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# Extra Care Schemes

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<b>Committee considering report:</b>	Executive on 26 July 2018
<b>Portfolio Member:</b>	Councillor Graham Bridgman
<b>Date Portfolio Member agreed report:</b>	18 July 2018
<b>Report Author:</b>	Robert Bradfield
<b>Forward Plan Ref:</b>	EX3603

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## 1. Purpose of the Report

This paper seeks to inform the outcome of the tender process and seek delegated authority to award the contract. The existing arrangements are commercially unsustainable for the provider. The tender is running on an 'accelerated open procedure' which will give WBC the ability to conclude a tender process, and allow sufficient time for the provider to resource the schemes, in line with a start date of 1 October 2018.

## 2. Recommendation

The Executive resolves to delegate authority to Head of Adult Social Care in consultation with Head of Finance and Head of Legal Service to enter into a contract with the successful bidder following conclusion of the evaluation.

## 3. Implications

- 3.1 **Financial:** A guide rate was developed for the tender to account for all hours to be delivered. This posed an inherent risk in the procurement strategy as we were inviting open competitive bids, so as not to presume a cost level that will offer quality and sustainability of supply. The risk of budget pressure was shared with ASC & Finance. The overall effect over the five year period of the contract (based on the existing budget & assuming inflation) is a projected cost avoidance of £29k (based on prices from bidders)
- 3.2 **Policy:** n/a
- 3.3 **Personnel:** TUPE of staff from incumbent provider to new provider will happen in due course. The number of staff attracted to working in this sector remains an ongoing issue for providers and the Council.
- 3.4 **Legal:** In accordance with the rules applicable to the light regime procurements.
- 3.5 **Risk Management:** TUPE and staff remain the biggest risk to sustainability of provision, and sufficient prominence of this has been made in the tender documents.
- There is a financial risk attached to this competitive tender.

3.6 **Property:** Makes use of the three existing properties owned and run by Housing 21, A2 Dominion & Sovereign Housing.

3.7 **Other:** n/a

#### 4. **Other options considered**

4.1 Tender with restricted budget (not likely to encourage quality provision).

4.2 Do nothing (would likely result in legal challenge and put service user safety at risk).

4.3 Tender with guide budget standard procedure (will cause undue delay in securing a new supplier).

4.4 Tender with guide budget on an 'accelerated procedure' – to ensure shortest possible timeframe for new supplier contract award & start date. Recommended approach.

## Executive Summary

### 5. Introduction / Background

- 5.1 There are three extra care schemes (Redwood, Alice Bye Court, Audrey Needham House) in West Berks operated by three different registered social landlords - A2 Dominion, Housing 21 and Sovereign Housing. The care and support services are currently delivered by Allied Healthcare ("Allied").
- 5.2 Despite the work to date, there are ongoing concerns with commercial sustainability. As a consequence, a termination date has been agreed with Allied (30 September 2018) by which time Commissioning will have a new provider in place.

### 6. Proposal

The Executive resolves to delegate authority to Head of Adult Social Care in consultation with Head of Finance and Head of Legal Service to enter into a contract with the successful bidder following conclusion of the evaluation.

### 7. Conclusion

A re-tender is underway to resolve this matter as quickly as possible with the financial caveats made in attempt to protect budgets from undue pressure

### 8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information

## Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	This paper seeks to inform Corporate Board & Operations Board of the tender process and seek delegated authority to award the contract from Executive Board.
<b>Summary of relevant legislation:</b>	Care Act
<b>Does the proposed decision conflict with any of the Council’s key strategy priorities?</b>	No
<b>Name of assessor:</b>	RBradfield
<b>Date of assessment:</b>	11/6/18

Is this a:		Is this:	
Policy	/No	New or proposed	/No
Strategy	/No	Already exists and is being reviewed	Yes/
Function	/No	Is changing	/No
Service	Yes/		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	Re-tender services to meet service user needs
<b>Objectives:</b>	Secure new supplier that can deliver specified services
<b>Outcomes:</b>	Supplier award
<b>Benefits:</b>	Care delivered in line with expectations

<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b>		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	No change to proposed service model	
Disability	No change to proposed service model	

Gender Reassignment	No change to proposed service model	
Marriage and Civil Partnership	No change to proposed service model	
Pregnancy and Maternity	No change to proposed service model	
Race	No change to proposed service model	
Religion or Belief	No change to proposed service model	
Sex	No change to proposed service model	
Sexual Orientation	No change to proposed service model	
<b>Further Comments relating to the item:</b>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>/No</b>
<b>Please provide an explanation for your answer:</b>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>/No</b>
<b>Please provide an explanation for your answer:</b>	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: RBradfield

Date: 11/6/18

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Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.