

Urgent decision taken by the Leader in accordance with Part 4.5 of the Constitution paragraph 17.02

Item	Decision	Implementation date	Decision taker	Reason for urgency	Consent of Mayor
Purchase of Personal Protective Equipment – Covid 19	<ol style="list-style-type: none"> 1. The continuous ordering of urgent supplies of Personal Protective Equipment for up to a three-month period, continuation of current arrangements will be subject to further review, including further clarification concerning the principle of recharging the CCG for this cost. 2. That the amount approved per month for the known existing demand does not exceed £660,000 per month and that any recharges that can be made to the Clinical Commissioning Group are processed as soon as this is practicable. 3. That any additional expenditure that may need to be requested in order to support wider cohorts of people or service areas, namely, Police, Funeral Directors or schools, is sought as a separate decision. 4. That approval is given to the Director of Adult Social Care to 	23.4.20	Leader of the Council	Urgent request for funding as a result of the surge in demand and the lack of local supplies across the Walsall marketplace in relation to PPE. There is a possible recharge to Walsall Clinical Commissioning Group being discussed but as yet there is no clarity on the amount that this will cover.	Granted on 23/04/20 at 13.36

	<p>enter into contract directly with suppliers for the provision of emergency Personal and Protective Equipment supplies, using the most appropriate compliant procurement route, for a period of up to 3 months from 1 March 2020 to 31 May 2020.</p> <p>5. That approval is given to the Director of Adult Social Care to enter into collaborative contracts that are commissioned by other lead Local Authorities within the West Midlands region, for the provision of emergency Personal and Protective Equipment supplies, using the most appropriate compliant procurement route, for a period of up to 3 months from 1 March to 31 May 2020.</p>				
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Signed:.....Councillor M.A. Bird, Leader of the Council Date: 23 April 2020

(**Note:** The above decision is not eligible for call-in in accordance with the following paragraph of Part 4.5 of the Constitution – Overview and Scrutiny Procedure Rules:

“17.02 Call-In - Decisions that are urgent

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.”)

Leader of the Council – Urgent Decision

The purchase of Personal Protective Equipment – Covid 19

Portfolio: Councillor Rose Martin
Councillor Towe
Councillor Craddock

Related portfolios: All

Service: Adult Social Care

Wards: All

Key decision: Yes

Forward plan: No

1. Aim

1.1 This report seeks the Leader of the Council's approval for the Council to continue to order, source and enter into contract for Personal Protective Equipment (PPE) for emergency use during the COVID-19 pressures. Approval is sought to order items for a collective rolling monthly sum of no more than **£660,000**. This amount is based on retrospective and the estimated projected monthly costs alongside demands.

2. Summary

2.1. The Council is working alongside a whole range of partner organisations, in an attempt to help to minimise the spread of COVID-19. With regard to this request, it relates specifically to the purchasing of PPE to support local Care Providers, citizens, family carers and the Council front facing workforce employed within the Children and Adult Social Care directorates. As an employer the Council has a duty of care to provide a safe system of work for its own employees which would include using its best endeavours to ensure that they have the necessary equipment to carry out their duties safely. This is also relevant in terms of addressing Health and Safety issues.

2.2. Ordinarily, the local independent sector providers that deliver care and support across Walsall take responsibility fully for their ordering, supplies and payment of PPE.

2.3. As a direct result of the Coronavirus Pandemic, and the corresponding surge in demand for PPE, the local supply chains for providers have become increasingly difficult to access and the resources that are still available to providers locally, are increasing their prices along with their timescales for delivery.

