



Although a formal committee of Brighton & Hove City Council, the Health & Wellbeing Board has a remit which includes matters relating to the Clinical Commissioning Group (CCG), the Local Safeguarding Board for Children and Adults and Healthwatch.

Title:	Vernon Gardens Extra Care Home Care Contract
Date of Meeting:	10 th July 2018
Report of:	Executive Director, Health & Adult Social Care
Contact:	Christian Smith, Commissioning Officer, Tel: 01273 296353 Brighton & Hove Council.
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Wards Affected:	All Wards in the City
FOR GENERAL RELEASE	
Executive Summary	
<p>In summary, this report seeks approval to reprocure and award a contract for a period of 5 years with an option to extend for up to an additional 2 years, for home care to support people living at Vernon Gardens Extra Care Scheme. Vernon Gardens has 10 flats and is currently fully occupied. The existing contract has run since 2011. It is the intention to procure a new home care support contract in line with home care support services in other Extra Care schemes in the city which will provide more flexibility for the tenants regarding how they would wish their care support to be delivered. The new contract will also provide better value for money for the Council.</p>	
Glossary of Terms	
None	

1. Decisions, recommendations and any options

- 1.1 That the Board grants delegated authority to the Executive Director of Health and Adult Social Care to:
- (i) Procure and award a contract for home care to support people living at Vernon Gardens extra care scheme with a term of five years and;
 - (ii) Agree an extension (or extensions) of up to one year plus another year to the contract referred to in (i) above if it's deemed appropriate & subject to the budget being available.

2. Relevant information

- 2.1 Vernon Gardens is an Extra Care Housing Scheme consisting of 10 self-contained flats for younger/working age adults with physical disabilities, which has been open since summer 2011.
- 2.2 There is an existing home care support service called the Retire & Rise Service which has supported the tenants at the scheme since it has been open and is delivered by Mears Care Ltd.
- 2.3 The home care contract is a joint agreement between the Council and Clinical Commissioning Group, as they have agreed to adopt a shared approach to purchasing services for care delivery at Vernon Gardens. The contract will include a commitment on the provider to pay the Living wage as recommended by the Living Wage Foundation.
- 2.4 The length of the contract will be 5 years with an optional extension(s) of up to 1 year plus another year subject to the budget being available.
- 2.5 The contract is due to commence on 4th February 2019 on expiry of the current contract.
- 2.6 The procured home care provider will be required to provide services between the hours of 7.00am & 11.00pm but will not be expected to maintain a continuous presence between these hours. There will be a continuous presence between the hours of 11.00pm and 7.00am to provide a waking on call service. Care support workers will provide care and support to tenants who have eligible needs as agreed in line with their individual care and support plans.

- 2.7 The provider will be required to;
- a. Be registered with the Care Quality Commission.
 - b. Meet the requirements of the specification.
 - c. Be able to demonstrate that they can provide value for money.
- 2.8 The tender process will be undertaken in accordance with the Public Contracts Regulations 2015, under the remit of the 'light touch regime'.
- 2.9 The tender will be conducted using the Council's e-procurement system, South East Shared Services and will be advertised on OJEU as well as Contracts Finder.
- 2.10 The contract will be awarded to the tenderer submitting the most economically advantageous tender based on a ratio split of 40% Price and 60% Quality. The pricing will be based on the lowest price for 2 elements:
- An annual lump sum of providing the on-call night service to all tenants
 - An hourly rate for the provision of home care to service users
- This represents a cost effective approach, where bidders will be encouraged to submit an economically advantageous tender, ensuring best value for the Council. The Council has a reasonably large number of home care organisations who could provide an effective and dynamic service at Vernon Gardens. Including a 40% Price weighting ensures the service will be competitively priced at a time of economic pressures, whilst ensuring that Quality remains the most important element in determining the successful bidder. This weighting is consistent with other recent tenders in the home care sector, which have delivered high quality services within a cost effective pricing model.
- 2.11 Potential providers will be required to maintain an active CQC registration, evidence their financial stability and hold the required levels of insurance.
- 2.12 The value of this contract is likely to be in the region of £169,000 per annum or over the life of the contract (7 years) £1,183,000.
- 2.13 The Procurement Advisory Board was informed and advised of the re procurement of home care support services at Vernon Gardens on 30th April 2018.

3. Important considerations and implications

3.1 Legal:

- 3.1.1 The services required by the proposed home care contract fall within Schedule 3 of the Public Contracts Regulations 2015 (SI 2015/102) and the procurement of those services is therefore subject to what is frequently referred to as the “light touch regime”. The value of the procurement exceeds the financial threshold (£615,278.00) which an advertisement is required to be placed in the Official Journal of the European Union (OJEU). The opportunity will therefore be advertised across the European Union satisfying the requirement to seek value for money. The procurement process is not unduly proscribed but must accord with the fundamental public procurement principles of transparency, fairness and equal treatment. The OJEU notice is a fundamental procurement document and it is important the notice reflects the extent to which variation of the contract over its life is permitted to reflect changing circumstances and developments in best practice and further the provisions relating to the requirement to pay the living wage and the potential for a TUPE transfer.
- 3.1.2 Transfer of Undertakings (Protection of Employment) Regulations 2006 may apply in which case the provision of those Regulations must be complied with.
- 3.1.3 Consideration must also be given when letting service contracts to the provision of social value (Public Services (Social Value) Act 2012).
- 3.1.4 It is a function of the Health and Well Being Board to oversee and make decisions concerning Adult Social Care. Section 5 of the Care Act 2014 imposes duties on the Local Authority to facilitate and shape the market so that it meets the needs of all people in its area who need care and support, regardless of how it is arranged or funded. The duties imposed require the Local Authority to ensure the market provides diverse, high quality, sustainable options to meet needs now and into the future.

Lawyer consulted: Judith Fisher

Date: 12.06.2018

3.2 Finance:

- 3.2.1 The value of the block contract is currently £0.141m per annum and there are 30 additional hours support per week at the core fee rate which totals £0.028m per annum. Therefore the total spend is currently £0.169m per annum.

Finance Officer consulted: Sophie Warburton

Date: 12.06.2018

3.3 Equalities:

3.3.1 Work is ongoing into the Equalities Impact & Outcome Assessment.

3.4 Sustainability:

3.4.1 The Recommendations of this report are intended to support the care market to be sustainable by paying fees which are fair.

3.5 Health, social care, children's services and public health:

3.5.1 The Contract will be a joint Council and NHS Health Clinical Commissioning Group contract.

3.5.2 There will be no impact upon, nor are implications for established services in the city for Health, Social Care, Children's Services or Public Health.

