

MUNICIPAL YEAR 2017/2018 REPORT NO.

MEETING TITLE AND DATE:
**Reprovision of Day Opportunities
Passenger Transport**

REPORT OF: Bindl Nagra
Statutory Director Adult Social Care
(DASS)

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Agenda – Part:1	Item:
Subject: Reprovision of IWE Day Opportunities Transport Wards: All Key Decision No: 4611	
Cabinet Member consulted: Cllr Alev Cazimoglu	

1. EXECUTIVE SUMMARY

- 1.1 The Council has 16 contracts with a company known as 'Star Cars' for the provision of passenger transport vehicles and ancillary services. Included in the contracts is adult social care transport services, that element of the service is provided in conjunction with the Council in-house staff. The current cost of delivering this service to HHASC is (see appendix A).
- 1.2 The contracts with the provider for the provision of vehicles came to an end on 28th December 2017 but with an extension and handback date of 8th February 2018 now agreed and implemented. The available budget for the provision of a transport solution is £585,380. A new transport solution will be required to deliver a door to door transport solution for an average of 142 people every day (Monday to Friday). An average of 44 wheelchair users access transport on a daily basis Monday to Friday. The current number of users is 242 as reported to the steering group (see paragraph 3.4 as well).
- 1.3 Service Development has worked with the day centres affected and has done an analysis of passenger type and number. The number and configuration of vehicles needed, based on a cluster based approach and use of staggered start and end times for service users, is 8 x 16/17 seaters and 8 x 9 seaters.
- 1.4 This report has considered a range of 4 different options for the delivery of transport to day services for adults and older people in order to deliver the MTFP savings for Adult Social Care Transport and to deliver door to door transport for people attending day centres within the existing budget. Based on an evaluation of the 4 options by service development and by finance colleagues, a transfer of responsibility for passenger transport to and from day centres to IWE is the only option which meets the current budget envelope and offers flexibility to reduce the number of routes, vehicles and staff as required.
- 1.5 It is proposed that as part of the reprovision of transport options existing permanent drivers and passenger assistants employed by the current transport team will transfer under TUPE from the Council to similar roles within IWE. Consultation and engagement with Council and employed staff who will be affected by TUPE will take place before the current arrangements end.
- 1.6 This proposal will support the Adult Social Care Transport Policy 2016 and contributes towards the delivery of Medium Term Financial Plan savings for HHASC.

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2. RECOMMENDATIONS

Agree that:

- 2.1 IWE will operate with both vehicles and staff (drivers and passenger assistants the transport service currently run by Passenger Transport Services (PTS) for people attending day centres currently operated by Independence and Wellbeing Enfield (IWE) to commence from date of agreement of this report;
- 2.2 IWE will operate the larger 16/17 seater vehicles under the Council's PSV licence as agreed with the Council's Fleet Manager and the Interim Executive Director of Environment and Regeneration;
- 2.3 Relevant Well Being Services staff job descriptions are amended to include driving and passenger assistant duties;
- 2.4 A transfer of a budget of up to £585,380 to the IWE management fee to provide adult transport social care services which will include the cost of staff, vehicles and associated costs will take place;
- 2.5 The Management Agreement between IWE and the Council will be amended to include the provision of adult transport social care services and the additional budget to deliver this service as well as service requirements (a specification) and performance monitoring arrangements.

And to note that:

- 2.6 LBE Drivers and Personal assistant staff (currently employed by PTS) will TUPE transfer across to IWE;
- 2.7 Staff in Environment, IWE and HR, to consult with Council employed staff who will be affected by this proposal
- 2.8 Trade Unions to be included in relevant aspects of the transfer of staff
- 2.9 Drivers and PA's will receive appropriate training to carry out their duties effectively and keep or build upon their skills, knowledge to deliver a safe, flexible and appropriate service.
- 2.10 Consultation has taken place with the Executive Director of Environment, TFL (Transport for London) & Council legal to agree the contents of this report.

