

Agenda item:

[No.]

Procurement Committee

On 12th January 2010

Report Title: **Preparation for Personalisation – Carers Contracts – Waiver**

Report of: **The Director of Adult, Culture & Community Services**

Signed:

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Wards(s) affected: **All**

Report for: **Key Decision**

1. Purpose of the report

- 1.1 To seek Members approval to waive the requirement to tender as allowed under 7.03 (d) on the grounds that it is in the Council's overall interest.
- 1.2 Should the waiver be agreed that the contracts are awarded by the Director of Adult Culture and Community Services, as allowed under CSO11.02 to the:
- The Black and Minority Ethnic Carers Support Services (BMECSS)
 - The Asian Carers Support Group (ACSG)
 - The Mental Health Carers Support Association (MHCSA)

2. Introduction by Cabinet Member (if necessary)

- 2.1 The Personalisation Agenda represents a significant change for adult social care, including how we work with informal carers. One of the key changes that is now being considered is how the Council will be procuring and contracting for services in the future. This is being managed through the Transforming Social Care Programme Board, chaired by the Cabinet Member for Adult Social Care and Well-being.

The funding for these contracts is from the Area Based Grant, and is performance managed through the Haringey Strategic Partnership, to ensure good outcomes are delivered and value for money is achieved.

The new contracts proposed in this report will ensure stability of three key services for informal carers in Haringey, and will support the delivery of the emerging Personalisation Agenda, which gives residents far greater choice and control over the resources used to provide care.

For these reasons, I agree with and support the award of new contracts detailed in this report.

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

- 3.1 The Government's Personalisation Agenda will radically change the way in which services are provided to clients, including carers. These changes will almost certainly negate the need for Haringey to maintain contracts at the current level. It is also envisaged that the type of services required will change radically.
- 3.2 The Council is required to have significantly progressed on its implementation of the Personalisation Agenda by March 2011.

4. Recommendation

- 4.1 That Members agree to waive CSO's and the requirement to tender.
- 4.2 That the Director, in consultation with the Cabinet Member for Adult Social Care & Wellbeing award new contracts for up to fourteen (14) months duration.
- 4.3 That Members note that Officers will report back to Procurement Committee in December 2010 with an update.

5. Reason for recommendation(s)

- 5.1 The government's personalisation agenda is now halfway through the three year period given to local authorities (1st April 2008 – 31st March 2011) to begin transforming adult social care services. Members are aware that the Department of Health has issued guidance to support the *Transformation of Social Care*. Significant progress is expected by 31st March 2011 in all local authority areas, with the DH expecting improvements to be evident between now and then. In October 2009, the DH issued '*Progress Measures for the delivery of Transforming Adult Social Care Services*', introducing milestones that each local authority must achieve by April 2010, October 2010 and April 2010.
- 5.2 Oversight of the funding for these services is managed through the Haringey Strategic Partnership's Performance Management Group – who ensure robust performance management arrangements (including value for money) are in place.
- 5.3 The way in which local authorities contract for services to adult social care users and carers is currently under review by the Council's Adult Culture and Community Services Directorate. In delivering Adult Social Care (including services to carers), the role of the Council will change, from a commissioner of services on behalf of residents, service users and their carers to one of ensuring the development of the market to be able to deliver services that service users and their carers will wish to purchase using their individual budgets. This transformation is expected to negate the need for Haringey Council to maintain the current level of block contracts
- 5.4 Agreement is sought from Members to agree to the waiver of the requirement to tender and if agreed that the Director of Adult Culture and Community Service award new contracts to the three Carers Organisations listed at the appendix to this report for a period of 14 months to no later than the 31st March 2011. Should Members agree to this waiver, this will ensure the three organisations described below have contractual arrangements in place in line with other adult social care contracts, allowing sufficient time to ensure a smooth transition to new style contracting arrangements, post March 2011.

6. Other options considered

- 6.1 Other options have been considered, which involved undertaking competitive tender processes for short-term contracts to ensure supply of appropriate services until personalisation is finalised. However it is felt that to continue with the current contractors will be best value to the Council.

7. Summary

- 7.1 Haringey Council are currently contracting with the Organisations mentioned below. The contracts are due to expire on the 31st January 2010. The contracts have all previously been extended and have no further extensions built into them. Due to the implementation of the Government's Personalisation Agenda it is viewed to be in the best interest of the Council to continue contracting with these Organisations at this time, so that these services can be remodelled as necessary and residents, service users and carers can be consulted with to inform future service direction.
- 7.2 The Commissioning Team in ACCS has developed a commissioning framework for personalisation, that sets out the principles by which services will be commissioned (and contracted for) in the future, and a Project Group established to manage a commissioning delivery plan that includes the following workstreams:
- User/carer engagement – working with third sector partners to consult as widely as possible with residents, users and carers to inform the models of service delivery and contracting arrangements in the future
 - Commissioning of domiciliary care (last reported to Procurement Committee in July 2009), which will also inform preferred model of contracting across other adult social care services, including services to carers.
 - Market research (including models of best practice in across other local authorities)
 - Market Development framework (will be ready in late December 2009)
 - Supplier engagement (started October 2009)
 - Overarching commissioning delivery plan (to be completed March 2010).
- 7.3 Under the commissioning of domiciliary care workstream, thinking is well advanced regards alternatives to block contracting, pointing to the advantages of developing a framework of individual purchasing, supported by robust quality monitoring, proactive brokerage and increased market development.
- 7.4 The funding for these services is from the Area Based Grant, which has been subjected to robust performance management arrangements through the HSP's Performance Management Group. The PMG has endorsed the continuation of funding for the required services and therefore Procurement Committee is asked to approve the Well-being Partnership Board recommendation that each of the current organisations have their funding agreed through steady state until no later than 31st March 2011.
- 7.5 Within this overall context it is recommended that the following carers organisations should continue with their existing service provision, therefore it is necessary to ask

