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# Framework Agreement for The Provision of Community Home Care Services

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<b>Committee considering report:</b>	Executive on 25 July 2019
<b>Portfolio Member:</b>	Councillor Graham Bridgman
<b>Date Portfolio Member agreed report:</b>	4 July 2019
<b>Report Author:</b>	Rebecca Braithwaite
<b>Forward Plan Ref:</b>	EX3748

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## 1. Purpose of the Report

This paper seeks to inform Executive of the tender process and seek delegated authority to award the contract.

## 2. Recommendation

Executive resolves to delegate authority to Head of Adult Social Care in consultation with Head of Finance and Property and Head of Legal and Strategic Support to award each of the lot, block and spot contracts that make up the framework to the successful bidders.

## 3. Implications

- 3.1 **Financial:** The annual value of the current framework agreement is around £7m. There is a risk of pressure for ASC budgets, of which ASC are aware. To help minimise this pressure, an annual inflationary measure has been included within the contract. The offer of lots and blocks will also keep provider's costs down and this has been reflected in their tender submissions, compared to the prices submitted for spot purchase zones (please see 6 below and Appendix C).
- 3.2 **Policy:** There is a Home Care Policy however the proposal does not include any significant deviation from this policy.
- 3.3 **Personnel:** TUPE cost implications for incumbent provider to incoming provider. We are aware that there are significant challenges around recruitment in this sector. Additional time has been factored into the contract mobilisation stage to help manage this.
- 3.4 **Legal:** This is being tendered in line with Public Contract Regulations 2015.

- 3.5 **Risk Management:** The guaranteed block hours are fairly small to ensure that these can be filled and money is not being wasted by guaranteeing hours that are not needed. Also, the risk of provider failure in the delivery of contracts is quite high within the home care market, using small blocks minimises this risk.
- 3.6 **Property:** N/A
- 3.7 **Other:** No bids – regular market engagement with providers from the start of the process to ensure that they are well informed at all times.

#### 4. Other options considered

- 4.1 Do nothing – costs would increase due to having to spot purchase without a framework. Workloads would also increase due to quality of care needing to be monitored.
- 4.2 Contract extension – this is a framework so there is no scope to extend past four years, the current framework ends in October 2019.
- 4.3 Re-tender a spot purchase only framework – we want to encourage as many providers in and increase efficiencies within the sector. There are often not enough providers who are on the current framework to manage the demand so this is not a viable option to continue in the same way as the current agreement.

## Executive Summary

### 5. Introduction / Background

There are currently in the region of 30 providers on our framework (APL) and all care calls are commissioned on a spot purchase basis where the providers sign up to a set of terms and conditions for each individual purchase. The current framework is due to expire in October 2019, at which time the framework will have been live for four years. WBC commissions an average of 10,000 home care hours per week for 894 clients and these figures were included within the tender documents. Clients are being supported in their own homes and these calls include: personal care, outreach support, cleaning and shopping calls.

### 6. Proposals

- 6.1 The current spot purchase framework (APL) has been re-tendered into a framework which consists of three different elements. The current framework is for spot purchases only. However, the re-tendered framework includes lot, block and spot purchases. The new framework will consist of six block areas and these will have guaranteed weekly hours which the successful tenderer will be contractually obliged to fill. There will also be seven lot areas awarded and the successful providers will be given priority for packages within each of the geographical areas. There is a need to force clustering in the more rural areas of West Berkshire as these areas are the most difficult to commission packages of care. Currently, there are three or four care providers going into the same road in some areas.

The principal aim of this procurement exercise is to secure efficiencies in the provision of domiciliary care across West Berkshire through forced clustering, which will drive efficiencies in the logistical delivery of care. The block element of the tender will provide a strategic option to manage capacity in areas we have experienced past capacity issues with (seasonal).

The care calls that are not covered in the block and lot areas will then be spot purchased, prioritising the most cost effective providers first. All of these services are statutory provision for ASC.