3. BACKGROUND

- 3.1 In 2015/16 Adult Social Care spent was just over £1.261m million on providing transport, this did not include additional expenditure that was within Well Being service budgets for Agency drivers and Personal assistants.

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- 3.2** On the 1st April 2016, the Adult Social Care Transport Policy was introduced and implemented. The principles of the policy are clear that providing support with travel would be based on a person's Individual circumstances, needs, risks, outcomes and in line with promoting independence. Travel arrangements would be subject to a risk assessment and where appropriate it included independent travel options, assistance to help travel independently, as well as help from family, friends and other support networks. The implementation of the policy has seen the number of routes reduced from 25 to 16 currently and the cost of delivering the service reduced to a current reported spend level of approximately £797k direct cost + £112k indirect cost (total £909k) which is still in excess of £324k over budget.
- 3.3** A full review of Passenger Transport has been carried out to look at opportunities to reduce the financial expenditure of the service for Adult Social Care and to deliver a more flexible service. A number of actions were identified which included:
- Review Passenger Transport management costs and contract arrangements
 - Review of specialised transport arrangements
 - Review eligibility criteria
 - Review Service Users' need for assisted transport
 - Review of routing to optimise vehicle utilisation
- 3.4** As a result, the number of routes and buses has been reduced from 25 to 16 and passenger numbers have been reduced from over 330 to 242 (at February 18) with an associated cost of approximately £797k direct cost + £112k indirect cost (total £909k)..
- 3.5** As part of the review of the existing transport provision, a number of findings with the current service were identified:
- Passenger Transport to Day Services is appreciated by the majority of customers and their carers but people are spending too long on vehicles and not enough time at the day centres;
 - The timing of drop-offs and pick-ups is inflexible within the current model due to cost implications;
 - Transport unable to provide a flexible service outside of the routes that Passenger transport provides, unless at additional cost to the service;
 - Limited access to suitable vehicles during the day for other activities;
 - Passenger assistants requiring appropriate training for customers' diverse needs, behaviours that can challenge and medical health needs such as epilepsy

Current passenger numbers summarised below by day centre:

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Spaces needed per journey	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
community link	24	23	23	22	23	0	0
formont	42	44	39	41	42	0	0
new options	31	25	32	23	29	0	0
rose taylor	42	40	52	52	39	10	8
Park Avenue							
total	139	132	146	138	133	10	8

WC/spec seating Spaces needed per journey	Mon	Tue	Wed	Thur	Fri	Sat	Sun
community link	4	0	5	2	3	0	0
formont	31	29	28	27	29	0	0
new options	4	3	5	4	4	2	1
rose taylor	5	9	10	7	10	0	0
Park Avenue							
total	44	41	48	40	46	2	1

The numbers above include both customers who transfer from a wheelchair into a bus, those that need to be transported in their chair and who require specialist seating arrangements and these have been taken into account in calculating seat volume and occupancy.

Additional Transport analysis completed by IWE has identified circa 10 individuals that were either ineligible for transport or lived in the same building with someone else who was being transported by a residential provider for example. The appropriateness of these individuals for the new transport offer will be reviewed. There are a further 14 individuals receiving transport to Park Avenue Disability Centre where transport options either have been or are planned for review.

4. OPTIONS CONSIDERED:

For all options explored in terms of value for money and quality see part 2

- Doing nothing and continuing as is would not be an option as the current level of spend continues to exceed the budget by £324k.
- Offering the same service through retendering all routes via the DPS system would result in a potential redundancy situation for existing Council staff who drive or assist on the existing vehicles.
- To tender for all vehicles as part of the Council's current procurement of vehicles to achieve better value for money which will then be leased back to IWE with PSV licensing requirements met by the Council's PSV licence currently held by the Council's Fleet Manager; Purchasing vehicles would be expensive and would not offer the business the opportunity to flex vehicle requirements down as changes occur over time.
- Rental of vehicles through an existing arrangement the Council already has with a provider. This option would provide flexibility to the business and removes the Council's risk of capital depreciation when purchasing vehicles. This option has already been implemented;
- These vehicles would be driven and assisted by existing staff within PTS and IWE;

