

Decision Pathway – Report Template



PURPOSE: Key decision

MEETING: Cabinet

DATE: 01 October 2019

TITLE	Home Care Contract Extension		
Ward(s)	All Wards		
Author:	Catherine Martin	Job title:	Commissioning Manager
Cabinet lead:	Helen Holland	Executive Director lead:	Jacqui Jenson, Adults, Children and Education
Proposal origin: BCC Staff			
Decision maker: Cabinet Member Decision forum: Cabinet			
Purpose of Report: To seek permission to extend 9 existing home care contracts for a period of 6 months plus 3 months whilst the strategic commissioning team supports these providers to re-apply to join the home care open framework			
Evidence Base: Care and Support Adults is responsible for meeting the needs of citizens with social care needs across the City. Bristol commissions Home Care to enable service users them to live independently at home which in turn prevents, reduces or delays the need for long term care interventions. The strategic commissioning team is in the process of transforming home care services. In July 2018 cabinet approved a range of recommendations to invest in the sector. Recommendations approved in 2018 and implemented in 2018/19 include: <ul style="list-style-type: none">• Increasing the contract hourly rate from £17.68 to £18.20• Vary a range of contracts for existing home care providers including a direct award for 12 months.• Establishment of an open framework• Develop a long term transformation plan for home care Following cabinet approval, the strategic commissioning team went out to tender to establish an open framework in May 2019. This open framework will complement the current main and secondary home care contracts as part of the current zonal commissioning model whilst a long term transformation plan is developed. All existing and new providers were invited to tender for this opportunity. The outcome from the first round of the tender was published in July 2019. Following the outcome of round 1 and 2, 9 existing providers failed to meet the tender pass mark and quality standard. Existing home care provider contracts expire from October 2019. This report seeks permission to further extend these 9 existing home care provider contracts by 6 months plus 3 months extension. These contract extensions are required in order to enable these home care providers to have sufficient time to reapply and successfully pass future tender rounds for the open framework and remain a Bristol City Council home care provider. The contract extensions equate to a total contract value of £2,861m based on existing commissioned hours (Data			

taken from LAS 23/09/19). Please note that the total contract value spend against these extended contracts will decrease following a successful tender application to the open framework.

If these recommendations are not approved, these contracts would expire from October 2019 and strategic commissioning would be required to transfer care from the provider to an alternative contracted providers. The consequences of this would be as follows:

- Significant disruption to the service users,
- Significant disruption to care and support staff including mass TUPE of staff
- Significant impact to the financial viability of these providers of which include several local SME provider organisations. Home Care is a fragile social care marketplace and removal of Local Authority funding is likely to increase the risk of provider failure.
- Significant impact to available home care capacity which will impact Care and Support Adults over the autumn and winter period. This carries significant risk as can impact hospital flow and delayed discharge of care.

During this contract extension, strategic commissioning and procurement will support these providers by holding a variety of face to face support sessions with individual providers. These sessions will aim to support providers to resubmit their tender which will increase the probability of a future tender application being successful.

If during this time, these 9 providers fail to reach the required quality standard despite additional support, the strategic commissioning team will work with the provider(s) and service users to transfer care to a home care provider on a valid Bristol City Council contract. This will negate the requirement to further extend these contracts.

Whilst implementing this recommendation, strategic commissioning will continue to develop a transformation plan for home care services in Bristol coming back to Cabinet for approval in Autumn 2020.

Cabinet Member / Officer Recommendations:

1. That cabinet delegates authority to the Service Director for Care and Support Adults in consultation with the Cabinet Member for Adult Social Care to extend 9 home care contracts for a maximum period of 9 months for a total of approx. £2.9million.

Corporate Strategy alignment:

1. This proposal aligns with the ‘Empowering’ and ‘Caring’ strategic themes.

City Benefits:

1. This proposal benefits the city as it enables strategic commissioning to continue to support existing home care providers to maintain service delivery. This benefits service users, provider’s workforce and Bristol City council and its partners (CCG, Hospital Trusts etc.) as it supports service continuity and enables the provider to remain financial viable. Supporting service continuity enables service users to remain independent in their own home preventing, reducing and delaying the need for long term care and support.

Consultation Details:

1. These proposals have been discussed with the affected providers with the caveat of further approval. This urgent proposal will be discussed with the cabinet member and scrutiny chair. Further consultation around the transformation of home care sits within the 2 year transformation project which was initiated this summer 2019.

Background Documents:

1. Home Care Cabinet Paper 3rd July 2018.

Revenue Cost	£2.9million	Source of Revenue Funding	Current Budget £14.2m
Capital Cost	£	Source of Capital Funding	n/a
One off cost <input type="checkbox"/>	Ongoing cost <input checked="" type="checkbox"/>	Saving Proposal <input type="checkbox"/>	Income generation proposal <input type="checkbox"/>

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: The expenditure proposed through the contract extension will be contained within existing budget resources.

Finance Business Partner: Neil Sinclair, 23rd September 2019

2. Legal Advice:

It is recognised that the further extension of the contracts places the Council in a situation where it may breach the procurement regulations. The fact that the extension is required to enable the Council to maintain service delivery and for the providers to re-apply to join the open Framework in accordance with a fully compliant procurement process will help mitigate the risk of challenge. Legal services will advise and assist officers with regard to the conduct of the proposed procurement process and the resulting contractual arrangements.

Legal Team Leader: Sinead Willis, 23rd September 2019

3. Implications on IT: No anticipated impact to IT Services.

IT Team Leader: Simon Oliver, 23rd September 2019

4. HR Advice: If the recommendations to extend nine existing home care contracts for a period of 6 months plus 3 is not approved then there will be significant issues for our providers including the possibility of TUPE for their employees however this will not impact on any Bristol City Council Employees as these care homes are all external providers.

HR Partner: Lorna Laing, 24th September 2019.

EDM Sign-off	Jacqui Jensen	24/9/2019
Cabinet Member sign-off	Councillor Helen Holland	25/09/2019
For Key Decisions - Mayor's Office sign-off	Mayor's Office sign-off	26/09/2019

Appendix A – Further essential background / detail on the proposal	NO
Appendix B – Details of consultation carried out - internal and external	NO
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	NO
Appendix E – Equalities screening / impact assessment of proposal	NO
Appendix F – Eco-impact screening/ impact assessment of proposal	NO
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO