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**Subject:** Exemption Request – Extra Care Housing and Housing Related Support

**Cabinet member:** Jerry Wickham - Adult Care, Public Health and Public Protection

**Key Decision:** Yes

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### Executive Summary

This paper requests approval to award the following contracts, under an exemption to the incumbent providers, Mears Care, Somerset Care at Home, Salisbury City Almshouse, Knightstone, Habinteg Housing, Stonewater Housing:

- **Extra Care Housing (ECH):** care and support contracts for 4 existing ECH schemes
- **Housing Related Support (HRS):** 8 contracts for sheltered housing schemes across Wiltshire (currently covered by the Help to Live at Home (HTLAH) providers)
- **Housing Related Support (HRS):** 4 additional schemes with individual agreements (outside of HTLAH)

This paper also requests that Cabinet delegates authority to the Corporate Director with responsibility for Adult Care to approve:

- a) Award of contracts within the approved budget

As part of the Adult Social Care Transformation programme the Council is changing the way it commissions domiciliary care. Notice has been given on the current HTLAH block contracts with a new type of contract being tendered in May 2018.

The HTLAH block contracts also cover the following service provisions:

- Care and Support for 4 Extra Care Housing Schemes
- Housing Related Support

In addition 4 other providers provide Housing Related Support and there is the opportunity to integrate this support into the existing service provision.

ECH and HRS services are distinct from domiciliary care services and there is potential to reshape them to provide better outcomes for customers and better value for the Council. This will need to be undertaken as a separate piece of

work to the domiciliary care tender. The work may take between 12-18 months and will include customer consultation, review of ECH and HRS models of support, and the development and tender of new service specifications.

It is important that during this time current services are maintained to give customers consistent support.

The ECH schemes are located in Devizes (Needham House and Crammer Court), Pewsey (Meadow Court) and Westbury (Bell Orchard).

The HRS services cover the whole of Wiltshire.

This request is being sought to exempt these contracts from the Public Contract Regulations (2015) and apply the direct award of contracts without an open tender competition for the reasons set out herein.

### **Proposal(s)**

To award the following contracts, under an exemption, to the incumbent providers, Mears Care, Somerset Care at Home, Salisbury City Almshouse, Knightstone, Habinteg Housing, Stonewater Housing:

- Extra Care Housing: care and support contracts for 4 existing ECH schemes
- Housing Related Support:: 8 contracts for sheltered housing schemes across Wiltshire (covered by the Help to Live at Home (HTLAH) providers)
- Housing Related Support: 4 additional schemes with individual agreements (outside of HTLAH)

To delegate authority to the Corporate Director with responsibility for Adult Care to approve the award of contracts within the approved budget

### **Reason for Proposals**

As part of the Adult Social Care Transformation programme the Council is changing the way it commissions domiciliary care. Notice has been given on the current HTLAH block contracts with a new type of contract being tendered in May 2018.

The HTLAH block contracts also cover the following service provisions:

- Care and Support for 4 Extra Care Housing Schemes
- Housing Related Support

These services are distinct from the domiciliary care services and there is potential to reshape them to provide better outcomes for customers and better value for the Council. This will need to be undertaken as a separate piece of work to the domiciliary care tender and it is important that during this time the current service is maintained to give customers consistent support.

**Dr Carlton Brand, Corporate Director**

## **Wiltshire Council**

### **Cabinet**

**15 May 2018**

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**Key Decision: Yes**

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### **Purpose of Report**

1. This paper requests approval to award the following contracts, under an exemption, to the incumbent providers, Mears Care, Somerset Care at Home, Salisbury City Almshouse, Knightstone, Habinteg Housing, Stonewater Housing:

- Extra Care Housing: care and support contracts for 4 existing ECH schemes
- Housing Related Support: 8 contracts for sheltered housing schemes across Wiltshire (covered by the Help to Live at Home (HTLAH) providers)
- Housing Related Support: 4 additional schemes with individual agreements (outside of HTLAH)

1.1 This paper also requests that Cabinet delegates authority to the Corporate Director with responsibility for Adult Care to approve:

A) Award of contracts within the approved budget

### **Relevance to the Council's Business Plan**

2. The Council needs to ensure that there is sufficient and suitable 24hr care provision for those living in the 4 existing ECH schemes and that those eligible for Housing Related Support can maintain their accommodation/tenancies.

- Protect the most vulnerable in our communities

## Background

3. HTLAH providers currently provide the following services in addition to block domiciliary care provision:

### Extra Care Housing

<b>ECH Scheme</b>	<b>Location</b>	<b>Units</b>	<b>Service</b>	<b>Annual Spend</b>
Crammer Court	Devizes	50	24hr emergency response, activities & housing related support	£69,021
Needham House	Devizes	47	24hr emergency response, activities & housing related support	£29,479
Meadow Court	Pewsey	25	24hr emergency response, activities & housing related support	£72,720
Bell Orchard	Westbury	12	Overnight emergency response, activities & housing related support	£41,735
<b>Total</b>				<b>£212,955</b>

### Housing Related Support

<b>Provider</b>	<b>Area Covered</b>	<b>Units</b>	<b>Forecast spend 2018/19</b>
Mears	Across the county	1,540	£604,568
Somerset Care	West and North	899	£410,656
<b>Total</b>			<b>£1,015,224</b>

- 3.1 The following providers also provide housing related support and these volumes could be included in any future tender for this service:

<b>Provider</b>	<b>Area Covered</b>	<b>Units</b>	<b>Annual Spend</b>
Stonewater	Trowbridge	30	£19,711
Knightstone	Trowbridge	16	£8,000
Habinteg	Wilton	26	£15,352
Salisbury Alms Houses	Salisbury	191	£37,399
<b>Total</b>			<b>£80,462</b>