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- Based on legal advice received from Transport for London (TFL, the regulator) and reviewed by the Council's legal team, IWE will not apply for PHV licences to cover the provision of transport through 9 seater vehicles. The larger 16/17 seater vehicles will be covered by the Council's PSV licence with oversight retained by the LBE Fleet Manager
- A set of summary requirements taken from ROSPA's Code of Practice – responsibility for adherence to these will sit with the Transport Manager/Co-ordinator and the Service Manager for Day Services both of whom will be accountable to the lead commissioner in Adult Social Care.
- Arrangements for these vehicles include:

Clustering

- This proposal is based on the vehicles being stored at different IWE (appropriately secure) locations in Enfield, freeing up space and capacity at the Morson Road depot location;
- The IWE Transport planning team have segmented the customer base into four clusters with a hub in the centre. These hubs are:
 - Park Avenue – Bush hill Park
 - Formont – Waverly Road
 - New Options – Albany
 - Shopmobility – Edmonton Green
- Staggered start and end times for day services to be introduced
- All routes and all individual needs of service users accessing transport currently have been reviewed by the Day Services Management Team to determine the vehicle capacity required to meet current needs and to take account of the new staggered start/end time arrangements.
- Plans are in place to deliver independent travel training to reduce the number of people accessing IWE transport to and from day centres where appropriate
- Day centre managers will retain responsibility for people accessing their services but with overall responsibility for transport logistics, vehicle and staff requirements sitting with the new Transport Co-ordinator post.

5. REASONS FOR RECOMMENDATIONS

- 5.1** The current budget available for the provision of transport for Adults and Older People to day centres is projected to overspend by around £324k against the current budget.
- 5.2** The use of day activities is changing with options becoming more flexible and the number of people likely to be eligible for council transport is reducing. A more flexible transport offer is therefore, required.
- 5.3** Well Being services will have greater flexibility to plan and organise travel options to the growing and often complex needs of its customers. This will also maximise day opportunities, evening activities and weekend services and enhance the level of care and support available.

These include:

- Increased access to vehicles during the day, evenings and weekends

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- More flexibility for our customers to be picked up and dropped off
 - Reduction in the time customers spend travelling, through the use of smaller vehicles and other modes of traveling
 - Continuity of service and improved understanding of customers' needs by having dedicated and well trained drivers and passenger assistants
 - A service which is adaptable to the evolving needs of its customers.
- For a breakdown of existing costs of the service and the cost of the new proposed model see part 2 of this report.

5.4 Drivers and passenger assistants that will TUPE transfer over to IWE will be assimilated into IWE's staffing structure.

5.5 A Transport Business co-ordinator will be recruited to oversee the planning and co-ordination of Well Being Services Transport solutions. The responsibility for adherence to requirements of the PSV operator licence will remain with the Council's Fleet Manager. The IWE transport business co-ordinator will liaise regularly with the Fleet Manager to ensure adherence to licensing requirements is maintained appropriately. This post will also work with each of the Day Centre Managers and staff to ensure routes are most efficiently maximised, with cover provided by Day Centre managers when the Transport Co-ordinator is absent (sickness/leave).

5.6 An effective management system in place will make certain that drivers are appropriately trained, medically fit to drive, complying with all requirements, including risk assessments, safety measures and emergency procedures. Drivers and Passenger assistants will also be supervised and supported by the Transport business co-ordinator.

5.7 IWE will have direct input in to the vehicle specification working with fleet to ensure that vehicles will match the varied needs of customers and of the growing company.