- 2.4. National Health Service England (NHSE) and Public Health England (PHE) have issued guidance in relation to both the safe use of PPE and specifications of items sourced, alongside the process by which Care Providers can work to source supplies.
- 2.5. Regional Heads of Procurement and Regional ADASS colleagues from 14 Local Authorities are lobbying and scoping new ways of securing supplies and have developed a robust process and governance. On a regional level, there have also been several initiatives that strive to unblock the much needed arrival of stock, whilst ensuring the items are purchased in a cost effective way, from suppliers who are able to be a continuous supplier.
- 2.6. Walsall has received around 65 different donations from local businesses and citizens in relation to PPE supplies. The local offer has been greatly appreciated and the relationships and ongoing dialogue with those businesses and suppliers who are coming forward is very much appreciated. However, the enormity of the demand for safe specification and affordable supplies means that there remains a requirement for the Council to continue to secure orders, to do that promptly and in a way that gives us a good regular supply for prompt re-distribution across our Walsall providers and citizens.
- 2.7. Walsall Council is coordinating its supplies and distribution of PPE through a central 24/7 Hub based at Goscote. There are currently **164 different Care Providers** that the Hub is supporting, **57 of those** are Residential/Nursing homes in Walsall, **107** are Providers delivering a selection of Extra care, Supported living and domiciliary care provision. In addition, the Hub supports volunteers requiring PPE, internal workforce delivering a range of personal care and front facing work with vulnerable people, Direct Payment recipients and carers who may require PPE to support people at home.
- 2.8. Walsall Clinical Commissioning Group (WCCG) are working collaboratively with the Council, they supply PPE to all of the GP practices who are not receiving their PPE supplies via the NHS supply chain, they support the PPE supply for all Primary Care settings. Walsall Healthcare Trust (WHT) also has its own arrangements for their staff. Both WHT and WCCG will share their stock with Walsall Council where there is urgent need for supplies. This arrangement is working well.
- 2.9. There are ongoing discussions between WCCG and Walsall Council about the possible recharge of costs incurred for PPE by the Council to the CCG. NHS England have agreed in principle that costs can be recharged, however the CCG are currently in discussion with NHS England as to the value of that recharge. As such, there is no certainty that the Council will be able to recover the full costs.
- 2.10. In the absence of the clarity on recharges, there is an urgent need to seek approval from the Leader for the continued expenditure for orders of PPE stock.

3. Recommendations

3.1 That the Leader approves:

1. The continuous ordering of urgent supplies of Personal Protective Equipment for up to a three-month period, continuation of current arrangements will be

subject to further review, including further clarification concerning the principle of recharging the CCG for this cost.

2. That the amount approved per month for the known existing demand does not exceed £660,000 per month and that any recharges that can be made to the Clinical Commissioning Group are processed as soon as this is practicable.
3. That any additional expenditure that may need to be requested in order to support wider cohorts of people or service areas, namely, Police, Funeral Directors or schools, is sought as a separate decision.
4. That approval is given to the Director of Adult Social Care to enter into contract directly with suppliers for the provision of emergency Personal and Protective Equipment supplies, using the most appropriate compliant procurement route, for a period of up to 3 months from 1st March 2020 to 31st May 2020
5. That approval is given to the Director of Adult Social Care to enter into collaborative contracts that are commissioned by other lead Local Authorities within the West Midlands region, for the provision of emergency Personal and Protective Equipment supplies, using the most appropriate compliant procurement route, for a period of up to 3 months from 1st March to 31st May 2020.

4. Report detail - Know

- 4.1. A National shortage of essential PPE items is currently creating increased pressure locally to support the care market and essential keyworker roles across Adult Social Care and Children Social Care Directorate.
- 4.2. Locally there is a sourcing and distribution site at Goscote in house Provider resource that is managing local requests and deliveries of PPE stock to all Providers, volunteers; Direct Payment recipients and internal keyworkers for social care, struggling to source PPE through their normal Business as usual routes.
- 4.3. National guidance in response to the Covid-19 outbreak, released on 19 March 2020, and subsequent updates has made it difficult to predict demands as well as ensure all providers are aware of when and how to source and use their PPE.
- 4.4. The need to source PPE on behalf of the marketplace across Walsall and its internal workforce relating to social care is a direct result of the Pandemic and the increased demands across the national, regional and local landscape for safe stocks of PPE.
- 4.5. There has been a surge in demand as more people become unwell or show signs of COVID-19. This alongside the diminished stocks across the country and the focus of local supplies going to the NHS, means there is little opportunity for providers to secure reliable deliveries of stock to keep themselves and their dependant population safe.
- 4.6. Walsall Council have received six ad hoc deliveries of PPE since the end of March 2020 as part of the National Supplies Disruption support, however this is not sufficient to support the whole of Walsall residents requiring care and support. The fifth consignment delivered to Walsall only contained a small supply of hand sanitiser.

- 4.7. Walsall Council have been able to support the gap in provision as it has purchased alternative stock in the absence of usual suppliers. This needs to continue now more than ever as the usual suppliers are really struggling to deliver and acute settings are being prioritised for national supplies.

