

## CABINET

13 December 2022

<b>Title:</b> Short Term Contract for the Provision of Supported Accommodation for Older People (Extra Care) - Direct Award	
<b>Report of the Cabinet Member for Adult Social Care and Health Integration</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
<b>Report Author:</b> Tom Stansfeld, Lead Commissioner - Older People, Commissioning Care and Support	<b>Contact Details:</b> Tel: 020 8227 5120 E-mail: Thomas.Stansfeld@lbbd.gov.uk
<b>Accountable Director:</b> Chris Bush, Commissioning Director, Care and Support	
<b>Accountable Strategic Leadership Director:</b> Elaine Allegretti, Strategic Director Children and Adults	
<b>Summary:</b> <p>Extra care housing are housing developments that comprise of self-contained homes with design features and support services available to enable residents to live as independently as possible. The schemes have communal facilities such as lounges and laundry rooms and access to 24-hour care and support to those who require it, in addition to planned support calls. The schemes also run an activity programme which is often co-produced with the residents and link up with other community and voluntary sector services and assets. It is one form of specialist housing which sits between sheltered accommodation, which offers some low-level support but not on a 24-hour basis, and residential care homes which cater for people with high needs who may require active 'round the clock' care.</p> <p>Within Barking and Dagenham, the extra care service is delivered across four schemes: Harp House, Colin Pond Court, Darcy House and Fred Tibble Court. The accommodation is made up of 1 bedroom flats in the main with some 2 bedroom flats available. This allows couples to stay together should one or both need Extra Care provision and supports them if their care needs increase. There are also 16 bungalows available at Darcy House which are a mixture of 1 and 2 bedroom units.</p> <p>The service is designed to adapt as the service users' needs evolve; residents can live in the flats for as long as it is safe for them to remain at the schemes. Service users are also supported through additional wrap around services which can be brought in to support individuals. An example of this is end of life care.</p> <p>A direct award is required due to a failed procurement exercise that took place over the summer of 2022 following Cabinet approval on 21 June 2022 (Minute 9 refers). This procurement failed as the price component of the Invitation to Tender (ITT) could not be properly evaluated and scored due to an inconsistent method of pricing among bidders,</p>	

as bidders interpreted this element of the tender differently to each other using the information provided in the specification, the ITT and resulting clarification questions.

A direct award will ensure compliance with the Council's Contract Rules and the Public Contracts Regulations 2015, ensuring continued service provision beyond the current contract end date of 31 January 2023. The current contract value is £1,334,847 and, therefore, a six-month extension at the value of £660,000.00 is required to allow for continuity of care whilst the tender process for a long-term contract is rerun. The proposed timeline of the procurement process is outlined in this report.

### **Recommendation(s)**

The Cabinet is recommended to:

- (i) Agree to the waiver of tendering requirements under the provisions of paragraph 6.6 of the Council's Contract Rules and approve the direct award of the Extra Care contract to the current provider, Care Support, for the period 1 February to 31 July 2023, in accordance with the strategy set out in the report; and
- (ii) Delegate authority to the Strategic Director, Children and Adults, in consultation with the Cabinet Member for Adult Social Care and Health Integration, the Strategic Director of Finance and Investment and the Chief Legal Officer, to enter into the direct award contract and any other necessary agreements on behalf of the Council.

### **Reason(s)**

To assist the Council to achieve its priorities of:

- i. **Participation and Engagement** – Extra care services enable people to remain in a property which is their own home. This is an essential part of promoting a welcome, safe and resilient community for Barking & Dagenham residents. The services delivered by Extra Care schemes help residents to take control of their own health and well-being and their quality of life whilst reducing their need for residential care. The service reduces isolation and increases connections in the community, and supports positive outcomes through prevention and early intervention in line with the Joint Health and Wellbeing Strategy.
- ii. **Prevention, Independence and Resilience** – Extra care schemes help to protect some of our most vulnerable adults, keeping them healthy and safe whilst ensuring they have access to good quality care when required. Service users are supported to maintain independence through their own tenancy and are involved in the development of their care and support plans. An important aspect of the service is the co-production of activities with service users for the schemes, empowering service users to lead the design of service delivery.
- iii. **Inclusive Growth** – The proposed model for service delivery enables service users to remain in independent high-quality accommodation that provides employment to local people. The contract will facilitate the Social Value vision for the borough through enabling access to training and employment opportunities for local residents.

