market needs and providing value for money for the council.

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

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

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.

An EqHIA (Equality and Health Impact Assessment) is usually carried out and on this occasion this isn't required.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

There are not equalities and social inclusion implications and risks associated with this decision.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

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

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BACKGROUND PAPERS

Havering Waiver Template – Havering Safe at Home Direct Award

APPENDICES

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

Details of decision maker

Signed 

Name: Cllr Gillian Ford,

Cabinet Portfolio held: Cabinet Member for Adults and Health

Date: 30/09/2024

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 _____