

Cabinet – 16 June 2021

Provision of Adult Social Care Service contract for: Walsall Carers Centre

Portfolio: Councillor Rose Martin, Adult Social Care

Related portfolios: Councillor Timothy Wilson, Children's Services

Service: Adult Social Care

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

For the Council to be assured that it will continue to have compliant contractual arrangements in place during the pandemic, which are fit for purpose to enable the review of strategic priorities.

2. Summary

- 2.1. To allow for the preparation of a robust competitive tendering exercise, there is a need to extend the contractual arrangements with Walsall Carers Centre.
- 2.2. Originally awarded in July 2015 following a compliant procurement the contract term was initially for 3 years with a 12 month extension period. The extension option was exercised in 2019 with further contract extensions in 2020 and 2021 as detailed in paragraphs 4.4 - 4.6. Each value of variation is £85,000 with a total life cycle including the 2021 extension to £595,000 making this a Strategic Contract under the Council's Contract rules
- 2.3. The Contract with Walsall Carers Centre expires on 30 June 2021.
- 2.4. There is a need for the service to continue beyond the expiry date to allow for a comprehensive review of the existing service provision.
- 2.5. Adult Social Care have identified the need for extension, due to officer's workloads being impacted by Covid-19 outbreak to support our most vulnerable residents during the Covid-19 pandemic. There has not been sufficient time available to complete a compliant tender process.

3. Recommendation

- 3.1. That Cabinet approves the extension of the existing contract with Walsall Carers Centre for a period of 12 months from 1st July 2021 to 30th June 2022 at a value of £85,000.
- 3.2. That Cabinet delegate authority to the Executive Director for Adult Social Care, in consultation with the Portfolio Holder for Adult Social Care, to subsequently authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services as well as any variations to the contractual arrangements or other related documents should this be required throughout the duration of the contracts.

4. Report detail - know

Context

Carers Hub

- 4.1. A national Carers Strategy was published in 2008, followed by a refresh and an action plan for 2018–2020 which outlined 5 national themes/priorities; Services and systems that work for carers; Employment and financial wellbeing; Supporting young carers; Recognising and supporting carers in the wider community and society; Building research and evidence to improve outcomes for carers.
- 4.2. The intention was to create a local strategy linked to the new National strategy, which we have been expecting since 2018; therefore, modifications to the existing contract were undertaken pending this strategy. However due to Brexit and now the COVID-19 pandemic this strategy has not been a national priority. Therefore, our Carers strategy and scope has been considered locally. We now need to ensure sufficient time and resources available to commission a new Strength Based Carers Service, which will give greater emphasis on the person's strength, and assets and will replace the existing service.
- 4.3. Adult Social Care have engaged with Children's Services and have agreed an all age approach to carers going forward. With approximately 25,000 carers in Walsall, it would also prove beneficial to align our carers' strategy and priorities to the CCG and NHS strategy for Carers as well as aligning internally to PROUD objectives.
- 4.4. The Contract for the Carers Hub was awarded to Walsall Carers Centre and the contract started in July 2015 following the completion of a compliant procurement process. The contract term awarded was for 3 years with a 12 month extension period. The option to extend the contract for 12 months was approved by the Executive Director of Adult Social Care with the contract due to expire 30 June 2019.

- 4.5. A second contract extension was agreed by the Executive Director of Adult Social Care from 1 July 2019 to 30 June 2020. The additional value of variation was £85,000 with a life cycle value of £425,000.
- 4.6. A contract variation extension was agreed by the Executive Director of Adult Social Care from 1 July 2020 to 30 June 2021. The additional value of variation was £85,000 with a total life cycle value of £510,000.
- 4.7. Adult Social Care have asked Procurement to provide advice as to whether an arrangement can be extended for a further 12 months whilst a procurement process is undertaken to award a new contract.
- 4.8. Adult Social Care are also working on procurement documents required to undertake a compliant procurement process to tender for the service.
- 4.9. The extension has been brought on by the Covid19 pandemic, which the Council could not foresee.
- 4.10. The extension would be a continuation of the service, rather than a change in the subject matter of contract.

