

London Borough of Enfield

**Cabinet
6 July 2022**

Subject: **Anastasia Lodge and Autumn Gardens Residential & Nursing Care Contract Award**

Cabinet Member: **Cllr Alev Cazimoglu**

Executive Director: of People **Tony Theodoulou**

Key Decision: **5411**

Purpose of Report

- 1 Anastasia Lodge is a residential care home situated in Winchmore Hill and benefits from good shopping, open space and transport facilities. Care services were provided under a 1 +1-year block contract between the Council and Ourris Residential Homes Limited. This expired on the 31st March 2022. There is a 5-month extension in place which is due to expire on 31st August 2022.
- 2 Autumn Gardens is a residential and nursing care home. It is situated in Southgate and also benefits from good shopping, open space and transport facilities. Care services were provided under a 1 +1-year block contract between the Council and Ourris Properties Limited. This expired on the 31st March 2022. There is a 5-month extension in place which is due to expire on 31st August 2022.
- 3 The main client group in both homes is "older adults" from the Greek, Turkish, Greek/Cypriot and Turkish and Turkish/Cypriot communities who are unable to live independently in the community due to their high care needs and/or dementia. The number of people who have dementia has been steadily increasing in the borough over the last few years and this increase is set to continue. Dementia care homes are a difficult market sector experiencing increased demand and continued upward cost pressure.

Proposal

- 4 That Cabinet approves:

- (i) the award of the following two contracts via direct award under regulation 32 (2)(b) (ii) of the Public Contracts Regulations 2015:
 - o Contract for Residential Care Services to Ourris Residential Homes Limited at Anastasia and
 - o Contract for Residential & Nursing Care Services to Ourris Properties Limited at Autumn Gardens
 - (ii) that the contract period for the two contracts detailed above shall be for 3+2 years commencing on 1st September 2022 for an initial term of 3 years ending on 31st August 2025 (with the option to extend for 2 years to 31st August 2027. The award will provide vulnerable residents with continued access to vital care services at a good value price per bed as detailed in the Confidential Appendix.
- 5 That Cabinet agrees to delegate the formal approval of the 2-year extension period of the contracts, subject to satisfactory performance, to the statutory Director of Health & Adult Social Care in consultation with the Cabinet member for Health and Adult Social Care.
- 6 That Cabinet agrees to delegate authority to the Director of Adult Social Care (ASC) in consultation with the Director of Law and Governance to negotiate price, finalise and agree the contract terms and to enter into the two contracts, one contract with Ourris Residential Homes Limited and one contract with Ourris Properties Limited.

Reason for Proposal

- 7 The existing block contracts with Ourris Residential Homes Limited and Ourris Properties Limited arrangement expired 31st March 2022. An extension was put in place which commenced on the 1st April 2022 and is due to expire on the 31st August 2022.
- 8 Many of the residents have lived at Anastasia Lodge Residential Care Home and Autumn Gardens Residential & Nursing Care Home for more than 5 years and see Anastasia Lodge and Autumn Gardens as their home. They have high care and support needs. Ourris Residential Homes Limited and Ourris Properties Limited have been able to meet their care needs to a consistently high-quality standard.
- 9 There is a shortage of nursing dementia capacity in the market with other local authorities competing for these specialised beds within both homes. ASC will be able to continue to secure appropriate, cost effective, residential and nursing care bed space within the borough that meet the needs of the growing elderly community.
- 10 With particular reference to dementia care, familiarity in both environment and surroundings has proved to deliver a more settling experience, particularly where English is not a first language and where residents often quickly lose their second language as a result of their dementia. Being

able to communicate, even in a limited way, is critical in supporting a very vulnerable client group. Ready and regular availability of care and support staff able to communicate to residents in their native language is therefore important to the quality of care and quality of life of residents.

