

Meeting:	Cabinet member health and wellbeing
Meeting date:	14 February 2018
Title of report:	Extension to carers support service
Report by:	Refugee and asylum seeker coordinator

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose and summary

To approve the direct award of a carers support service contract for up to 12 months from 1 April 2018, until a newly designed service can be successfully commissioned. This will ensure the continuity of services for carers following the withdrawal of the procurement process for the newly designed carers service. The current contract with Herefordshire Carers Support (HCS) is for a fixed term of one year. The existing contract cannot be extended and therefore a direct award is proposed, which will require an exemption from contract procedure rules standing orders. The service specification for the interim service will be developed as far as possible to align more closely to the priorities in the Joint Carers Strategy.

A recent procurement process has demonstrated that the market does not currently have the capacity and willingness to deliver the new type of carers service required. Therefore a new carers service will not be available to mobilise from 1 April 2018. Intensive work is underway to engage in depth with the market, NHS and other partners to establish the best way to deliver a service which enables carers and addresses the priorities within the Joint Carers Strategy.

Recommendation(s)

That:

- (a) a direct award to Herefordshire Carers Support (HCS) of a contract for a carers**

support service for 12 months and a maximum cost of £160k is approved.

Alternative options

1. To take no action when the existing carers services contracts cease on 31 March 2018. This option is not recommended as it would result in no carer specific services being available in Herefordshire from 1 April 2018. In continuing a service from HCS there is an opportunity to strengthen and diversify it, so it aligns more closely to some of the priorities in the carers strategy.
2. Commission interim services to March 2019 by way of a competitive tender procurement process. This option is not recommended as an Official Journal of the European Union (OJEU) compliant tender process for the service has recently been undertaken without a contract being awarded. The process demonstrated through the evaluation of tenders that the market is not currently in a position to deliver the service as envisaged. The timescales involved in a further full procurement process would lead to a significant disruption of services for carers during the spring and summer of 2018. It would also cause a further level of destabilisation of the existing provider organisation, beyond that occasioned by this proposal.

Key considerations

3. During 2017 the Joint Carers Strategy for Herefordshire for the period 2017–2021 was developed, co-produced with carers, and then approved by Cabinet. The strategy informed the design of a new carers support service and subsequent procurement process. To allow for the continuation of a carers support service during this period, the contract with the current provider was awarded for a period of 12 months, concluding on 31 March 2018. The contract for the complementary Carers Health and Wellbeing Service was adjusted so that it also concludes on 31 March 2018. This service, which has been under-utilised, provides support to carers, individually and in small groups and will not be extended or continued. Work is taking place with the provider, Crossroads Care, to manage any continuing support needs of individual carers after the contract closes.
4. The new carers service specification was co-produced with carers and a procurement process was subsequently initiated in September 2017. The newly commissioned service was designed to promote and enable self-determination of carers through access to appropriate information, actively promoting peer support and networking, and to ensure that frontline universal services become carer aware and improve their accessibility and responsiveness to carers. It was not designed to provide ongoing support, run and maintain support groups, or to provide extensive training delivery. Such services have limited benefit, do not align with the new strategy or the funding available.
5. The new approach is aligned to the carers strategy for Herefordshire and the council's adults wellbeing plan, with a focus on enabling carers, connecting them to their community and reducing long term dependency on commissioned services. However, after undertaking a fully compliant tender process the bids submitted did not demonstrate that the market would be able to deliver the new approach at the required time. This led to the withdrawal of the procurement process by the council. The disappointing response from the market is thought to reflect upon the specific requirement for an enabling approach rather than provision of ongoing support to carers. The limited contract value is likely also to have been a factor. As a result, there will not be a new carers service

ready to mobilise from 1 April 2018. If the proposed new interim contract for the carers support service is not approved, the opportunity to work with a willing provider to develop services in line with the Joint Carers Strategy priorities may be lost and there will be no carers specific service available from that date.

6. The existing carers support service provider has indicated that it is willing to work with Herefordshire Council to develop the current service over the next 12 months to move towards delivering the new specification.
7. It is proposed to directly award a carers support service contract to the current provider, Herefordshire Carers Support (HCS), for a period of 12 months from 1 April 2018 to enable commissioners to explore alternative options and develop the market's capacity to deliver an enabling carers service. The current carers support service has an operational model that is the closest of the existing services to the new service specification and is therefore best placed to provide the interim service. The existing provider has volunteered to work with council officers to develop its services to become more in line with the Joint Carers Strategy.
8. An interim arrangement of 12 months is required to undertake the required work with the market, undertake any further procurement process and for a new provider to mobilise a service. The existing provider also needs to be able to secure its staffing and wider organisation in order to continue delivery.