5.8 Approval to proceed with the new Transport model, will enable IWE to develop a 3 year strategy to ensure the company can continue to identify and investigate areas for improvement and efficiency. This will include increasing the usage of Rose Taylor to full capacity over the weekend period. Weekends are currently underused due to lack of availability of appropriate supported transport for people with dementia using this service.

Investing time in supporting people to be more independent in their travel choices will enable customers to be active citizens within their community, it enables individuals to feel confident in their ability to be independent and supports their wellbeing. This proposal will also work alongside our Travel Peer support service, which we will be developing and first steps to travel training and the very successful "red route" programme with travel training attached, which is in partnership with Transport police.

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6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

a. Financial Implications

See part 2 report.

b. Legal Implications

Outline of the Service

Under the proposed new arrangements for adult social care transport:

1. 16/17 and 9 seater vehicles to be procured by Fleet Services and rented back to IWE under full repair and maintenance leasing arrangement;
2. Existing drivers and passenger assistants currently employed by PTS to TUPE transfer across to IWE to drive and assist on buses;
3. Existing IWE staff within day services to have job descriptions amended to allow for them (subject to appropriate licences and training) to drive/assist on IWE buses;
4. Larger 16/17 seater vehicles to operate under the Council's PSV operating licence with IWE being accountable to the Council's Fleet Manager

Direct Award

Section 1 of the Localism Act 2011 permits the Council to do anything that individuals generally may do provided it is not prohibited by legislation and subject to Public Law principles.

The transfer of the Council's/HHAC budget to IWE – a total of £585,380– is equivalent to the direct award of a contract to a provider for that value of contract. The value of that (transport management service) contract, as outlined in the report, is in excess of the applicable EU threshold (£164,176), as applies under the Public Contracts Regulations 2015 (" the Regulations "), which would normally oblige the contract to be put out to tender via an Official Journal of the European Union (" OJEU ") notice, unless, and where, an exemption applies.

IWE Ltd is a private company incorporated and wholly owned and therefore controlled (in the terms related below) by the London Borough of Enfield (" LBE "). Regulation 12(2) of the Regulations provides that a contract can be directly awarded by a contracting authority (ie LBE), without further competition via tender via an OJEU notice , where the recipient body being awarded that contract , is controlled by the awarding body - ie the LBE exercises decisive influence over both strategic objectives and significant decisions of the controlled body (ie IWE) - and more than 80% of the controlled body's activities are carried out in the performance of tasks entrusted to it by the controlling authority ; and there is no private capital participation in the controlled body.

On the basis that IWE satisfies all the Regulation 12 (exemption) grounds for the direct award of the contract , as outlined above, the direct contract award to IWE, as proposed, can be made.

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PHV Licence

According to guidance, IWE is not required to obtain a Private Hire Vehicle Licence. This has been confirmed, at length, with the regulator TfL.

Other Legal Issues

The Management Agreement between the Council and IWE needs to be varied so as to include the provision of transport services as set out in this report to the Council and to include the payment to IWE for providing those services. The payment to IWE should reflect the cost to IWE of providing the services.

The current contracts with Star Cars, in so far as Environmental still require services under those contracts, should be varied.

- c. **HR Implications** - The proposal to transfer the Adult Social Care transport service to IWE would constitute a service provision change under the Transfer of Undertakings (TUPE) 2006 regulations. Staff currently directly employed by the Council and assigned to the provision of these services would be entitled to transfer to IWE with their current terms and conditions intact.

There are currently 3 drivers and 13 passenger assistants/vehicle escorts providing the service, who are directly employed by the Council. These staff are supported by a varying number of agency workers, who would not be covered by the TUPE regulations.

The TUPE regulations require consultation to take place with the relevant trade unions and staff, directly or indirectly impacted by the transfer, at the earliest opportunity. Initial consultation on the proposals should be led by Environment management as the "transferors" in the transfer arrangements. IWE management will need to notify the Council of any intended "measures" they propose to take as a result of the transfer and should then support Environment management in the consultation process with staff and trade unions. Under the TUPE regulations staff who transfer have their terms and conditions of employment protected and it should be noted that these can only be changed in very limited circumstances.

