



Decision for Cabinet Member for Adult Social Care

Report from the Strategic Director, Community Wellbeing

APPROVAL TO WAIVE CONTRACT STANDING ORDERS TO PERMIT PROCUREMENT OF REHABILITATION BEDS THROUGH A DIRECT AWARD

Wards Affected:	All
Key or Non-Key Decision:	Non-Key Decision
No. of Appendices:	None
Background Papers:	Not Applicable
Contact Officer(s): (Name, Title, Contact Details)	Tom Shakespeare Director of Health and Social Care Integration Email: Tom.Shakespeare@brent.gov.uk

1.0 Purpose of the Report

- 1.1 The purpose of this report is to seek member approval to waive Contract Standing Orders to enable a direct award of a contract for rehabilitation services. The case for direct award, as opposed to a full tender process, is set out in the detail below.

2.0 Recommendation(s)

That the Cabinet Member for Adult Social Care having consulted with the Leader:

- 2.1. Approves an exemption pursuant to Contract Standing Order 84(a) of the requirement to tender a contract for rehabilitation services for a period of 6 months in accordance with paragraph 13 of Part 3 of the Constitution.

3.0 Detail

- 3.1 Integration of health and social care services and joint working has been a national and local priority for some time, during which the Council has worked together with NHS providers and the Clinical Commissioning Group (CCG) to

provide a range of integrated and / or commissioned services. Following the introduction of the National Health Service Act 2006 this co-operation has been pursuant to s75 of that Act.

- 3.2 The Better Care Fund (BCF) aims to support closer integration between health and social care. Cabinet at its meeting in June 2015 gave approval to enter into an agreement pursuant to s75 of the National Health Service Act 2006 (a “s75 Agreement”) in respect of the Better Care Fund with the CCG and pool funds for one year. Subsequently, Cabinet in November 2016 approved a longer term s75 Agreement. The funding for the BCF s75 Agreement is negotiated on an annual basis with the CCG and subject to agreement, the s75 Agreement is extended.
- 3.3 The s75 agreement was extended in 2020/21 to include pooled funding for the urgent commissioning of rehabilitation beds. These were required following the decommissioning of rehabilitation beds by Central North West London Trust in the run up to the start of Covid-19 pandemic. The Council and CCG determined that 19 rehabilitation beds needed to be urgently procured for a period of 12 months within Brent. This was to support the timely discharge of patients from hospital before the expected second wave of Covid-19 and to ensure there was sufficient capacity to deal with the increased pressures in the local system.
- 3.4 Officers identified only one provider in Brent that was capable of providing 19 beds at short notice, in a self-contained unit to mitigate against the risk of Covid cross infection and with the level of dedicated nursing care staff required for the rehabilitation beds. Officers therefore sought an exemption pursuant to Contract Standing Order 84(a) of the requirement to tender a contract for rehabilitation beds the contract was awarded to the current provider, Avery Homes (Nelson) Ltd.
- 3.5 When the contract was awarded it was assumed that ICS partnership work to determine future rehabilitation bed requirements and commission appropriate provision would have been completed before the current contract ended. The establishment of a single North West London (NWL) CCG organisation and the transfer of community rehabilitation services to Central London Community Healthcare NHS Trust (CLCH) in recent months, combined with the continued impact of Covid, has delayed work to recommission community rehabilitation beds. The Council has recently been advised by the NWL CCG that the current rehabilitation bed provision will be required for a further 6 month period until a decision on future arrangements has been made.
- 3.6 The arrangement with the current provider has been working well and delivering the required quality and performance standards and outcomes for patients during their period of rehabilitation. There is no option in the current contract for an extension and a new contract is required. Re-procurement of the provision might result in a change in provider which would cause disruption to established hospital discharge pathways for Brent residents. This might also lead to delayed discharges and reduce available bed capacity and resilience in the local system to deal with winter pressures and further Covid

waves. It is also unlikely that there would be an alternative provider in Brent able to provide the required number of beds and level of care at short notice and for a 6 month contract term.

- 3.7 Officers therefore seek an exemption pursuant to Contract Standing Order 84(a) of the requirement to tender a contract for rehabilitation beds, thus enabling the direct award of a contract for 19 rehabilitation beds for 6 months

4.0 Financial Implications

- 4.1 The 19 beds that are being procured at Birchwood Grange Care Home will be provided as a block contract, procured by the Council from 01st December 2021 to 31 May 2022. The total cost of provision of the 19 beds for this period is £550,810, and NWL CCG agrees to fund this sum through the s75 BCF Agreement.
- 4.2 The funding transfer from the NWL CCG to the Council for the block purchased beds will be charged pro rata in two periods: 01st December 2021 until 31st March 2022 and 01st April 2022 until 31st May 2022.
- 4.3 The Council and NWL CCG will jointly monitor the usage of the beds. Any additional unforeseen costs associated with the beds or the delivery of the rehabilitation services will be the responsibility of NWL CCG.

5.0 Legal Implications

- 5.1 In accordance with paragraph 13 of Part 3 of Brent's Constitution, the Leader has delegated certain functions to Cabinet members to be exercised within their portfolio area in consultation with the Leader. This delegation includes agreement of waivers of Contract Standing Orders for Medium and High Value Contracts.
- 5.2 The services Officers are proposing to procure are valued at £550,810 over the contract term and the proposed contract is thus classified as a Medium Value Contract under Contract Standing Orders. Contract Standing Orders provide that a Medium Value Contract should be procured by way of a tender process but for the reasons detailed in the body of the report, Officers do not consider it is possible to procure the contract by way of a tender process.
- 5.3 In reaching any decision to waive Contract Standing Orders, the Cabinet Member in consultation with the Leader should have regard to the reasons Officers have set out in this report.

6.0 Equality Implications

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

7.0 Consultation with Ward Members and Stakeholders

7.1 Brent Health and Wellbeing Board has been consulted in relation to the Better Care Fund. The new contract and funding arrangements have been agreed with NWL CCG. Key stakeholders have been consulted regarding the rehab bed and nursing and therapy service requirements.

8.0 Human Resources/Property Implications (if appropriate)

8.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from awarding the contract.

Report sign off:

PHIL PORTER
Strategic Director, Community Wellbeing