Council Corporate Plan priorities

- 4.11. People have increased independence, improved health and can positively contribute to their communities.
 - P1- Enhancing the quality of life for people with care and support. Needs and those with long-term conditions.
 - P2- Delaying and reducing the need the need for care and support
 - P-3 People recover from episodes of health or injury
 - P-4 The most vulnerable are protected from avoidable harm, including treating and caring for people in a safe environment.
- 4.12. All of the above corporate priorities are supported by this approach in these extraordinary circumstances.

Risk management

- 4.13. The contract extension will ensure that the Council is compliant with its Contract Rules and able to respond compliantly to demands. To meet statutory duties until the new Carers contract is in place.

Financial implications

- 4.14. The 12-month extension is valued at £85,000.

Legal implications

- 4.15. Adult Social Care will liaise with legal services to ensure extension of the current contractual arrangements will be carried out compliantly and using legally binding methods.

Procurement Implications/Social Value

- 4.16. All procurement activity will need to be undertaken in compliance with Public Contract Regulations 2015 (the Regulations) and the Council's Contract Rules. Procurement and legal services will coordinate to ensure that there is a consistency of advice and approach.
- 4.17. As the contract extension options which were originally available in the contract have now been used, in order to extend this contract further this contract must be modified in line with Regulation 72 of the Regulations. This regulation sets out the scenarios under which contracts which are subject to the Regulations can be modified.
- 4.18. Procurement advice has been sought as to whether or not this modification falls under the range of modifications which are permitted by Regulation 72. The main considerations under Regulations 72 (c), are in relation to whether or not the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen (i), whether or the modification alters the overall nature of the Contract (ii) and the value of any modification (iii).
- 4.19. Procurement has considered these factors and advice relating to these is summarised below:
- i Could this need for a modification have been foreseen by a diligent contracting authority – the reason that this modification is required and that a competitive procurement process has not commenced is due to the impact of the COVID-19 pandemic, which is a situation which could not have been predicted.
 - ii Value – The value of this extension would be £85,000, which is below 50% of the original contract value (£340,000).
 - iii Overall nature of the contract – this modification is to extend the services for a period of twelve months, rather than to materially change the subject matter of the contract.
- 4.20. On this basis Procurement has advised that this contract modification would be compliant with Regulation 72 of the Regulations, and the Council's Contract Rules and are unlikely to expose the Council to any significant risk of challenge, particularly given that the extensions will run in tandem with the carrying out of the new procurement process.
- 4.21. Procurement will ensure that all notices which need to be published in order to carry out in line with the Regulations and guidance published by the Cabinet Office.

- 4.22. Adult Social Care will work with Walsall Carers Centre to agree Social Value benefits during the 12-month extension.

Property implications

- 4.23. No Council property assets are implicated by the proposals in the report.

Health and wellbeing implications

- 4.24. Continuing to commission this service will enable the Council to promote independence, choice and control for adults and their families. It also links and contributes to the Council's corporate priorities referred to in section 4.2.1 of this report.
- 4.25. The principles and actions contained within this report are in full accordance with the Marmot objectives because service users will have increased independence, improved health and can positively contribute to their communities in a safe and healthy way

Staffing implications

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

Reducing Inequalities

- 4.27. The implications for reducing inequalities have been taken into account and assessed as set out below:
- (i) Consideration has been given to the Council's responsibility under the Equality Act 2010; and
 - (ii) The Council's duty to meet people's eligible needs will remain the same following the award of the new contracts for the Services.
- 4.28. An Equality Impact Assessment (EqIA) is not required as this is a statutory service.

Consultation

- 4.29. Walsall Carers Centre were consulted about extending the contract. Walsall Carers Centre confirmed that they would be willing to accept a 12 month extension to the existing service.

5. Decide

Cabinet is requested to consider the content of this report and to agree the recommendation as outlined in section 3.

6. Respond

Subject to Cabinet approval of the recommendation, Adult Social Care will work with corporate colleagues to:

(a) Progress the award of:

- The extension of the Walsall Carers Contract from 1 July 2021 to 30 June 2022.
- Continue to work on procurement documents required for the Council to run a compliant procurement process to tender for the service.

7. Review

Once the Walsall Carers contract has been extended, the Carers contract will be reviewed in line with our contract management and individual support plan review process.

Background papers

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Kerrie Allward
Executive Director

12 April 2021



Councillor Rose Martin
Portfolio holder

12 April 2021