- 11 The Covid-19 (Coronavirus) pandemic has presented a series of rapid and unparalleled challenges for the nursing and residential care market. The ongoing emergency has necessitated Ourris Residential and Ourris Properties to transition to new ways of working with ASC and a commitment to maintain 'business as usual' as far as possible in a currently fragile care market.
- 12 Ourris Residential and Ourris Properties have demonstrated a good level of operational performance and have received a rating of 'Good' for Anastasia and Autumn Gardens from the Care Quality Commission (CQC).
- 13 In the provision of care and support services at the homes Ourris Residential Homes Limited and Ourris Properties Limited have achieved the following outcomes for residents,
 - **Feeling Safe & Secure:** Ourris Residential Homes Limited and Ourris Properties Limited delivers a hands-on approach of care and support by having the right number and cultural and linguistic specific staff on duty ensuring there is always staff available day and night regardless of the assessed care needs of residents. Their rota includes night staff that are shared across all residents and day staff that provide and meet all planned and unplanned care needs. The staff team also answer emergency call alarms within the home and ensures a timely and professional response.
 - **Being Healthy, Clean & Comfortable:** Ourris Residential Homes Limited and Ourris Properties Limited have supported residents to be as healthy and well as they can, and be clean and comfortable in the delivery of their care at all times;
 - **Treated with Dignity & Respect in a Person-Centred Way:** Monitoring information demonstrates that Ourris Residential Homes Limited and Ourris Properties Limited always treat residents with dignity in a way that respects their individual needs and this has been at the centre of planning, choosing, managing and financing the care & support that's right for individual residents;
 - **Having Company & Contact and Feeling Engaged:** Residents are facilitated to have as much company & contact with others as they feel they need and are facilitated to take part in activities and interests that are important to them taking their needs into consideration

Relevance to the Council Plan

Good homes in well-connected neighbourhood.

This provides residential space in a specific environment that is at the heart of older people living in Enfield

Anastasia Lodge and Autumn Gardens are situated in key prominent areas in the borough. They both have good transport links and are near several shops making it a good location for residents to feel part of their community

Sustain strong and Healthy Communities

The services provided protect those most in need by continuing to deliver care and support services and safeguarding vulnerable people.

The new contracts would provide dementia friendly care and support for both residential and nursing units

Build our local economy to create a thriving place

These current contracts are with local providers whose workforce often come from the local community and reflect the diversity of borough.

Background:

- 14 Anastasia Lodge and Autumn Gardens are owned and run by Ourris Residential Homes Limited and Ourris Properties Limited. The companies own the accommodation and deliver the support services operating within them. Autumn Gardens is an 85-bed dual registered residential nursing home rated as 'Good' in August 2020 by the Care Quality Commission. It is located at 73 Trent Gardens, Southgate, N14 4QB. It benefits from good transport links and shops. Anastasia Lodge is a 27-bed residential home rated as 'Good' in January 2020 by the Care Quality Commission. It is located at 10-14 Arundel Gardens, Winchmore Hill, N21 3AE. Both homes also support people who have dementia.
- 15 Both homes offer specific care and support, specialising in the Greek, Greek/Cypriot, Turkish and Turkish/Cypriot community; The majority of Enfield residents in the homes have Greek or Turkish as their first language.
- 16 Below is a breakdown of the residents currently placed by Enfield Council as part of the block contract arrangement are as follows

	Anastasia Lodge	Autumn Gardens
Nursing	0	13
Residential	4	7

- 17 Adult Social Care has received 100% occupancy prior to the COVID 19 pandemic and continue to do so. ASC also place residents in both homes on a spot purchasing arrangement.
- 18 The main client group is “older adults” who are unable to live independently in the community. The number of people who have dementia have steadily been increasing over the last few two years.
- 19 Ourreis Residential Homes Limited and Ourreis Properties Limited performance is monitored on a quarterly basis by the Enfield’s Quality Assurance and Contracts Team and in the past year, there have been no concerns with the service providers and the last quarterly monitoring visit also confirmed this. Residents and their families are generally pleased with the service and the support provided by Ourreis Residential Homes Limited and Ourreis Properties Limited.
- 20 They have worked in partnership with Adult Social Care to deliver the service and have been flexible in meeting the Council’s requirements within this difficult environment to deliver value for money whilst maintaining quality care provision.

