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|  | <b>Officer Key Decision</b>                                    |
|   | <b>Report to the Strategic Director of Community Wellbeing</b> |
| <b>AUTHORITY TO AWARD CONTRACT FOR REHABILITATION BEDS</b>                        |  |

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| <b>Wards Affected:</b>   | All  |
| <b>Key or Non-Key Decision:</b>  | Key Decision   |
| <b>Open or Part/Fully Exempt:</b><br>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act) | Open   |
| <b>No. of Appendices:</b>  | None   |
| <b>Background Papers:</b>  | None   |
| <b>Contact Officer(s):</b><br>(Name, Title, Contact Details)   | Tom Shakespeare<br>Director of Health and Social Care Integration<br>Email: tom.shakespeare@brent.gov.uk |

## 1.0 Purpose of the Report

- 1.1 This report concerns the short-term commissioning of community rehabilitation beds for Brent residents and continuity of provision while the North West London Integrated Care System partnership concludes work to determine strategic commissioning requirements and future provision. This report requests authority to award a contract for rehabilitation beds as required by Contract Standing Order 88.

## 2.0 Recommendation(s)

That the Strategic Director of Community Wellbeing:

- 2.1 Approves the award of the contract for rehabilitation beds to Avery Homes (Nelson) Ltd to be provided at Birchwood Grange Care Home for a period of six months from 1 December 2021 to 31 May 2022.

## 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. Reprourement 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 locality that could provide the required number of beds and level of care required at short notice and for a 6 month contract term.
- 3.7 Officers have sought and obtained an exemption pursuant to Contract Standing Order 84(a) of the requirement to tender a contract for rehabilitation beds, and Officers therefore recommend the direct award of a contract for 19 rehabilitation beds at Birchwood Grange Care Home 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 01<sup>st</sup> 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: 01<sup>st</sup> December 2021 until 31<sup>st</sup> March 2022 and 01<sup>st</sup> April 2022 until 31<sup>st</sup> 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 Officers seek authority to directly award a contract for rehabilitation beds. These services are valued at £550,810 over the 6 month 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 Section 3 of the report, Officers do not consider it is possible to procure the contract by way of

a tender process. Officers have therefore sought and obtained Lead Member approval to waive the Contract Standing Order Requirements to tender thus permitting direct award.

5.2 The value of this contract over its lifetime is below the threshold for Schedule 3 Services under the Public Contracts Regulations 2015 (the “PCR 2015”). The award of the contract is not therefore governed in full by the PCR 2015 and a direct award of the contract is therefore legally permissible in the circumstances described in Section 3 of the report.

5.3 As indicated in paragraph 5.1, the award of the contract is subject to the Council’s own Standing Orders in respect of Medium Value Contracts. Chief Officers have delegated to them power to award Medium Value Contracts in accordance with paragraph 9.5, of Part 3 of the Constitution.

## **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.

### **Related Documents:**

Report to Cabinet Member for Adult Social Care for approval to waive Contract Standing Orders to permit procurement of Rehabilitation Beds through a direct award

#### **Report sign off:**

**Claudia Brown**  
Operational Director of Adult Social Care