Council Corporate Plan priorities

- 4.8. This proposal supports the Council's urgent and emergency response to the Covid 19 pandemic and the role the Council plays in the wider system of health and care for the people of Walsall.
- 4.9. This proposal links to the Council's corporate priority 'Communities are prospering and resilient. The most vulnerable are protected from avoidable harm, including treating and caring for people in a safe environment through working within the local community. It enhances quality of life for people with care and support needs and those with long term conditions; out of hospital, community based provision provides a safe and more appropriate environment for individuals recovering from ill health and/or injury or requiring long term care.
- 4.10. The proposal also links to emergency planning and resilience. Delivering a steady flow of supplies to the people who require it also means that Walsall are working in a similar collaborative way as its Regional partners. It means we are seeking the Best set of outcomes, cost effectiveness and some sustainable outcomes to see Walsall through an unprecedented time as a result of COVID-19 and the pandemic.

Risk management

- 4.11. There are no alternative options currently for providers and local people requiring PPE due to personal care and support needs. If the supply chain is eased by regional/national initiatives that unblock the extended problems encountered by, all relating to PPE, then there will be no further requirement for the Council to purchase on behalf of local people. The amount requested is based on retrospective and future estimated costs. It is also based on existing cohorts of Walsall residents with care and support needs.
- 4.12. The monitoring of the expenditure will continue to be overseen by distributors; procurement and finance colleagues. The agenda is also discussed daily as part of the COVID-19 chain of command groups (BRONZE: SILVER and GOLD), which has representatives of all internal and external Stakeholders responsible for delivering safe outcomes as a result of COVID-19.

Financial implications

- 4.13. Walsall Council will order safe supplies of PPE at a cost of no more than **£660,000 per month for 3 months commencing March 2020, a total cost of up to £1.98m**. There are ongoing discussions between WCCG and Walsall Council about the possible recharge of costs incurred for PPE by the Council to the CCG. NHS England have agreed in principle that costs can be recharged, however the CCG are currently in discussion with NHS England as to the value of that recharge. As such, there is no certainty that the Council will be able to recover the full cost.

Procurement Implications/Social Value

- 4.14. The Value of the contracts referred to in this report is above the current EU Threshold for Supplies (£189,330). Continued support will therefore be sought from the Council's Procurement Team to ensure compliance with Public Contract Regulations 2015, the Council's Contract Rules.

Legal Implications

- 4.15. The Council is already purchasing PPE in accordance with the arrangements with its partner agencies the CCG and WHT since March 2020. The council should continue to work with its procurement section to ensure that it secures best value in relation to ongoing purchases of PPE and that this is done in accordance with the council's financial and contractual rules.
- 4.16. As an employer the Council has a duty of care to their employees, which means that they should take all steps which are reasonably possible to ensure their health, safety and wellbeing. This would include following national guidance regarding PPE.

Health and wellbeing implications

- 4.17. It is not in the public interest nor that of the Providers to not support the ongoing sourcing of PPE during this current crisis.

Staffing implications

- 4.18. There are no staffing implications arising out of this report.

Reducing Inequalities

- 4.19. An Equality Impact Assessment (EqIA) has been completed and can be found as an appendix to this report.

Consultation

- 4.20. All Social Care providers across Walsall and the Councils Health and Care partners are engaged in regular discussion in relation to PPE issues and requirements.

5. Decide

- 5.1. The Leader of the Council is requested to consider the content of this report and to agree the recommendations as outlined in section 3.

6 Respond

- 6.1. Subject to the Leader's decision under emergency powers, Council Officers will continue to source and fund PPE up to the total monthly sum of no more than £660,000 per month for 3 months.
- 6.2. Discussions will continue with the CCG for their full clarity and agreement to recharge costs to them for the cost of the PPE for Social Care.

7. Review

- 7.1. The arrangements with regards to the ordering and supplies will be managed and reviewed in line with ordinary Council procedures.

