
Care Homes and Resource Centre Catering – Summary Report

Committee considering report:	Executive
Date of Committee:	25 July 2019
Portfolio Member:	Councillor Graham Bridgman
Date Portfolio Member agreed report:	12 July 2019
Report Author:	Zoe Campbell
Forward Plan Ref:	EX3752

1. Purpose of the Report

To propose the urgent award of a contract for the provision of Care Homes and Resource Centre Catering with a start date of 1st September 2019.

2. Recommendation

That the Executive resolves to delegate authority to Head of Adult Social Care to award the contract to the successful bidder for the Care Homes and Resource Centre Catering contract, following the evaluation process in consultation with the Head of Finance and the portfolio holder for Adult Social Care.

3. Implications

- 3.1 **Financial:** A guide rate for the contract was developed for the tender to account for care homes and resource centre catering to be delivered from 1st September 2019. We invited open competitive bids, so as not to presume a cost level to offer quality and sustainability of supply.
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** The contract will be competitively procured in accordance with the Open Procedure as defined within the Public Contracts Regulations 2015
- 3.5 **Risk Management:** The existing contract expires on 31st August 2019 and preparation for the tender began as part of a category management approach to catering including lots for corporate and schools. The lots subsequently had to be separated which left a very tight timescale to carry out the reissue of the Care Homes and Resource Centre catering tender. The intention is to ensure there is continuity of service

3.6 **Property:** None

3.7 **Other:** None

4. **Other options considered**

4.1 The current contract expires on 31st August 2019. Procurement regulations and the value of the contract mean that a full competitive procurement process using the Open Procedure as defined within the Public Contracts Regulations (2015) was the most appropriate option for ensuring continuity of service. Paragraph 5.2 indicates the rationale for not extending the current contract. It was not possible to extend the term of the contract due to quality issues.

4.2 The Procurement Strategy (Appendix C) sets out the route to catering services based on a category management approach to consolidating provision for Schools, Care Homes and Corporate for West Berkshire Council. Due to technical issues with this tender, the lots were separated and the tender for provision of Care Homes and Resource Centre Catering was reissued with a contract start date of 1st September 2019.

Executive Summary

5. Introduction / Background

- 5.1 The current contract for the provision of Care Home and Resource Centre Catering is let to Caterplus Service Limited. The contract commenced February 2014 for five years with provision for a further two years. To allow for a common contract commencement date to tender catering for schools, corporate and care homes in lots, the contract was extended until 31st August 2019.
- 5.2 In March 2019 Procurement Board approved a category management approach to catering provision in the Council incorporating three elements; School Meals, Care Home and Resource Centre Catering and Corporate Catering (to include Shaw House and the museum). This procurement strategy is appended in Appendix C of this report.
- 5.3 The category management tender process was abandoned due to technical issues with the tender process. As a result, the tender for Care Homes and Resource Centre Catering was separated from Schools and Corporate and reissued on 10th June 2019 to enable contract award to happen on 1st September 2019. This standalone tender approach for Care Homes and Resource Centre Catering was discussed at 7th June Procurement Board as part of the discussions around the abandonment of the tender process.
- 5.4 The tender for Care Homes and Resource Centre Catering was separated from Schools and Corporate and reissued on 10th June 2019.
- 5.5 There are four Care Homes and one Resource Centre within West Berkshire Council boundaries (Willow's Edge, Notrees, Walnut Close, Birchwood and the Phoenix Centre). Services will be delivered in accordance with all relevant statutory requirements and good practice guidelines in the provision of good quality nutritious meals.
- 5.6 Quality will continue to be monitored by ASC and Commissioning Contracts Manager.

6. Proposals

- 6.1 The Council to award the contract to the winning bidder.
- 6.2 The evaluation process consisted of a split between financial and non-financial criteria based on a 50/50 split. The attached Procurement Strategy provides further information on how the tenders have been evaluated and awarded.

7. Conclusions

As per Recommendation

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Commissioning
Team:	Commissioning
Lead Officer:	Zoe Campbell
Title of Project/System:	Care Homes and Resource Centre Catering
Date of Assessment:	02/07/19

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	X
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	X
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	X
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	X
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	X
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	X
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	X

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

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.

What is the proposed decision that you are asking the Executive to make:	This paper seeks to inform Corporate Board & Operations Board of the tender process following evaluation and seeks delegated authority to award the contract from Executive Board.
Summary of relevant legislation:	Public Contracts Regulations (PCR) (2015) Care Act 2014 Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2015 Food Information Regulations 2014 Food Safety Act 1990 Food Safety and Hygiene (England) Regulations 2013
Does the proposed decision conflict with any of the Council’s key strategy priorities?	No
Name of assessor:	Zoe Campbell
Date of assessment:	02/07/19

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		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	Re-tender service to meet service user needs
Objectives:	Secure new service to meet specified standards
Outcomes:	Supplier award
Benefits:	Catering delivered in line with expectations

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.
(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 service	
Disability	No Change to service	
Gender Reassignment	No Change to service	
Marriage and Civil Partnership	No Change to service	
Pregnancy and Maternity	No Change to service	
Race	No Change to service	
Religion or Belief	No Change to service	
Sex	No Change to service	
Sexual Orientation	No Change to service	
Further Comments relating to the item:		

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

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](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	

Timescale for Stage Two assessment:	
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Name: Zoe Campbell

Date: 02/07/19

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