If IWE propose to subcontract any of the service to a third party, the current staff could potentially have TUPE rights to the third party and legal advice should be sought on this if relevant.

The proposal includes the creation of a new post of Transport Business Co-ordinator. A job description and person specification for this post has been drawn up and the post has been evaluated at Salary Scale SO2. Once approved, appointment to the post should follow IWE's recruitment policy which is in line with that of the Council

The current transport structure within the environment team also incorporates an Operations Manager post which oversees the day to day provision of transport services to Schools and Children's Services as well as Adult Social Care. Consideration will need to be given as to how the post holder will be affected by this proposal although the early indication is that the majority of the work undertaken by this post would not be assigned to the TUPE transfer.

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The proposal also indicates that job roles of current care staff at IWE may be revised to incorporate driving/and or passenger assistant duties. Consultation with the affected staff should take place with regard to any proposed changes to job roles and job role profiles would need to be updated and re-evaluated as necessary.

The costings for the drivers and passenger transport assistants are based on base salaries and employer on costs (NIC and pensions) will need to be taken into account.

7. KEY RISKS

Risk Area	Action take to manage risk	*likelihood	**Impact
Not all staff will come across to IWE.	Recruitment to WB drivers posts, underway.	2	2
Low staffing moral about moving across to WB	Full consultation with staff, other IWE staff to speak to Env.staff about IWB.	2	2
Procurement unable to negotiate a low cost, good quality 9 seater mini-bus and 16 seater mini-bus with drivers. Contract with Env. Transport comes to end in October.	Start the process as early as possible. Contingency plans are already in the planning.	2	3
Supplies and services (minibus & drivers) requirements exceed cost.	Would need to consider savings in other areas of the budget to meet any short fall.	1	2
Transition from Env. to IWE overlaps.	Timescales are continuously monitored and reviewed. Regular communication with customers and Env.	2	3
Forecast figures changing significantly leading to underutilisation or over demand of using minibuses.	WB to conduct annual reviews and projections on the use of minibuses.	2	2
Customers demand for transport reduces.	WBS will be supporting customers to use all modes of transport and ways of travelling.	2	1

*Likelihood 1= remote 2 = possible 3= probable 4= likely

** Impact 1 =minor 2 =moderate 3 =significant 4 =severe

8. IMPACT ON COUNCIL PRIORITIES

a. Fairness for All

This proposal supports vulnerable residents in having equal access to services and opportunities within the community. IWE works very closely with the community to tackle inequalities and support our customers through advocacy to highlight any inequalities.

b. Growth and Sustainability

TUPE will enable staff to transfer to IWE which will enable the company to grow and continue to support the drivers and passenger as valued staff members within IWE

c. Strong Communities

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IWE encourage active citizenship throughout its services. IWE has established a stakeholder forum, the self-named "Enfield Independence and Well Being Partnership, who have an interest in contributing to how the company develops. Forums are held throughout the services which feed into IWE's quality standards. IWE is committed to ensuring it maintains strong relationships with the local community.

9. EQUALITIES IMPACT IMPLICATIONS

Not applicable as a passenger transport service will continue to provide safe and appropriate transport for service users to day centres.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

A full set of performance measures will be developed against which the new service will be monitored. These will include measures of quality including timeliness, value for money and customer safety/complaints. IWE is currently accountable for its performance against standards of service within its day centres. The journey to and from day centre provision will be included as part of this performance and quality framework.