## **1. Introduction and Background**

- 1.1 As the Extra Care procurement Cabinet report in June outlined, Extra Care housing are housing developments that comprise of self-contained homes with design features and support services available to enable selfcare and independent living. The schemes have communal facilities such as lounges and laundry rooms and access to 24-hour care and support to those who require it, in addition to planned support calls. The schemes also run an activity programme which is often co-produced with the residents. It is one form of specialist housing which sits in between sheltered accommodation, which offers some low-level support but not on a 24-hour basis, and residential care homes which cater for people with high needs who may require active 'round the clock' care. The service is currently provided by Care Support with Anchor as the Registered Social Landlord (RSL).
- 1.2 The service is designed to adapt as the service users' needs evolve and residents can live in the flats for as long as it is safe for them to remain at the schemes. Service users are also supported through End of Life care and additional wrap around services are brought in to support service users and enable them to remain in their own homes in the scheme.
- 1.3 Extra care housing is an ideal option for older people who:
- Find it hard to cope in their current home but want to stay as independent as possible;
  - Require an alternative to a residential care placement which means they can remain in their own accommodation with their own tenancy;
  - Are in hospital and need to return to accommodation with support and care available 24 hours per day.

## **2. Proposed Procurement Strategy**

### **2.1 Direct Award – 6 months**

- 2.1.1 We are seeking to direct award for a period of 6 months to the current provider Care Support. This is as a result of the procurement process that was undertaken being unable to result in an award due to fact that the Price component of the ITT could not be properly evaluated and scored as bidders interpreted this element of the tender differently to each other using the information provided in the specification, the ITT and resulting clarification questions.
- 2.1.2 The service being directly awarded is the provision of extra care support for older people to live independently with the provision of care and support in place to reflect their support needs and delivered at Harp House, Darcy House, Fred Tibble Court and Colin Pond Court.
- 2.1.3 The incumbent provider will be required to provide 24-hour care and support to the residents of the schemes, including a range of personal care and support tasks which will enable residents to live independently for as long as possible. The provider will also be required to support residents by:
- Undertaking a person-centred, person-led service;

- Preventing, reducing and delaying further social care and health needs where appropriate;
- Reducing social isolation;
- Providing emotional support;
- Monitoring health and wellbeing;
- Administering, prompting and monitoring medication;
- Supporting residents in times of crisis;
- Co-ordinating the production of a varied schedule of activities, co-produced with the residents

2.1.4 They will be held to the terms and conditions of their existing contract and the current service specification. In 2022 they underwent a CQC inspection and were found to be a Good Provider.

## 2.2 **Estimated Contract Value, including the value of any uplift or extension period**

2.2.1 The direct award for 6 months will cost the Council £660,000.00. During the six-month extension a tender will be undertaken as outlined in June 2022 Cabinet report to procure an Extra Care service.

## 2.3 **Duration of the contract, including any options for extension**

2.3.1 This direct award will be for 6 months from 1 February 2023 until 31 July 2023

## 2.4 **Is the contract subject to (a) the (EU) Public Contracts Regulations 2015 or (b) Concession Contracts Regulations 2016? If Yes to (a) and contract is for services, are the services for social, health, education or other services subject to the Light Touch Regime?**

2.4.1 The direct award will fall below the threshold of the Light Touch Regime.

## 2.5 **Recommended procurement procedure and reasons for the recommendation**

2.5.1 A direct award is recommended for a period of 6 months. This is due to the statutory duties in the Health and Social Care Act 2022 to provide continuity of care and the Care Act 2014 to ensure market sustainability. Due to the tender being unable to result in an award, a direct award is the only option.