The lot and block areas are included in the table below:

Lots by area – hours are not guaranteed			
Lot	Area	Approximate weekly capacity of lot	Approximate annual capacity of lot
Lot 1	Kintbury	450	23500
Lot 2	Lambourn	260	13500
Lot 3	Cold Ash, Compton and Downlands	280	14500
Lot 4	Burghfield and	1415	73800

	Mortimer		
Lot 5	Hungerford	670	35900
Lot 6	Pangbourne	430	22800
Lot 7	Birch Copse and Calcot	1060	55600

Blocks – guaranteed weekly hours		
Block	Area	Guaranteed weekly hours
Block 1	Kintbury + 10 miles	150
Block 2	Lambourn + 10 miles	150
Block 3	Mortimer + 10 miles	300
Block 4	Burghfield + 10 miles	300
Block 5	Newbury	300
Block 6	Thatcham	300

6.2 Tender submission have now been received from 19 providers and the hourly rates range from £17.75 per hour to £39.00 per hour, across all lot, block and spot areas. Five of the providers have hourly rates between £17.75 and £20.00, nine between £20.00 and £25.00 and five over £25.00. There is good competition for the lots and blocks, with a provider submitting rates between £18.00 and £20.00 for each lot and block. The rates submitted for each of the lot, block and spot areas are including in Appendix C.

6.3 The average hourly rate paid during 2018/19 was £20.29. The key to controlling this rate will be ensuring that the capacity of the new providers meets our requirements and therefore avoid the need to buy off-contract from those more expensive providers.

## 7. Conclusion

It is recommended that Executive agrees to the contract award for home care services using lot, block and spot elements. An inflationary measure is built into this framework to help to maintain a sustainable market place and minimise the amount of off-contract purchasing as well as deterring providers from front loading their prices. The inflationary measure provides for an uplift in October each year in line with the previous August CPI rate.

## 8. Appendices

8.1 Appendix A – Data Protection Impact Assessment

8.2 Appendix B – Equalities Impact Assessment

8.3 Appendix C – Supporting Information

## 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](mailto:dp@westberks.gov.uk)

Directorate:	N/A
Service:	N/A
Team:	N/A
Lead Officer:	N/A
Title of Project/System:	N/A
Date of Assessment:	N/A

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

	Yes	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></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"/> N/A	<input type="checkbox"/>
<p><b>Will you be processing data on a large scale?</b></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"/> N/A	<input type="checkbox"/>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/> N/A	<input type="checkbox"/>
<p><b>Will any decisions be automated?</b></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"/> N/A	<input type="checkbox"/>
<p><b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b></p>	<input type="checkbox"/> N/A	<input type="checkbox"/>
<p><b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b></p>	<input type="checkbox"/> N/A	<input type="checkbox"/>
<p><b>Will you be using any novel, or technologically advanced systems or processes?</b></p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/> N/A	<input type="checkbox"/>

**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.

<b>What is the proposed decision that you are asking the Executive to make:</b>	This paper seeks delegated authority to award the contract from Executive.
<b>Summary of relevant legislation:</b>	The Care Act 2014
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Rebecca Braithwaite
<b>Date of assessment:</b>	09/05/2019

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

<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>	The aim of this service is to provide efficient domiciliary care services for people living in the community. Care calls will be provided in various locations within West Berkshire and will include: personal care, outreach support, cleaning and shopping calls.
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Provide person-centred care and support to elderly and vulnerable adults in the community</li> <li>• Promote people's independence</li> <li>• Support people in their own home to avoid hospital admissions</li> <li>• Create enough capacity to cover care calls across West Berkshire</li> <li>• Work with providers to reduce double handed care to single care calls, where safe and appropriate to do so with the use of assistive technology</li> </ul>
<b>Outcomes:</b>	Supplier award.
<b>Benefits:</b>	Care 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.)

<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	There is no change to the proposed service model.	
Disability	There is no change to the proposed service model.	
Gender Reassignment	There is no change to the proposed service model.	
Marriage and Civil Partnership	There is no change to the proposed service model.	
Pregnancy and Maternity	There is no change to the proposed service model.	
Race	There is no change to the proposed service model.	
Religion or Belief	There is no change to the proposed service model.	
Sex	There is no change to the proposed service model.	
Sexual Orientation	There is no change to the proposed service model.	
<b>Further Comments relating to the item:</b>		

**3 Result**

<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>
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**Please provide an explanation for your answer:**

<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
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**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](#).

<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: Rebecca Braithwaite

Date: 09/05/2019

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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.