

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

20 OCTOBER 2020

REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES & WELLBEING

NOVATION OF CONTRACTS FOR SERVICES PROVIDED BY BRIDGEND COUNTY CROSSROADS, CARING FOR CARERS

1. Purpose of report

1.1 The purpose of this report is:

to seek authority to waive the council's Contract Procedure Rules in accordance with CPR 3.2.9.4 in respect of the following contracts:

- the Provision of a Regulated Short Breaks Service
- the Provision of a Domiciliary Care Service

2. Connection to corporate well-being objectives / other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

3.1 Bridgend County Crossroads, Caring for Carers (Bridgend County Crossroads) currently have two contracts with the Social Services and Wellbeing Directorate:

- (i) the provision of a Domiciliary Care Service; and
- (ii) the provision of a Regulated Short Breaks Service.

Both contracts were awarded to Bridgend County Crossroads following a procurement process for each contract and in accordance with Contract Procedure Rules.

3.2 The details of the contracts are as follows:

Domiciliary Care Contract:

Contract commencement date:01/01/2018

Expiry date: 31/12/2019 with the option to extend for up to a further 24 months

The contract has been extended to 31/12/2020. There is provision to extend up to a further 12 months beyond 31/12/2020 should it be required.

To date, during the current financial year, the provider is supplying an average of 164 hours per week to an average of 18 individuals per week.

Regulated Short Breaks Contract:

Commencement Date: 26/06/2019

Expiry Date: 25/06/21 with the option to extend for up to a further 24 months

To date, during the current financial year, the provider is supplying an average of 300 hours per week to an average of 47 individuals per week.

- 3.3 Bridgend County Crossroads has been operating under a group structure managed by Carers Trust South East Wales (CTSEW) since 1st August 2019. CTSEW have submitted to BCBC a formal request to novate the two contracts detailed in paragraphs 3.1 and 3.2 to CTSEW, to ensure all business and contractual matters come under the parent organisation.
- 3.4 Both contracts have provision allowing the provider to transfer the contract with the consent of the Council.

4. Current situation/proposal

- 4.1 The Council's Contract Procedure Rules (CPR) 3.2.9.4 provides that a contract can be modified without requiring a new procurement procedure where:
"a new Contractor replaces the one to which the Council had initially awarded the Contract as a consequence of:
(i) an unequivocal review clause or option in conformity with Rule 3.2.9.1, or
(ii) universal or partial succession into the position of the initial Contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail other substantial modifications to the Contract and is not aimed at circumventing the application of the Public Contract Regulations 2015;"
- 4.2 Both contracts with Bridgend County Crossroads contain express provision allowing for the novation of the contracts with the consent of the Council. In addition, the Social Services and Wellbeing Department have carried out due diligence on CTSEW and to ensure CTSEW met the requirements of the original criteria for qualitative selection initially established of the respective tenders for both contracts, CTSEW completed and returned the criteria for the initial qualitative selection and it was found that they fulfilled those requirements.
- 4.3 It is therefore proposed that the Council consents in writing to the proposed novation of the two contracts for the provision of a Regulated Short Breaks Service

and for the provision of a Domiciliary Care Service from Bridgend County Crossroads for to CTSEW and enter into a Deed of Novation for the respective contracts.

4.4 The overall nature of the contracts will not be altered by this novation and all contractual terms will remain unchanged.

4.5 There are currently no concerns in respect of the services being provided by Bridgend County Crossroads and therefore it is considered that there are no operational risks in novating the contracts.

5. Effect upon policy framework and procedure rules

5.1 There is no impact upon the policy framework and procedure rules.

6. Equality Impact Assessment

6.1 An Equality Impact Assessment (EIA) was undertaken in August 2020. It was found that a full EIA is not required as there would be no changes to the level of service received by individuals, and or their carers, supported should the novation be approved.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 Novation of the contracts from Bridgend County Crossroads to CTSEW supports the five ways of working under the Wellbeing of Future Generations (Wales) Act 2015, as follows:

Long Term – novating the contracts to CTSEW will enable the continuity of the service and staff to individuals and/or their carers in receipt of the service.

Prevention – the Service supports people and/or their carers to continue to live independently in their community and maintain their relationships with staff who currently deliver the service.

Integration – the service provider will continue to work with individuals and/or their carers to enable to be supported in their community and supported to access their local community where required.

Collaboration – the service will continue to collaborate with individuals and/or their carers and benefits the community.

Involvement – the service supports individuals and/or their carers to be involved in the delivery of their care and support.

8. Financial implications

8.1 The anticipated remaining costs of the contracts estimated to the end of the contract term, including the potential extension periods should the Council decide to utilise these options, are expected to be in the region of £265k for the Domiciliary Care Contract delivered by CTSEW until 21/12/2021, and approximately £1m for the Regulated Shortbreaks Contract delivered by CTSEW until 25/06/23.

8.2 The sum estimated in paragraph 8.1 is not an additional cost but the same cost should no novation take place.

9. Recommendation(s)

9.1 It is recommended that Cabinet:

- Authorises the waiver of the Council's Contract Procedure Rules to allow the modification of the existing contract with Bridgend County Crossroads Caring for Carers in relation to the provision of a Domiciliary Care Service by consenting to the novation of that contract to Carers Trust South East Wales in accordance with CPR 3.2.9.4;
- Authorises the waiver of the Council's Contract Procedure Rules to allow the Authorises the modification of the existing contract with Bridgend County Crossroads Caring for Carers in relation to the provision of the Regulated Short Breaks Service by consenting to the novation of that contract to Carers Trust South East Wales in accordance with CPR 3.2.9.4;
- Delegate authority to the Corporate Director-Social Services and Wellbeing to provide written consent to the novation and enter into a deed of novation for the respective contracts in consultation with the Interim Head of Finance and Section 151 Officer and Chief Officer - Legal, HR and Regulatory Services and to arrange execution of the deed of novation on behalf of the Council, subject to such delegated authority being exercised in consultation with the Chief Officer - Legal, HR and Regulatory Services. .

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Background documents

None