## 2.6 **The contract delivery methodology and documentation to be adopted.**

2.6.1 The contract will be for the delivery of extra care services at Harp House, Fred Tibble Court, Colin Pond Court and Darcy House (all premises are located within the borough). The extra care service will involve the provider delivering 24-hour care and support to residents of the schemes. The provider will be required to deliver both personal care and health and wellbeing support to residents. Further details of the service can be found elsewhere in this report.

2.6.2 The contract will be funded from the Adult Commissioning Budget and delivered in line with the recommended option 2 below. Council standard terms including special terms for adult social care will be used.

## **2.7 Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract**

2.7.1 There are no savings associated with this direct award however in line with the Care Act 2014 and the Borough Manifesto the service will deliver cost avoidance and longer term saving through the prevention, reduction and delay of additional support being put in place.

## **2.8 Criteria against which the tenderers are to be selected and contract is to be awarded**

2.8.1 The contract will be awarded to the current provider as a direct award which has been selected through a historical tender process.

## **2.9 How the procurement will address and implement the Council's Social Value policies**

2.9.1 During the extension period the current provider Care Support will continue to work with the Council to deliver its social value commitments. During the contract the service has employed local residents and contributed to the local economy. The service also had a Level 3 Apprentice in Health and Social Care as part of the contract who has successfully completed the apprenticeship and is a permanent member of the team. In addition to this Care Support have worked in partnership with the Adult College to develop access opportunities to the Health and Social Care courses for interested staff.

2.9.2 During the direct award period the service will take on student placements for social care and nursing placements as made available by the academic timetable. As a guide each student will be required to complete 128 hours per academic year for their course, this will be pro rata to reflect the duration of the contract and if a previous placement has been completed. The provider is also looking to offer another apprenticeship placement and has been put in touch with our apprenticeship lead.

## **2.10 Contract Management methodology to be adopted**

2.10.1 The contract will be subject to quarterly contract monitoring reviews monitoring performance against the specification.

## **3. Options Appraisal**

### **3.1 Option 1: Do nothing [NOT RECOMMENDED]**

3.1.1 The do-nothing approach would be to not directly award the Extra Care service contract, whilst we carry out a new procurement process. This is not possible as residents of the scheme require social care support and meet the eligibility criteria set out in the Care Act. To not provide this support would result in the Council neglecting its duties under the Act. As a result of not directly awarding this contract, there would be an increase on the social care and health budgets as some of the individuals would either have to be moved to residential care or passed through another community setting, be provided with large care packages

or have recurrent unplanned hospital admissions. This option was therefore rejected.

### 3.2 **Option 2: Directly award the contract to the existing provider while actively undertaking a procurement process [RECOMMENDED OPTION]**

3.2.1 This approach would see a direct award to the current provider for a further 6 months until the end of July 2023. This extension would allow the Council to undertake a procurement process and subsequently award and go live with a provider for the extra care services for the duration of the long-term contract (3 + 2 year contract) as detailed in the Cabinet report 21/06/22 . This would follow the below timeline.

<b>Date</b>	<b>Activity</b>
Tender Published	Mid December 2022
Tender Closed	3 <sup>rd</sup> February 2023
Evaluation	3 <sup>rd</sup> February – 17 <sup>th</sup> March 2023
Presentations to residents	27 <sup>th</sup> March 2023
Award	31 <sup>st</sup> March 2023
Mobilisation	17 <sup>th</sup> April – 31 <sup>st</sup> of July 2023
Go Live	1 <sup>st</sup> August 2023

## 4. **Waiver**

4.1 This report seeks approval for a waiver and direct award to the current provider of the Extra Care service – Care Support.

4.2 We are seeking to waive the Council’s requirement to carry out a procurement process and directly award this contract based on the Council’s Contract Rules section 6.6 (a) an emergency situation exists. This situation is an emergency as if we do not directly award this contract then we are not fulfilling our statutory obligations. This situation has arisen due to a failed tender process and therefore could leave residents without critical services.