- 3.2 There are a number of pieces of work which need to be completed in relation to the above ECH and HRS schemes before the Council considers tendering for a new provider(s):
- Customer consultation in relation to the type and level of services they would like to be provided at these schemes
  - Review of care and funding models to ensure that the schemes provide a service which is appropriate and affordable for both the customer and the Council
  - Develop a specification for each service and commissioning intentions for delivering the service
- 3.3 This work is likely to take 12-18 months and to ensure that there is service continuity during this time contracts will need to be awarded to ensure current arrangements are maintained in the intervening period.
- 3.4 Sheltered Housing– housing related support
- 3.5 Work began in 2016 to review the services being provided within the schemes with a view to creating an equitable service across the county that met the needs of the tenants at an affordable price. This work was temporarily halted in 2017 as it was brought into the Adult Social Care Transformation Programme (Phase 2).
- 3.6 The majority of these housing related support services are currently provided by Mears and Somerset Care, under the HTLAH contract. The Transformation Programme Phase 1 determined that all current HTLAH contracts would end from September 2018, to allow for the design of a new HTLAH domiciliary care service. However, ending current contracts also includes ending the service to the tenants within their schemes from September 2018.
- 3.7 We have an opportunity now to recommence this review, including consulting with tenants about the type of service we can offer and whether this meets their needs and expectations. However, this work will take longer to achieve than September 2018, in order to ensure that all residents are consulted with and the specification for future services is co-produced with people who use services and potential providers.
- 3.8 We also have an opportunity to integrate into these contracts the 4 schemes currently outside of the HTLAH contracts as set out in the table in para 3.1 above.

### **Main considerations for the Council**

4. ECH and HRS services need to be reshaped to improve outcomes for the customer and the Council and whilst this piece of work is undertaken it will be important to maintain the existing services 'as is' to provide continuity for the customer and certainty for the Council in relation to the service provided and spend.

## **Overview & Scrutiny Engagement**

5. A verbal report on this issue was presented to Health Select Committee on 24<sup>th</sup> April 2018.

## **Safeguarding Implications**

6. It is important that adults who are vulnerable due to the nature of their physical or mental health condition have the support they need to promote their health and wellbeing and maintain their accommodation arrangements.

## **Public Health Implications**

7. The availability of extra care services and housing related support will ensure that the health and wellbeing of those in need can be maximised within a community setting.

## **Procurement Implications**

8. This request is an extraordinary exemption, as outlined in Part 10, Procurement & Contract Rules, Section C 14. The value of the contracts necessitates a key decision for award by Cabinet.
- 8.1 There is insufficient time to reshape the services and go to market before the existing HTLAH contracts come to an end and to achieve continuity of service the services of the existing providers need to be retained.

## **Equalities Impact of the Proposal**

9. The procurement of 24hr care within ECH and HRS would support equitable access to support services for people who wish to remain living in the community and who do not have the financial means to secure this care themselves.
- 9.1 The specifications for the services states that providers will be expected to demonstrate use of local resources and provision of services which take account of customer's religion and culture.
- 9.2 The procurement process ensures that organisations entering into a contract with the Council must have their own policies and procedures in place to comply with the Equality Act 2010.

## **Environmental and Climate Change Considerations**

10. By ensuring a level of choice of extra care provision across Wiltshire and supporting people to stay in their existing homes through housing related support this will reduce the level of travel and associated costs for families and will help to ensure that Wiltshire residents can remain living in their local community area.

## **Risk Assessment**

11. Risks are limited and restricted to market challenge however the proposal is compliant with Procurement and Contract rules.

**Risks that may arise if the proposed decision and related work is not taken**

12. There is insufficient time to consult stakeholders and create specifications for the new services before the end of the current contracts. In the absence of a contract award customers will be without an appropriate interim service and would be placed at risk because of this.

**Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

13. Awarding contracts under an Exemption rather than a full tender process carries some risk of challenge from the market however the relatively short term nature of the contracts and likelihood of change in service may make this less likely.

**Financial Implications**

14. The total cost of these proposals is £1,308,641 and is fully funded from within the current approved Adult Social Care budgetary envelope.

<b>Scheme</b>	<b>Total</b>
Extra Care Housing	£212,955
Housing Related Support	£1,095,686
<b>Total</b>	<b>£1,308,641</b>

- 14.1 It is anticipated that the new service models will achieve savings and as the work on consultation and specifying requirements continues, options appraisals for a range of savings will be developed and evaluated.

**Legal Implications**

15. Failure to properly comply with relevant parts of the Constitution, the Public Contract Regulations and the general principles of contract law could result in a legal challenge. However the risk of challenge will be minimised by the use of a PCR compliant procurement process as overseen by the Strategic Procurement Hub.

- 15.1 An exemption is being sought under the Category of Exemption from the Procurement & Contract Rules, Section C 16.3.7 Reasons of Compatibility.

**Options Considered**

16. The following options have been considered but are not suitable:
- Do nothing – services cannot be provided in the absence of a contract and the current contracts end in September 2018

- Tender exercise using existing specification prior to September 2018 – this would not be a good use of resources given that the intention is to reshape the services within a relatively short time period and the length of contract during an interim period may be unattractive to new providers
- Tender exercise using new specification prior to September 2018 – there is insufficient time to consult with customers, create a new specification and complete a tender process by September 2018.

## **Evelyn Wheeler - Interim Director Commissioning**

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### **Background Papers**

The following documents have been relied on in the preparation of this report:  
None