

CABINET

21st January 2020

HEMOCARE RECOMMISSIONING

Report of the Director for People

Strategic Aim:	Meeting the health and wellbeing needs of the community	
Key Decision: Yes	Forward Plan Reference: FP/131219	
Cabinet Member(s) Responsible:	Mr A Walters, Portfolio Holder for Health and Adult Social Care	
Contact Officer(s):	John Morley, Deputy Director for People	01572 758442 JNMorley@rutland.gov.uk
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DECISION RECOMMENDATIONS

That Cabinet:

1. Approves the procurement of additional homecare services under the current framework to provide additional capacity to the current provision.
2. Authorises the Strategic Director for People, in consultation with the Cabinet Member with Portfolio for Health and Adult Social Care to award the contract(s) for homecare resulting from this procurement in line with the Award Criteria as set out in Appendix B.
3. Delegates authority to the Strategic Director for People, in consultation with the Cabinet Member with Portfolio for Health and Adult Social Care, to approve a further procurement and award any future contract(s) for homecare under a framework that meet needs.

1. PURPOSE OF THE REPORT

- 1.1 This report sets out the existing provision of homecare for older people and current lack of capacity within the system. It requests approval to commence procurement for further homecare contracts, and to potentially procure further contracts in the future, under the current framework should there be further need.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Currently the Council commissions approximately 75,000 hours of homecare support per year to 85 people. This fluctuates according to demand and levels of need.
- 2.2 In June 2018, Cabinet approved the procurement of homecare provision as the existing contracts expired on 31 March 2019 (Cabinet Report No: 97/2018).
- 2.3 The new framework contracts started on 1st April 2019. Eleven providers were awarded contracts on the framework. The framework enables all providers equal opportunity to provide each care package on a first come, first served basis.
- 2.4 Since April 2019, there has been a reduction in capacity on the framework: two providers have withdrawn citing lack of sufficient volume of work in Rutland to make a service viable, and a further three have withdrawn - or are expected to - due to difficulties with staff recruitment and therefore being unable to fulfil care package requirements.
- 2.5 A number of care packages are, as a consequence, currently being covered by the Council's in-house reablement provision. This provision cannot meet demand for all of the homecare required within Rutland; is not the core remit of the Reablement Team; and does not meet the requirement on the Council to provide choice for service users.
- 2.6 This reliance on the Council's in-house services presents a risk that as winter pressures are experienced, in-house provision will be left with limited capacity, potentially causing delays for individuals being discharged from hospital.
- 2.7 Officers have met with the current providers to ascertain whether any additional measures can be put in place to support them to pick up any further packages. Whilst mitigating actions have been put in place, the need to maintain sufficient capacity within the system remains and has not been entirely resolved. There continues to be a risk; and the actions set out in this report are designed to ameliorate that risk.
- 2.8 Since the contracts commenced on 1 April 2019, seven providers have approached the Council requesting contracts, none of whom previously bid. It is therefore likely that there are sufficient providers to make a further procurement viable.

3 FUTURE PROVISION

- 3.1 The proposed contracts from this procurement will match the timeframe of the current framework contracts, which end 31 March 2022.
- 3.2 Should there be a need to add additional providers to the framework in future

following this procurement and expressly to meet any future capacity issues, a further procurement process would need to be undertaken.

- 3.3 No contract awarded in this proposed nor any future procurement will be beyond the current framework duration, all would be under the same award criteria, and all would be on the exact same terms and conditions to maintain fairness and transparency.
- 3.4 This paper seeks approval to delegate the decision for any further future procurement and contract award under these circumstances to the Strategic Director for People in consultation with the Portfolio Holder for Health and Adult Social Care.

4 PROCUREMENT PROCESS

- 4.1 As per the procurement undertaken in 2018 to award the current contracts, the process will follow a single-stage open process in line with the Council's Contract Procedure Rules. This will maintain equity and fairness for both existing and potential new providers.
- 4.2 The value of the contract is above EU procurement thresholds for goods and services and as such will be subject to the full OJEU process as set out in the Public Contracts Regulations 2015.
- 4.3 The timetable for the process is set out in Appendix A and the award criteria - which must remain the same as the previous procurement - are set out in Appendix B.
- 4.4 As an interim measure, direct awards can be made to individual homecare providers for a limited amount of time under the urgency provision in the Contract Procedure Rules whilst the procurement is being undertaken.

5 CONSULTATION

- 5.1 The current providers have been consulted to ensure that they understand the need to take additional providers onto the framework.
- 5.2 The Portfolio Holder has been consulted.

6 FINANCIAL IMPLICATIONS

- 6.1 The value for the framework as a whole remains at £1.074million per annum, a total of £3.2million over the life of the framework. Care packages are spot-purchased on an individual basis, and so the value for each provider is determined by the care packages they provide within this overall value. As the service is demand-led the actual annual cost may fluctuate.
- 6.2 All providers are paid a set fee per hour, which they agree to as part of the tender. The fee for 2020/21 is £17.20, subject to Cabinet approval of the Fees and Charges 2020/21. We do not believe that withdrawal from the framework by any of the providers is linked to the hourly rate paid.