## 5. **Consultation**

5.1 Consultation for this procurement has taken place through circulation of this report and briefings with relevant Members and officers. The Cabinet Member for Health and Social Care Integration along with Ward Members, Procurement Board and the Corporate Strategy Group have been consulted on the proposals for the tender. The proposals in this report were considered and endorsed by the Procurement Board.

## 6. **Corporate Procurement**

Implications completed by: Francis Parker – Senior Procurement Manager

6.1 This contract extension is required because the procurement that was being undertaken to replace the current contract was abandoned.

- 6.2 The service needs to continue to be delivered whilst the replacement contract is put out to tender again. An extension to the current contract is the only viable option available

## **7. Financial Implications**

Implications completed by: Paul Durrant (Finance Manager)

- 7.1 The annual budget provided for this service is £1.335m p.a. and that is the forecast to be spent during 22-23.
- 7.2 This is also the same annual value of the current contract.
- 7.3 There are no proposals for any savings in the medium-term financial strategy, so the proposed six-month extension of £0.660m is fully funded.

## **8. Legal Implications**

Implications completed by: Kayleigh Eaton, Principal Contracts and Procurement Solicitor, Law and Governance

- 8.1 This report is seeking approval to award an interim contract directly to Care Support, who is the current provider for Extra Care provision, while a procurement process is carried out. It is anticipated that the contract will be for a duration of 6 months.
- 8.2 It is noted that the value of the contract is £600,000 which is below the Light Touch Regime threshold. This means that there is no legal requirement to competitively tender the contract.
- 8.3 The Contract Rules do provide that where any waiver value exceeds £500,000 approval to waive the rules must be obtained from Cabinet. Each ground is however subject to the proviso that the appropriate decision-maker considers that no satisfactory alternative is available, and it is in the Council's overall interests. This report states that the waiver is sought on emergency grounds due to a failed procurement process which means without this new contract then the Council will be unable to fulfil its statutory obligations. It does appear that there are limited options available to the Council in this situation and an interim contract would be a sensible approach to ensure continuity of care to service users.
- 8.4 The legal team will be on hand and available to assist and answer any queries that may arise.

## **9. Other Implications**

- 9.1 **TUPE, other staffing and trade union implications** -Not applicable as this is a direct award to the incumbent provider.
- 9.2 **Corporate Policy and Equality Impact** - This contract will be provided in line with the Equalities Act 2010 based on an open access service for all eligible individuals irrespective of their background and lifestyle. The contract also has provision for couples to move into Extra Care accommodation so that family units are not split

due to one individual's ill health or when the carer can no longer provide the caring role on their own. The service provides support to carers and onward referral to specialist support as required.

The service contract will support residents from varying backgrounds throughout their stay with person centred plans that take into account individual needs and wishes. The service contract is also able to support End of Life care in line with the service users and family wishes, taking into consideration individual's needs and requirements.

An Equality Impact Assessment screening tool has been completed for this procurement and ascertain the impact of recommissioning the Extra Care service and is included at Appendix 1. The Strategy and Partnerships Team are satisfied that a full EIA is not required.

- 9.3 **Safeguarding Adults and Children** - The provider will work in line with the Multi Agency Protocol and play an active role in safeguarding in the borough.
- 9.4 **Health Issues** - The proposal is in line with the outcomes and priorities of the Joint Health and Wellbeing Strategy. The award of the contract should further enhance the quality and access of services for Older People. The proposal will have a positive effect on our local community. We expect this service to work closely with our local health services, through initiatives such as discharge flats and long-term care support planning to support hospital discharges and keep readmissions down.
- 9.5 **Property / Asset Issues** - The properties are owned by a registered social landlord Anchor who are committed to continuing using the schemes as Extra Care housing.

#### **Public Background Papers Used in the Preparation of the Report:**

- Contract for the Provision of Supported Accommodation for Older People (Extra Care) Cabinet 21/06/22  
(<https://modgov.lbbd.gov.uk/Internet/documents/s154598/Extra%20Care%20Report.pdf>)

#### **List of Appendices:**

- **Appendix 1** - Equality Impact Assessment Screening Tool