The lead commissioner will meet with the Service Manager for Day activities and the Transport Manager/Co-ordinator on a quarterly basis to review:

1. Referrals for IWE transport to day centres (level and appropriateness)
2. Review of service user feedback through complaints/compliments and learning from them to improve service delivery
3. Review of staff feedback
4. Quality assurance monitor against standards within the Code of Practice with spot checks made on site to verify documentation and records
5. Financial monitoring and value for money

11. HEALTH AND SAFETY IMPLICATIONS

IWE will need to ensure that legislation and best practice is followed.

Minibus safety – Code of practice

Driving at work: Managing work-related safety (HSE, 2014)

Independence and Well Being will have risk assessment policies and procedures in place

Risk assessment will identify:

- Hazards
- The likelihood of a hazard occurring
- The likely severity of any injury or property damage
- Who might be affected
- Existing safety measures
- New safety measures that might be needed
- How safety measures are implemented
- Emergency procedures

IWE to ensure all appropriate training is carried out or updated on a regular basis.

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Background papers include:

IWE transport planning document June 17

ROSPA Minibus Safety – Code of Practice – Summary of Best Practice Section

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MUNICIPAL YEAR 2017/18 REPORT NO.

MEETING TITLE AND DATE:

November 2017

REPORT OF:

Executive Director of
Housing, Health & Adult
Social Care (HHASC)

Agenda – Part: 1

Item:

Subject: Recommendation to award a contract for care & support services at Alcazar Court Extra Care Scheme – 1 Year Contract

Wards: ALL

**Lead Member Councillor Alev Cazimoglu
KD: 4462**

Contact officer & telephone number:

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1. EXECUTIVE SUMMARY

This report should be read in conjunction with the corresponding part 2.

- 1.1 The Extra Care Services at Alcazar Court are currently being provided by 'Saint John of God'. The Council conducted a full procurement process earlier this year but made a strategic decision to abandon the process. It is the Council's intention to re-tender for this service in the next twelve months.
- 1.4 In the meantime, service provision must ensue and so the Council decided that in accordance with the Council's Contract Procedure Rules (CPRs) the Extra Care Services provided at Alcazar Court were to be procured by seeking quotes from the Domiciliary Care market for a contract period of 1 year commencing 5th February 2018.
- 1.3 Two providers submitted a tender price. One was over the available budget and the other provider withdrew from the procurement exercise prior to completion of the tender process.
- 1.4 A DAR was signed by the Acting Director of Health, Housing and Adult Social Care to extend the existing Extra Care contract with Saint John of God contract to 31st March 2018. The above quotation exercise was repeated with a 1-year contract commencing on 1st April 2018, however this resulted in no return from any provider
- 1.5 The Council made a decision to directly negotiate with two providers who had previously expressed an interest in the Extra Care Contract and award the successful provider based on their ability to meet the Council's standard criteria of experience, quality and value

2. RECOMMENDATIONS

- 2.1 To endorse and agree to a Direct Contract Award for extra care & support services at Alcazar Court Extra Care Housing Scheme for a period of 1 year, commencing on 1st April 2018 (with the option to extend for a further 3 months) to the successful service provider as outlined in the corresponding Part 2 report.
- 2.2 To approve to waive the contract procedure rules as a result of the Direct Award Process as outlined in the corresponding Part 2 report

3. BACKGROUND

- 3.1 Extra care housing is a supported housing option which improves the lives of vulnerable older adults with a range of housing related support (Support) and adult social care (Care) needs. It balances independent living with an enhanced sense of security. Service users receive support to manage their tenancies and also have access to a 24hr onsite care service.
- 3.2 There is no single definitive model for extra care. Local authorities can decide how they wish to commission and implement extra care to meet their own local priorities
- 3.3 Extra care housing supports the HHASC Commissioning Vision for Older People in Enfield by reducing the number of people who go into long term residential & nursing care as well as reducing the number of preventable hospital readmissions. It also facilitates timely hospital discharge and enables people to die at home with dignity in a supported environment.
- 3.4 The Council revised its commissioning vision for extra care and developed a new specification for a more flexible, responsive service. This delivers improvements in how the scheme meets a diverse range of needs under a "balanced community" model as well as prolonging independence through improved end of life care arrangements
- 3.5 Alcazar Court extra care scheme is located at 2 St Mary's Road, Edmonton, London, N9 8NZ. It provides 45 units of accommodation for vulnerable older adults including 3 two bedroom units and 2 units specifically as a short-stay, enablement option.
- 3.6 The main client group is "older adults" However those with additional needs such as learning disabilities, dementia and other neurological conditions may also access the service where they are able to live independently with support under the terms of their tenancy agreement.
- 3.7 The premises and freehold are owned by the landlord, Circle 33. An off-site housing management service is provided by Circle Support, a sister company of Circle 33. Service users live at the scheme under a