7 ALTERNATIVE OPTIONS

- 7.1 To not re-procure for additional domiciliary care providers would leave insufficient capacity to meet the needs for vulnerable people requiring care and support in the community. This would impact on how effective providers were in supporting individuals by potentially restricting their available time. It would also continue to have an impact on the capacity of in-house services whilst they are required to meet additional need.
- 7.2 Under the Public Contract Regulations 2015, Award Criteria must be set prior to procurement starting. In the interests of fairness, the award criteria for a second and any further procurement processes to be added to the existing framework must remain the same. There is no alternative to setting award criteria in advance.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The Council has a duty under the Care Act 2014 to “*provide or arrange services that help prevent people developing needs for care and support or delay people deteriorating such that they would need ongoing care and support*” and to manage the market to ensure that there is sufficient provision for both local authority funded individuals and self-funders.
- 8.2 The procurement process is in line with the requirements of the Public Contracts Regulations 2015 and the Council’s Contract Procedure Rules.
- 8.3 Legal advice on the procurement process has been provided.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 The additional contracts with providers will ensure greater choice and availability of support for Rutland residents.

10 COMMUNITY SAFETY IMPLICATIONS

- 10.1 The commissioning of high quality services should contribute to the safety and reduction of risk of vulnerable people.

11 HEALTH AND WELLBEING IMPLICATIONS

- 11.1 Homecare provision supports the health and wellbeing of Rutland residents.

12 SOCIAL VALUE IMPLICATIONS

- 12.1 Under the provisions of the Public Services (Social Value) Act 2012 local authorities are required to consider how economic, social, and environmental well-being may be improved by services that are to be procured, and how procurement may secure those improvements.
- 12.2 The award criteria include specific reference to Social Value and require demonstration of the additional value gained by Rutland through the delivery of the contracts.

13 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 13.1 Additional capacity on the framework is required to meet the needs of vulnerable individuals in Rutland. Additional providers can only be taken onto the framework through a transparent and fair process, which is equitable with that current providers experienced. The procurement will be undertaken in the same way and using the same award criteria to ensure this is the case.
- 13.2 It is recommended that Cabinet approves a further procurement and delegates authority to the Strategic Director for People, in consultation with the Cabinet Member with Portfolio for Health and Adult Social Care to award the resulting contracts.
- 13.3 It is further recommended that Cabinet delegates to the Strategic Director for People, in consultation with the Cabinet Member with Portfolio for Health and Adult Social Care, the decision for any further procurements during the term of the current framework with the express purpose of mitigating any further capacity issues, in order to ensure that any necessary procurement can start as soon as possible.

14 BACKGROUND PAPERS

- 14.1 Report No: 97/2018- Homecare Recommissioning.

15 APPENDICES

- 15.1 Appendix A: Indicative Procurement Timetable
- 15.2 Appendix B: Award Criteria

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Appendix A. Indicative Procurement Timetable

Action	By When
Cabinet Approval for Award Criteria	16 th January 2020
OJEU Notice/ Contracts Finder and Source Rutland published	29 th January 2020
Invitation to Tender published	29 th January 2020
Deadline for questions from bidders	14 th February 2020
Deadline for responses to questions	21 st February 2020
Tender submissions deadline	28 th February 2020
Evaluation of Tenders	27 th March 2020
Clarification meetings (where required)	30 th March - 3 rd April 2020
Approval of preferred bidders	By 15 th April 2020
Notification of award/start of standstill and due diligence	16 th April 2020
End of standstill	27 th April 2020
Contract award	28 th April 2020
Contract start date	4 th May 2020

Appendix B. Award Criteria

To ensure fairness, these need to remain the same as the previous tender exercise.

1. Suitability Questionnaire

Pass/fail

1.1 There will be an additional Service specific criteria included within the mandatory suitability questionnaire:

The following requirements are service specific for this procurement:

- Current CQC registration

Pass/fail

2. Evaluation Criteria

Criteria	Weighting
1) Outline your experience of delivering these types of services and how that will translate into the delivery of an effective service within Rutland, demonstrating your understanding of Rutland's communities and its health and social care issues.	16%
2) Outline your planned delivery model for the service, including: <ul style="list-style-type: none">• Staffing• Current capacity and available hours specifically for Rutland• Organisational structure inc governance arrangements• Visibility within the county• Implementation by 4th May 2020	16%
3) How will you meet local needs of those across the county, ensuring there is sufficient cover of support across Rutland	12%
4) Explain how you would ensure you will meet the outcomes set out in the service specification. You should include what you will measure to demonstrate this, and how.	10%
5) How will you ensure that your staff have appropriate levels of knowledge, understanding and experience of services and policy to deliver effective services? What action will you take to ensure that staff are trained and upskilled as the health and care landscape develops?	10%
6) Provide evidence of your compliance against national quality and clinical guidelines.	8%

7) Provide evidence of how you gather and use service user and carer feedback – including complaints and Serious Incidents – and use these to influence service development and practice.	8%
8) Detail your organisation’s policies in place regarding safeguarding and avoidance of abuse, including investigation of allegations of abuse.	10%
9) Provide examples of service development and innovation you have undertaken to ensure services meet service users’ needs, and continuously develop in line with those needs.	6%
10)Detail the social value your service will deliver across at least two of the three areas of: - supporting the local economy; - reducing demand for public services; and - looking after the local environment. This should be additional value above and beyond the specified service and at no additional cost.	4%

Price Criteria

Bidders will be expected to agree to deliver at the fee rate stated in the tender.