Community impact

9. Both the council's corporate plan and the adults wellbeing plan set out the vision for Herefordshire residents as leading healthy, happy and independent lives within their own communities. It is recognised that carers have additional challenges in balancing their caring roles with their own aspirations and that their ongoing and valuable contribution to supporting those with additional needs is a factor in delivering the vision. The continuation of the carers support service will ensure carers have an experienced provider to offer information and advice, which enables carers to continue to balance their caring role, whilst further work is undertaken with the market to deliver the new specification from April 2019.

The adults wellbeing plan outlines that when making changes, the council will review and re-design its services through collaboration. The newly designed carers service has been developed along these principles. By providing an extension to the existing carers support service this will enable the council to continue to engage with the market and carers through collaboration, whilst continuing to provide support to carers. Ongoing engagement with the market is consistent with the corporate plan and health and wellbeing strategy, to ensure better services, quality of life and value for money.

10. There are no specific implications for the council's role as corporate parent in relation to the recommendations of this report.
11. The council is committed to providing a healthy and safe environment for all individuals affected by the council's activities. Therefore the council endeavours to ensure that the work it and its partners undertake does not adversely affect the health, safety or welfare of carers. The commissioned provider will be expected to work to the same health and safety standards and codes of practice as the council, as far as is reasonably practicable.

Equality duty

12. The continued delivery of the carers support service will pay due regard to our public sector equality duty as set out below.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

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;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
13. The approval of the recommendations in this report would specifically benefit those with the protected characteristics of age, gender and disability. If there were to be a break in support for carers, older people, women and those with a disability would be at particular risk of a negative impact on their wellbeing. The Equality Impact Assessment (see appendices) provides further detail on the impact on those with protected characteristics and how these may be mitigated.

Resource implications

14. There are no financial implications of this proposed decision as the cost of the extended contract is identical to the budgeted cost of the proposed new service. Although the service is expected to develop and improve during the life of the contract, it will not provide the same value for money envisaged in the proposed new service and the Joint Carers Strategy. However, the decision will enable value to be achieved subsequently through a newly commissioned service.
15. The cost of the service is £160k for the period of 12 months.

Legal implications

16. The council has a number of statutory duties in respect of the users of this service under the Care Act and other related legislation. In addition, the council has a general duty to secure best value in the provision of all of its services including those which are externally commissioned. Best value involves considerations of both cost and quality. Through robust contract management the council must ensure that its specific statutory duties and its general duty of best value are being appropriately discharged.
17. Ordinarily the council undertakes a competitive selection process for externally commissioned services in order to demonstrate that best value has been achieved. However, the Public Contract Regulations 2015 do not require the council to undertake a procurement process for a contract of this value for social care services. In the particular circumstances outlined in this report, it is apparent that no other provider is likely to be able

deliver the required service at the present time. Therefore there are good grounds to consider that the council's legal duties will be met through the recommended approach for the next 12 months, pending a wider review and development of the service.

Risk management

18. The following risk / opportunities have been identified:

Risk / opportunity	Mitigation
Risk of reputational damage if the recommendations are declined and carers are left with no service.	Agree the recommendations to extend the existing carers support service.
Risk of challenge from other providers for the direct award of a contract.	The council has already conducted an OJEU procurement process and attracted no new credible interest in the service. Therefore it is unlikely to receive any form of challenge. If challenge is made, the decision to make a direct award could be defended on that basis.
Risk of additional pressures on adult social care capacity and budgets if carers are not supported to continue in their caring role.	Extend existing service whilst working with the market to develop in capacity to meet ongoing and future service needs for carers.
Opportunity to engage, communicate and work with carers through the contacts of the current carers support service provider.	N/A

19. Identified risks will be managed by the corporate lead officer who will report to the director for adults and wellbeing and Cabinet member for health and wellbeing.

Consultees

20. The incumbent provider has been consulted and its views considered, particularly with reference to the contract extension period.

Appendices

Equality Impact Assessment

Background papers

None