

Record of operational decision

Decision title:	To approve the spot purchase of Occupational Therapy assessments from NRS Healthcare Ltd via a contract variation to the ICES contract until 31 st March 2022
Date of decision:	24 th January 2022
Decision maker:	Assistant Director for All Ages Commissioning
Authority for delegated decision:	Chief Executives Scheme of Delegation SA02 Adult social care operation and policy provision of assessment and care management; approved mental health practitioners; deprivation of liberty functions; strategic and operational safeguarding adults policies and procedures; prevention and support services (including welfare rights, occupational therapy, financial assessments, direct payments, telecare, rapid response registered service).
Ward:	Countywide
Consultation:	None
Decision made:	A contract variation for the current Integrated Community Equipment Service is approved to enable NRS Healthcare Ltd to undertake approximately 250 occupational therapy assessments, on a spot purchase basis, on behalf of the council up to a maximum value of £50,000.
Reasons for decision:	<p>The current chronic shortage of directly employed occupational therapists in the council has contributed to a backlog of outstanding assessments within the Independent Living Service.</p> <p>In order to address some of the capacity issues, a new approach and structure has been approved to continue to meet our statutory requirements whilst improving the efficiency of the service. This will be fully implemented from April 2022.</p> <p>The backlog of reviews needs to be completed before the new pathway begins in order to ensure a smooth transition period whilst not impacting on delivery.</p> <p>The council has previous experience with the proposed provider and given the urgent nature of the task and our knowledge of the market, this approach is the only reasonable option to meet the objective. It is an extension of the existing community equipment contract and the provider has a track record in undertaking such activities for Herefordshire Council and other local authorities. The specification and tender documentation for the community equipment service provided specifically for the possibility of extending the contract to encompass occupational therapy assessments.</p>
Highlight any associated risks/finance/legal/equality considerations:	The contract value for the Community Equipment service is £1.5 million per year over 5 years starting on 1 st April 2020. The proposed additional cost is within the permitted limits under procurement regulations,

	<p>therefore the legal risk of a challenge is assessed as low as the variation meets all three conditions set out in regulation 72 (1) (c) of the Public Contracts Regulations, which governs the extent to which public contracts can be amended without triggering a new tender process.</p> <p>Failure to undertake the assessments within a reasonable time would mean that the council will not be meeting its statutory obligations under the Care Act 2014 therefore the solution ensures the council's responsibilities are met.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>Alternative options considered are:</p> <p>Do nothing: this would leave the current backlog of assessments to be picked up in the new service structure and process. There is a statutory function to undertake the assessments and therefore not progressing the assessments is not an option.</p> <p>Commission another organisation to deliver: this is not recommended as procurement would delay the commencement and reduce timescale for delivery before the end of 2021/22 financial year.</p> <p>Directly employ occupational therapists directly s to undertake the work: Recruitment of OTs both directly employed and locum practitioners, is generally challenging nationally and locally and has been tried for this purpose and proven insufficient to meet the current level of demand.</p>
<p>Details of any declarations of interest made:</p>	<p>None</p>

Signed: Ewen Archibald

Date: 24th January 2022