Main Considerations for the Council

- 21 The Care Act 2014 places statutory duties on Councils to give due regard to ensuring provider sustainability and viability to enable them to meet their employer duties and responsibilities and provide the agreed quality of care.
- 22 The Covid-19 (Coronavirus) pandemic has presented a series of rapid and unparalleled challenges for the nursing and residential care market in terms of fully meeting their contractual obligations. The provider has proved to be resilient and innovative in responding to the significant risks resulting from the pandemic and has continued to deliver responsive, high quality care at a sustainable price.
- 23 The continued use of a block contract with Ourreis Residential Homes Limited and Ourreis Properties will mitigate the significant risk that local nursing beds will otherwise not be available when needed which would lead to a delay in transfers of care within acute sector for residents who may benefit from such a setting due to the complexity and medical nature of their needs.
- 24 Ourreis Properties Limited and Ourreis Residential Homes Limited are the companies which both own the accommodation (buildings) and deliver the care and support within the two properties where the services are currently provided (the Premises). Seeking an alternative provider to provide these services at the Premises is, therefore, not an alternative.
- 25 There is generally a lack of dementia care beds in the borough, this is also reflected nationally with local authorities competing for affordable bed placements. Retaining this local resource and block contracting at a sustainable price per bed is paramount for Enfield’s increasing number of dementia care cases. This block arrangement is aligned to ASC Market

Position Statements which looks to expand block contracting arrangement where there a competing demand for nursing beds in the borough.

- 26 Services at Anastasia Lodge and Autumn Gardens have remained consistently high quality throughout the existing contracts. The homes are amongst some of the best homes within the borough. A continued contract with Ourris Properties Limited and Ourris Residential Homes Limited will maintain consistency of service quality and provision at Anastasia Lodge and Autumn Gardens and sustain current services to vulnerable residents who live there.

Safeguarding Implications

- 27 With onsite 24-hour care, Anastasia Lodge and Autumn Gardens support some of the most vulnerable people in Enfield to live safely and independently and by doing so enable them to live healthy and fulfilling lives and achieve their full potential.
- 28 The cessation of this contract services until such time as new contracts could be procured or residents move to another care home would have direct safeguarding implications for the residents concerned and would inevitably increase the anxiety to those individuals. The proposal to award the two contracts to support these vulnerable residents removes this safeguarding risk

Public Health Implications

- 29 The Public Health team note the centrality of the needs of the residents of Anastasia Lodge and Autumn Gardens to these proposals. There is clear evidence that significant environmental disruption can have severe negative impacts upon the health of older people and thus it's avoidance in this proposal is also most welcome. It is our assessment that there are not any significant public health implications accordingly.

Equalities Impact of the Proposal

- 30 An Equalities Impact Assessment has been undertaken and forms part of the background papers of this report.
- 31 Future projects, work stream or changes to services deriving from this decision may be subject to a separate Equalities Impact Assessment. Therefore, any projects or work stream will be assessed independently on the need to undertake an EQIA to ensure that the council meets the Public Sector Duty of the Equality Act 2010

Environmental and Climate Change Considerations

- 32 With Enfield's ageing population and rising natural resource costs, it is essential that all residential care homes take an active role in resource efficiency and carbon reduction. This will be critical in safeguarding affordable

care for vulnerable elderly people, maintaining dignity and social participation in old age and in achieving carbon, waste and energy targets.

- 33 As a residential and nursing care provider Ourris Properties Limited and Ourris Residential Homes Limited will be asked to demonstrate systems and processes to manage their impacts on the environment. They will be required to provide data to demonstrate their environmental improvements throughout the duration of the contract.

Risks that may arise if the proposed decision and related work is not taken

- 34 Failure to implement effective contractual arrangements for services at Anastasia Lodge and Autumn Gardens would increase the likelihood of risks to service continuity for vulnerable services users

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

- 35 There is a risk that Ourris Properties Limited and Ourris Residential Homes Limited in terms of quality could decline however, this will be managed and monitored throughout the duration of the contract through regular quality meetings supported by visits from Social Workers undertaking annual reviews.

