

## Notice of Non-Key Executive Decision

<b>Subject Heading:</b>	Permission to extend OT Assessment Contract
<b>Decision Maker:</b>	Barbara Nicholls, Strategic Director People
<b>Cabinet Member:</b>	Cllr Gillian Ford, Cabinet Member for Adults and Health
<b>ELT Lead:</b>	Barbara Nicholls, Strategic Director People
<b>Report Author and contact details:</b>	Michelle Purcell, Commissioner Michelle.purcell@havering.gov.uk
<b>Policy context:</b>	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'
<b>Financial summary:</b>	The contract extension will be for 6 months and will cost £27,500.00. This will bring the total contract value to £577,500.00.  The Occupational Therapy Assessments is funded by the Havering Occupational Therapy team budget and is budgeted for annually.
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	People's Overview and Scrutiny Sub Committee.

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<b>Is this decision exempt from being called-in?</b>	<i>The decision will be exempt from call in as it is a Non key Decision</i>
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**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**

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### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

Decision to extend the Occupational Therapy Assessment contract for 6 months to allow a full retendering process. The retendering process has already started and this extension will ensure there is no lapse in service.

The current provider is All Therapy Solution and there has already been a 12-month extension to this contract. The extension will take the current contract up to 30<sup>th</sup> September 2025.

The extension will cost £27,500.00 and take the total contract value up to £577,500.00.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

The Havering Constitution:  
Part 3 of the Council's Constitution  
Scheme 3.3.3 Powers common to all Strategic Directors

#### 1. General

1.1 To take any steps, and take any decisions, necessary for the proper management and administration of their allocated directorate, in accordance with applicable Council policies and procedures.

#### 2. Expenditure

2.1 To incur expenditure for their allocated directorate within the revenue and capital budgets as approved by the Council, or as otherwise approved, subject to any variation permitted by the Council's contract and financial procedure rules.

### **STATEMENT OF THE REASONS FOR THE DECISION**

The Council entered into a contract with All Therapy Solution on 1<sup>st</sup> April 2020 to provide an occupational therapy assessment service. The contract was extended from 1<sup>st</sup> April 2024, for a period of 12 months and is due to end on 31<sup>st</sup> March 2025. Prior to this contract commencing, LBH operated only an in-house Occupational Therapy Service but had difficulty filling some of the vacant posts within the team. Any assessments above the maximum staff capacity of LBH were carried out by locum workers at a cost of £34 per hour when the locum workers were available. This was deemed to be unreliable and not financially cost effective. To meet the demands of the service and to ensure that there was no waiting list for assessments/review LBH completed a procurement exercise and outsourced this work to All Therapy Solutions.

The main purpose of this service is to supplement the existing in-house Occupational Therapy team as and when required. The current supplier has been performing well and there have been regular contract monitoring meetings taking place quarterly since 2020. As a result, we are happy to award the 6-month extension to the current contract to ensure there is no lapse in service whilst the service is re-tendered.

There have been delays to the procurement due to the new procurement regulations being introduced. This procurement is now on track to be published in April 2025 and a clear

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procurement timetable is in place. Officers are confident that a successful procurement will be completed with a new contract in place by the end of this extension period.

**OTHER OPTIONS CONSIDERED AND REJECTED**

1. Do nothing. The current contract will end on 31<sup>st</sup> March 2025, by which time the retendering process will not have finished. This will mean there is a lapse in service and the OT waiting list will increase. Therefore this has been rejected.

**PRE-DECISION CONSULTATION**

None.

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

Name: Michelle Purcell

Designation: Commissioner

Signature: M.Purcell

Date: 20.03.25

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### **Part B - Assessment of implications and risks**

#### **LEGAL IMPLICATIONS AND RISKS**

The Council has power to extend the contract under s111 of the Local Government Act 1972 which permits the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The Council also has a general power of competence under Section 1 of the Localism Act 2011 to do anything an individual can do, subject to any statutory constraints on the Council's powers.

None of the constraints on the Council's s.1 power are engaged by this decision. The value of the contract when originally procured was above the Public Contracts Regulations 2015 (PCR 2015) threshold for services therefore any further variations must comply with the PCR.

In accordance with Regulation 72(1)(f), the value of the extension (£28,000) is below the threshold for services and less than 10% of the contract value and therefore compliant with the Regulations.

The variation is also compliant with Contracts Procedure Rule 19. Officers have also sought a waiver which was approved on 17.03.25.

#### **FINANCIAL IMPLICATIONS AND RISKS**

This paper is seeking approval to extend the existing contract by 6 months in compliance with the Council's statutory duties already set out in the body of this report.

The current contract ends on 31st March 2025. The total cost of the 6 month extension is estimated to be £27,500.00 and this is paid from the Havering Occupational Therapy team budget from a position that is being held vacant.

The option to continue the contract until the end of September allows enough time to undertake a recommissioning exercise without disrupting service provision.

The other option that was considered was moving to an in house provision. However, due to the difficulty in finding suitable candidates using the contract was decided the best option. However, due to the nature of the contract, in that we pay when we need an assessment done, it is possible to recruit to the post and use the contract less at any time.

A full retender for this contract has begun.

#### **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**

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Having 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

## **BACKGROUND PAPERS**

*None.*

## **Appendices**

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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

Cabinet Portfolio held:

CMT Member title:

Head of Service title            Strategic Director of People

Other manager title:

Date: 03.04.25

**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 \_\_\_\_\_

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