tenancy agreement. The care and support provider provides the onsite point of liaison between service users and Circle Support.

- 3.8 The current Extra Care Service is delivered by Saint John of God who won the contract in 2012 and although their contract expired in March 2017 has and shall continue service provision until 4th February 2018. They provide extra care support service for older people and people with dementia.
- 3.9 Saint John of God's contract is monitored on a quarterly basis by the Enfield Contract and Review Team. In the past three years, there have been no major concerns with the service provider and the last quarterly monitoring visit also confirmed this. Service users are generally pleased with their service and the support provided by Saint John of God. They have worked in partnership with the Council for delivering the service and have been flexible in meeting the Council's requirement.
- 3.10 The contract model is designed to be flexible. It is for a term of 1 year with the option to extend for 3 months to take account the full procurement process due to happen in early 2018 (subject to authority) for a contract period of 3 + 2 + 2 years.
- 3.11 Council officers have engaged directly with service users on a regular basis throughout this time to incorporate their priorities and expectations

4.0 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Due to the abandonment of the first tender process it was necessary to undertake and invite providers to quote through a competitive tendering exercise in order to secure a new provider prior to the end of the existing contract and to ensure a smooth transition from the incumbent provider to the new provider.
- 4.2 As the first and second quote procurement exercise failed to secure a successful provider it was considered not in the best interest of the Council to go out to the market for a fourth round of procurement.

5.0 REASONS FOR RECOMMENDATIONS

- 5.1 The provision of Extra Care accommodation has been and continues to be a priority for the Council. It delivers a model of care which promotes independent living for a range of vulnerable people who would otherwise be at risk of social isolation, admission to hospital or residential care.

- 5.3 The Direct Award approach is recommended because of the approaching end date of the contract extension given to 'Saint John of God' of 31st March 2018, and the consistent failure to secure a successful provider through the formal procurement and market testing processes.

6.0 COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

See part 2 of this report for financial implications

7.1 Legal Implications

- 7.1.1 The Council has a duty under s.1 Care Act 2014 ('Care Act') to promote individuals' wellbeing (as defined in the Care Act). The Council has a further duty under s.2 Care Act to provide or arrange for the provision of services, facilities or resources, or take other steps, which it considers will contribute towards preventing, delaying or reducing the development by adults and carers in its area of needs for care and support.
- 7.1.2 S.111 Local Government Act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- 7.1.3 The Council also has a general power of competence under s.1(1) Localism Act 2011 to do anything that individuals may do, provided it is not prohibited by legislation and subject to Public Law principles. The recommendations in this report are in accordance with these powers and will enable the Council to fulfil its duties under the Care Act.
- 7.1.4 The Council must comply with its Constitution and in particular its Contract Procedure Rules (CPRs). The contract price (including the option to potentially extend the 1-year arrangement for a further 3 months) falls below the relevant EU threshold (£589,148), the 'light touch regime' of the Public Contracts Regulations 2015 ('Regulations').
- 7.1.5 Furthermore, in accordance with CPR 19.2.2, the Council must comply with its obligations regarding obtaining best value in accordance with the Local Government (Best Value Principles) Act 1999.
- 7.1.6 The Council must at all times during the procurement and contract award process, comply with the central EU treaty principles of transparency, equal treatment, non-discrimination, and proportionality, whatever the design of the procurement process chosen even if the overall value of the services to be retendered falls below the relevant EU threshold.