Financial Implications

- 36 See Part 2 for detailed financial cost.

Legal Implications

- 37 The Council has a duty under the *Care Act 2014 to promote an individual's well-being (S. 1), assess adults who appear to be in need of care and support and identify their needs (S.9) and meet needs assessed as being eligible needs (S.13, S.18 and S20)*. Providing accommodation in a care home as detailed in the report will enable the Council to meet its duties under the Care Act 2014. *Section 111 Local Government Act 1972* gives a local authority power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. Finally, The general power of competence under *s.1(1) Localism Act (2011)* states that a local authority has the power to do anything that individuals generally may do provided it is not prohibited by legislation and subject to Public Law principles. The proposed services as mentioned within this report are in accordance with these powers.

The Council must comply with its Constitution, Contract Procedure Rules (CPRs) and, as the value of each contract exceeds the Light Touch Regime Threshold, the Council must also comply with the *Public Contracts Regulations (2015)*.

The CPRs require that where a contract is awarded with a value of £1 million or over (as is the case here), the provider must provide 'sufficient security' as defined in CPR Rule 7.3 (such as a performance bond or a parent company guarantee). Evidence of the form of security required, or why no security was required, must be stored and retained on the E-Tendering Portal for audit purposes. If this requirement is waived, then the Executive Director of Resources must approve the financial risk prior to any award, and the relevant Authority Report must set out the reasons and what measures are to be taken to manage the risk.

As the value of each contract is above £500k, the Key Decision procedure must be followed.

The Council must have adequate budgetary provision to service the contracts that are proposed to be entered into within this report.

The resultant contracts with both Ourris Properties Limited and Ourris Residential Homes Limited must be in a form approved by Legal Services on behalf of the Director of Law and Governance and must be sealed by Legal Services.

The Council must comply with its obligations relating to obtaining best value under the *Local Government (Best Value Principles) Act (1999)*.

(Legal implications provided by SM on 10/06/22 based on a report emailed on Wed 08/06/2022 15:41)

Workforce Implications

38 N/A

Property Implications

39 Not applicable as buildings wholly owned by Ourris Properties Ltd

Procurement Implications

40 Any procurement must be undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).

The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.

All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements.

Where a contract has not been procured via the LTP, then the signed contract, call off agreement and supporting DAR etc, must be sent to procurement.support@enfield.gov.uk who will create a record in the LTP and promote to contract finder to ensure the Council meets its transparency obligations.

The CPR's state that contracts over £100,000 must have a nominated contract owner in the LTP, and for contracts over £500,000 there must be evidence of contract management, including, operations, commercial, financial checks (supplier resilience) and regular risk assessment uploaded into the LTP.

Use of regulation 32(2)(b)(ii) is permissible under the Public Contract Regulations 2015. The needs of this contract in the opinion of Procurement Services meet these regulations.

A contract of this size must have a proper contract management schedule and measurable KPI's & SLA. This is to ensure that the contract is delivered and value for money is maintained.

Implications provided by Claire Reilly 20/12/2021

Options Considered

41 See Part 2

Conclusions

42 The proposal in this report is for Cabinet to approve:

- (i) the award of the following two contracts via direct award :
 - Contract for Residential to Ourris Residential Homes Limited at Anastasia Lodge for the annual contract value detailed in the Confidential Appendix to this report; and
 - Contract for Residential & Nursing Care Services to Ourris Properties Limited at Autumn Gardens for the annual contract value detailed in the Confidential Appendix to this report.
- (ii) that the contract period for the two contracts detailed above shall be for 3+2 years commencing on 1st September 2022 for an initial term of 3 years ending on 31st August 2025 (with the option to extend for 2 years to 31st August 2027. The award will provide vulnerable residents with continued access to vital care services at a good value price per bed as detailed in the Confidential Appendix.

43 To enter into a contract with existing and willing partners is the most practical way of ensuring service continuity for vulnerable residents while also ensuring the Council has access to much-needed specialist care services for the contract period.

Report Author:

Nancie Alleyne

Date of report 17th May 2022

Appendices

Background Papers

EQIA

Confidential Appendix