Members to agree to waive the requirement to tender, whereby allowing the Director of Adult Culture & Community Services in consultation with the Lead Member for Adult Social Care and Well-being to award new contracts.

7.6 The 3 Organisations are:

7.6.1 The Black & Minority Ethnic Carers Support Services

The aim of BMECSS is to provide short term breaks for carers from black and minority ethnic backgrounds, by providing home based respite services. The BMECSS are able to supply trained sitters for Asian, Chinese, Caribbean, Ethiopian, Greek Cypriot, Turkish Cypriot, Somali and Irish Carers. BMECSS offers culturally appropriate sitting services as well as advice, information and support to minority ethnic Carers residing in Haringey. The service at present is fully subscribed and currently holds a waiting list, so is much in demand. The Service has around 30 sitters who have access to NVQ training funded through the Single Regeneration Budget and the Learning Skills Council.

7.6.2 The Mental Health Carers Support Group

The MHCSG provide short-term breaks for carers of people with mental health needs. They provide an advocacy service for carers which include: confidential interviews, representation at care planning meetings, assistance with care assessments and registration, complaints, enquiries and welfare benefits claims. MHCSG also run a fortnightly carers support group at the Tynemouth Road Health Centre. The MHCSG's aim is to ensure that carers have access to a service which fully understands their specific needs and is committed to providing practical help and support, whilst raising mental health awareness in general.

7.6.3 Asian Carers Support Group

The ACSG was formed in 1998 to provide culturally appropriate support information and advocacy for Asian Carers within the Borough of Haringey. Their aim is to improve the quality of life for carers by: providing care and support for all ages, developing health and social care facilities and assisting with problems by the provision of interpretation, information, advice and advocacy. The ACSG also arrange social events and provide outreach services and support through regular group meetings. The ACSG role is significant in providing a platform for the Council to consult with carers, while identifying hidden carers and encouraging them to register with the Council in order to access appropriate services and support.

8. Chief Financial Officer Comments

- 8.1 This report asks Members to waive the requirement to tender. The maximum value of these three contracts would be £186,920. It is noted there is no variation in the cost of these contracts and the contract costs will continue to be met within the current budget provisions.

8.2 It is noted that these contracts are funded through the Area Based Grant, and that there has been a commitment through the HSP's Performance Management Group for funding to continue through to 31st March 2011

9. Head of Legal Services Comments

9.1 These contracts are not classified as priority services under the Public Contracts Regulations 2006 so there is no requirement to tender in Europe.

9.2 A waiver of the CSO requirement to tender is now being sought to facilitate the award of new fourteen (14) month contracts with the three (3) providers listed in this report.

9.3 The waiver is sought on the grounds set out in CSO 7.03 (d) i.e. that it is in the Council's overall interest.

9.4 CSO 7.2(a) empowers the Procurement Committee to grant a waiver of CSOs in respect of tendering.

9.5 If the Procurement Committee is minded to approve a waiver, the Director of Adults, Culture and Community Services Director will award the contracts under his delegated powers (see CSO 11.02).

9.6 The Head of Legal Services confirms that there are no legal reasons preventing the Procurement Committee from approving the recommendations in this report.

10. Head of Procurement Comments

10.1 Each of the 3 existing suppliers is reported to be performing well and providing much needed services.

10.2 The Governments Personalisation Agenda will radically change the way in which these services are provided in the future, beyond March 2011.

10.3 For a short contract period of up to 14 months it would not be in the Councils overall best interest to competitively tender these services, and the best value option is to award new contracts to the incumbent suppliers to avoid any risk of disruption to service delivery and to avoid unnecessary procurement costs for all concerned.

11. Equalities & Community Cohesion Comments

11.1 Current and future contracts require providers to comply with all relevant legislation.

11.2 The three carers organisations outlined in 7.6 above, provide a valuable service to black and minority ethnic groups and to vulnerable carers support people who use mental health services. There is limited other provision for these groups of carers in the borough.

12. Consultation

12.1 Consultation has been undertaken internally with the Director of Adult Culture and Community Services, AD Safeguarding and Strategic Services and AD Adult Services & Commissioning

13. Service Financial Comments

13.1 The value of the contracts is outlined in Appendix A. The contract values are not changing from the current levels, and the Directorate will continue to manage expenditure within current financial resources.

14. Use of appendices /Tables and photographs

14.1 Appendix A- List of contract values

15. Local Government (Access to Information) Act 1985

15.1 List of background documents:

- Department of Health: Putting People First: A Shared Vision and commitment to the transformation of Adult Social Care, January 2008

These documents are available from Commissioning & Strategy, ACCS by contacting:

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