Background papers

None

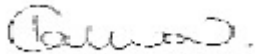
Author

Jeanette Knapper

Group Manager Adult Resource

☎ 07500028637

✉ jeanette.knapper@walsall.gov.uk



Kerrie Allward

Director of Commissioning

Date 23 April 2020

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Emergency supplies of Personal Protective Equipment – COVID-19		
Directorate	Adult Social care Directorate		
Service	Adult Social care Directorate & WHT		
Responsible Officer	Jeanette Knapper		
Proposal planning start	Emergency plan commenced March 2020 due to COVID-19	Proposal start date (due or actual date)	Retrospectively End of March 2020 and onwards

1	What is the purpose of the proposal?	Yes / No	New / revision			
	Sourcing and distributing PPE across the Whole care sector of Walsall and internal keyworker roles /volunteers Direct payment recipients for social care C and Adults					
	Policy	N	N			
	Procedure	Y	Y			
	Guidance	Y	Y			
	Is this a service to customers/staff/public?	Y	Y			
	If yes, is it contracted or commissioned?	Both				
	Other - give details	Emergency supplies of PPE as result of COVID-19				
2	What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change? <p>There is a national shortage of Critical PPE supplies and as such, there is a heightened risk of illness, symptoms and death of vulnerable people where there is no suitably appropriate and sufficient Personal protective Equipment (PPE) as part of infection control and guidance follow up from (NHSE) NHS England and (PHE) Public Health England .Local suppliers of PPE supporting the range of approximately 164 care providers across Walsall, is sporadic and none reliable currently , this is creating heightened risks and a surge of demands realting to accessing supplies</p> <p>The local supplies are also needed to support not just people within Residential and nursing care provision, but local domiciliary care market; Supported Living: Extra care , Direct payment recipients, carers who are in need of PPE to support people at home: voluntary sector providers and internal staff working as keyworkers providing care and support to people across Walsall.</p>					
3	Who is the proposal likely to affect? <table border="1"> <tr> <td>People in Walsall</td> <td>Yes</td> <td>Detail</td> </tr> </table>			People in Walsall	Yes	Detail
People in Walsall	Yes	Detail				



	All	Y	All people who require the support of social care resource for PPE during the COVID-19 and the corona virus pandemic
	Specific group/s	Y	
	Council employees	Y	<p>Specific groups of people who are receiving care and support from one of the 164 providers of care and support across Walsall and who are struggling to safely support people in the absence of their local supplies of PPE</p> <p>Council employees and external workers who are delivering front facing care and support to vulnerable people during the pandemic</p>
	Other (identify)		
4	Please provide service data relating to this proposal on your customer's protected characteristics.		
	<ul style="list-style-type: none"> National guidance in response to the Covid-19 outbreak, released on 19 March 2020, requires all people to receive the correct level of support when discharged from Hospital settings. The Guidance in relation to the safety and wellbeing of people in the community also refers to evolving amended guidance that comes collectively via NHSE and PHE, then operationally interpreted and adopted locally across the NHS partners PH and social care Since the spread of COVID-19 and the increased demands placed on the national and regional agendas where supplies of PPE are concerned, there became a real urgency to support local people via the Local Authority securing regular and appropriate supplies of PPE to bolster dwindling supplies that were coming through to Providers and internal workforce via the usual supply chain. The National Disruption Supplies and also the Local resilience arrangements have met with sporadic response and capacity. The local council has received 6 consignments of PPE from the LRF (Local Resilience Forums) and again, these have not been sufficient in terms of timing nor amount of supplies delivered, to meet the growing demands of the local population who require this A surge in demand in the last few days has also meant that the stocks ordered by the LA to support the local communities, is also running low and there is a need for continuous and regular orders to be processed so as to maintain a steady and regular flow of stock into the Borough to stem the flow and steady the marketplace and support for vulnerable people COVID-19 presents differently across all segments of society by what we have learned so far. Asymptomatic people and people confirmed COVID may all be supported in the same environment, however where this is within a residential or nursing home setting there are significant increases in terms of staff absence due to COVID as well as heightened risks of severe illness, sadly in some cases deaths, due to the virus or associated characteristics. Importance of Safe working practices, the implementation of safe distancing and in the workplace or at someone's home. there is an increased need for use of 		

PPE when providing personal care and support

- The Walsall Adult social care service is therefore working to continually source and provide supplies of critical PPE items in order to reduce risk of infection and to also maintain the safety and wellbeing of all in that process

5 Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).