- 7.1.7 The Council has opted to directly award a contract to a service provider, which falls within CPR 8.1.7 (Exception to Competitive Tendering) as the contract is for social care services below the relevant EU Threshold and in the opinion of the P&C Hub it is considered in the Council's interest. The direct award of the contract is also ensuring continuous provision of social care services in line with the Council's statutory obligations.
- 7.1.8 The resultant contract (and any relevant associated contractual documentation) awarded must be in a form agreed by the Assistant Director, Legal and Governance Services. In line with CPR 8.1.12 the contract must also be recorded on the E-Tendering Portal.
- 7.1.9 This report constitutes a Key Decision and the Council's Key Decision process must be followed.

8.0 PROCUREMENT IMPLICATIONS

- 8.1 The Procurement and Commissioning Hub (P&C Hub) supported HHSAC during the procurement process in developing the procurement documents to ensure that a compliant competition took place and that value for money was achieved while ensuring that high standards of service are maintained.
- 8.2 The P&C Hub assisted HHASC throughout the tendering process and ensure compliance with the Public Contracts Regulations (2015) and the Council's Contract Procedure Rules.
- 8.3 All correspondence and documentation was made available to Providers through the Councils electronic tendering system.
- 8.4 A waiver of the Contract Procedure Rules has been requested by HHASC to enter into a direct award contract.

9.0 KEY RISKS

- 9.1 Delays in the retender process could leave insufficient time for a safe, appropriate and sensitively managed handover between the outgoing provider at Alcazar Court and the new provider. Ongoing dialogue with the current provider and colleagues in the procurement service will mitigate against this risk.
- 9.2 The contract extension due to expire on 31st March 2018 which provides a very short period for handover arrangements and together with the holiday period may be a risk to the smooth transition from the incumbent Provider to the new Provider.

10.0 HR IMPLICATIONS

- 10.1 The letting of this contract does not involve any staff transfer from the Council. TUPE arrangements are between staff employed directly by St John of God and the successful tenderer/s

11.0 IMPACT ON COUNCIL PRIORITIES

11.1.1 Fairness for All

- 11.1.2 The contract makes clear arrangements to ensure equal pricing for self-funders in line with levels of block contract funding.
- 11.1.3 The new specification integrates care and support elements to provide a more seamless, responsive service. The increased flexibility enables a broader range of needs to be met.
- 11.1.4 This service provides independent living for vulnerable older people. It provides an environment that meets resident's needs, ensures their safety and promotes their well-being

11.2.1 Growth and Sustainability

- 11.2.2 The level of market interest indicates increased competition in the extra care service model.
- 11.2.3 The block contract model provides financial stability for both the Council and service provider.
- 11.2.4 The service is designed to maintain service user's independence for as long as possible, postponing and preventing service users having enter residential care

11.3.1 Strong Communities

- 11.3.3 Service users also expressed what was important to them which was considered as part of the evaluation which gave them a sense of empowerment positively contribute to the sense of community at the scheme.
- 11.3.4 Service users can maintain their independence within the wider community, whilst still having the support and security from the recommended successful provider

12.0 EQUALITIES IMPACT IMPLICATIONS

12.1 A predictive EIA has been completed

13.0 PERFORMANCE MANAGEMENT IMPLICATIONS

13.1 The award of this contract will enable the Council to ensure that appropriate and robust contract monitoring arrangements are in place. The principal focus will be on the outcomes for service users delivered by the provider as well as how the provider manages issues of complaints and safeguarding of vulnerable adults in an independent living setting.

13.2 Contract monitoring will be undertaken by the Performance & Contracting team within the Procurement Hub

Background Papers None