Several organisations including Walsall Council, Walsall Healthcare NHS Trust and Walsall PH have been involved in discussions and pro- active work in order to support the homes, providers, individual staff and vulnerable people at home, by encouraging people to use the PPE that they have got access to, safely. There is also an urgent reminder daily to homes and the provider market place to follow the guidance set out by NHE and PHE

The regular orders for PPE is also being supported by the Regional ADASS group and the Regional Heads of Procurement group. The engagement across Region, national and local agendas are to ensure there is a consistent message around the importance for the local access and supply of urgent PPE items

The Provider services within ASC are therefore engage daily with Procurement colleagues

Providers across the board are engaged daily as aprt of the ongoing level of support to ensure people are as safe and well maintained as possible.

All providers across Walsall have received information and contact details about how to access PPE from the local Supply store at Goscote

Engagement with partners and the wider customers who use services across ASC and childrens services currently have been part of the regular updates and amendments to National guidance around PPE and safety during the COVID-q19 outbreak in relation to the longer term plans to develop a stroke service, will include a far wider reaching engagement calendar the none urgent agendas currently being worked through across the partnerships due to COVID-19.

Engagement also takes place daily across the local and regional resilience forums- locally (Bronze: Silver and GOLD command.

Consultation Activity				
Type of engagement/consultation	ASC Internal workforce engagement and awareness raising via Perform+ :teams call and the Bronze calls as part of the command meetings Daily calls and face to face visits to provider services externally via Quality and assurance teams: WHT colleagues or PH Daily calls from commissioners to all provider forum (vol attendance into the calls)	Date	Daily from Mid March 2020	
Who attended/participated?	Front line staff via teams –as above carers also engaged with as part of their needs when requiring PPE i.e. via Social worker calls; post hospital discharge etc.			
Protected characteristics of participants	All people will remain at the centre of all communication and actions to support to combat the effects of COVID-19 and the needs of priority groups or places, are monitored closely via the data collected as part of the actions to support proportionately during this time of uncertainty and changing needs -19			
Feedback	<ul style="list-style-type: none"> Positive feedback from front line staff providers and vulnerable people who are just wanting the reassurance that PPE is available and being used appropriately in time of urgent and consistent need 			
6	Concise overview of all evidence, engagement and consultation			
	<p>All relevant engagement and communications are in place as part of the urgent agendas we are delivering currently.</p> <p>Full Cabinet report and associated documentation that is linked directly to this EQIA.</p>			
7	How may the proposal affect each protected characteristic or group? The effect may be positive, negative, neutral or not known. Give reasons and if action is needed.			
	Characteristic	Affect	Reason	Action needed

				Yes / No
	Age	This is a very positive plan and one whereby there is a need to continue to order and source urgent PPE with the support of lead officers and cabinet members who understand and acknowledge the full requirements around this agenda		
	Disability			
	Gender reassignment			
	Marriage and civil partnership			
	Pregnancy and maternity			
	Race			
	Religion or belief			
	Sex			
	Sexual orientation			
	Other (give detail)			
	Further information			
8	Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details.			(Delete one) Yes / No
	The immediate crisis resolution affects everyone. The risk is heightened if there is an outbreak affecting more than two people within one area. The aims of securing funding approval to continue to purchase PPE for local use, means that there is a mitigating action that can be continued, in order to strive to continually reduce risk of further illness and death in some cases as a result of COVID-19			
9	Which justifiable action does the evidence, engagement and consultation feedback suggest you take?			
	A	A change required as a result of urgent needs around PPE and creating capacity to ensure this is readily available for the local social care cohorts, volunteers internal keyworkers and Carers –Due to COVID-19		
	B	Adjustments needed to remove barriers or to better promote equality		
	C	Continue despite possible adverse impact		
	D	Stop and rethink your proposal		

Action Date	Action	Responsibility	Outcome Date	Outcome
22/4/20	Consider and accept the EQIA alongside the Cabinet report and associated documentation the	To amend and update as and when needed as apt of the actions against COVID-19		

Update to EqIA	
Date	Detail
Use this section for updates following the commencement of your proposal.	

Contact us

Community, Equality and Cohesion
Resources and Transformation

Telephone 01922 655797

Textphone 01922 654000

Email equality@walsall.gov.uk

Inside Walsall: http://int.walsall.gov.uk/Service_information/Equality_and_diversity