

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

9 MARCH 2021

REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING

CARE AND SUPPORT AT HM PRISON & YOUTH OFFENDERS' INSTITUTION PARC

1. Purpose of report

- 1.1 To seek authority to waive the Council's Contract Procedure Rules (CPRS) in accordance with CPR 3.2.3 in respect of the provision of a Care and Support Service at HM Prison and Youth Offenders' Institution Parc (HMP & YOI Parc).

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 In July 2016 a report to Cabinet informed that due to Part 11 of the Social Services and Wellbeing (Wales) Act coming into effect in April 2016, the Council's responsibilities for people in prison had changed. From April 2016 local authorities have been responsible for addressing and meeting the care and support needs of all adults and young people in the secure estate not just upon discharge but while they are in custody. This was a significant change and additional responsibility for the Council as the Act applies equally to those in the secure estate as for those individuals in the community and therefore the Council is responsible for meeting the care and support needs of individuals with eligible needs. Since April 2016, social care assessment, care and support costs and equipment has been the responsibility of the Council.
- 3.2 The July 2016 Cabinet report sought approval to enter into a pilot arrangement with G4S Health Services (UK) Limited, and sought authorisation to waive the Council's Contract Procedure Rules under 3.2.3 from the requirement to seek competitive tenders for the provision of care and support within HMP & YOI Parc on the basis that

there was technically only one potential provider of the care and support services for the reasons set out in that report. This was approved and a pilot arrangement/contract was entered into with G4S Health Services (UK) Limited for the provision of a care and support service from 1st April 2016. HMP & YOI Parc is operated by G4S Care and Justice Services (UK) Limited and provide the care and support service through G4S Health Services (UK) Limited, who are registered with the Care Inspectorate Wales, to provide a domiciliary support service at HMP & YOI Parc.

- 3.3 The Council's Secure Estate Social Work Team, created as a result of the Council's responsibilities to HMP & YOI Parc, provides assessment to individuals referred to the team and, where the individual is eligible, the Social Worker will arrange care and support to be provided in accordance with their developed care and support plan.

4. Current situation/proposal

- 4.1 The pilot arrangement entered into has been successful, but contract entered into from 1st April 2016 with G4S Health Services (UK) Ltd has now ended with no further extension provision. Therefore, officers are seeking approval to enter a new contract with G4S Health Services (UK) Ltd from 1st April 2021 for a period of 2 years with the option to extend up to 2 years,

- 4.2 The Council's Contract Procedure Rules (CPR) 3.2.3 provides that a waiver from obtaining quotations or tendering in respect of any new contract can apply where:

"The works/goods/services can be provided only by a particular Tenderer. Single tender procedure shall only be permitted when a single firm or Contractor or a proprietary item or service of a special character is required and justified and is due to the needs of the service."

- 4.2 It is considered that G4S Health Services (UK) Limited is the only potential provider as it is considered competition is absent for technical reasons as there is no reasonable alternative for the provision of the care and support service at HMP & YOI Parc.

- 4.3 In relation to the delivery of care and support within HMP & YOI Parc, there is a requirement for any provider to deliver a reliable, sustainable and continuous service at all times in line with the individual needs of the person. The provider must be able to respond to all personal care and support calls and meet all needs within the individual's care and support plan and the provider's personal plan for the individual. G4S currently provide such care and support within the prison. It would be extremely difficult for an outside agency to provide a care and support service, for the following reasons:

- (i) Due to the nature of the prison being an environment of a locked secure premises, outside agencies would need to go through enhanced security clearance processes in order to attend to individuals requiring social care and support. G4S have advised that the application process for security clearance may take up to sixteen weeks to complete for any external social care worker. In addition, external workers are required, by G4S, to complete four days of non-operational training that includes security, personal protection and safeguarding in the prison environment.

- (ii) As social and personal care will need to be provided twenty four hours a day, seven days a week, more than one social care worker would be required to deliver a service and therefore a number of social care workers would need to go through security clearance processes in order to provide care and support in the prison. The time taken to clear outside workers would present a risk in terms of continuity planning if a social care worker left the organisation or had unplanned absence as any replacement worker would need to go through the security clearance process. This would present a risk to individuals within the prison if there were not enough social care workers with clearance.
- (iii) In addition to the above security approval, visits to gain access to the prison, from external agency workers, would take approximately 50 minutes from the prison car park to delivering care and support, as an access security check, that includes identification and physical checks are undertaken, and also on exiting the prison the same timeframe, and checks, apply. This process would significantly impair the ability of a provider to deliver a timely and flexible response to individuals within the prison, and could present significant risks to those requiring time sensitive calls. It would also present a significant risk to an outside agency of not being able to meet its requirements in regards to 'missed calls' as there would be a number of outside influences that could prevent an agency from attending to a service user on time, as missed calls by domiciliary care agencies have to be notified to the Council, and where a missed call has caused significant harm to an individual, the provider must notify the Care Inspectorate Wales and the Council's Safeguarding Team. There is a requirement for social care workers to deliver personal care and support to individuals in a flexible and timely manner, in line with their assessed needs. Some tasks, such as medication management or toileting are extremely time sensitive.
- (iv) Certain situations, within the environment, require the prison to 'lock down'. When this occurs visitors are not able to enter or leave the prison, which would further increase the risk that an external provider agency would miss a call and be unable to deliver planned care in line with the individual's personal plan. It would also present a risk of missed calls to any other individuals that that social care worker would be scheduled to support outside the prison if they were unable to leave.

4.4 It is therefore proposed that the Council waives the requirement to obtain quotations or tender under Contract Procedure Rule 3.2.3, and enter into a contract with G4S Health Services Limited for the provision of care and support at HMP & YOI Parc.

4.5 Subject to Cabinet approval, it is intended that the Council enter into an agreement with G4S Health Services Ltd for the provision of a Care and Support Service at HMP & YOI Parc from 1st April 2021 for a period of 2 years with the option to extend up to 2 years, at an approximate cost of £420k over a 4 year period based on a projection of provision to date, during the current financial year.

5. Effect upon policy framework and procedure rules

5.1 This report is requesting a waiver of the Council's CPRs. There is no impact on the policy framework and procedure rules.

6. Equality Impact Assessment

6.1 An Equality Impact Assessment (EIA) has been undertaken. It was found that a full EIA is not required as there would be no changes to the level of service received by individuals supported should the waiver of CPRs with authority to enter into a contract with G4S Health Services (UK) Ltd be approved.

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

7.1 Approval to enter into a contract with G4S Health Services (UK) Ltd supports the five ways of working under the Wellbeing of Future Generations (Wales) Act 2015, as follows:

Long Term – will enable the continuity of the service and staff to individuals in receipt of the service.

Prevention – the service supports people to continue to live as independently within the environment as they are able to and maintain their relationships with staff who currently deliver the service.

Integration – the service provider will continue to work with individuals to enable continuation of support in their environment.

Collaboration – the service will continue to collaborate with individuals.

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

8. Financial implications

8.1 The anticipated cost of the contract over a 4 year period is estimated to be £420k for the proposed contract term of two years with an option to extend for a further period of up to 2 years. This sum is projected based on provision during the current financial year of the number of individuals receiving a service and the hours provided. There is a current core budget available for this service.

9. Recommendations

9.1 It is recommended that Cabinet:

- Approves a waiver of the Council's Contract Procedure Rules under Rule 3.2.3 from the relevant parts of the Contract Procedure Rules for the procurement of the provision of care and support within HMP and YOI Parc on the basis that there is technically only one organisation which can deliver this service.
- Delegates authority to the Corporate Director Social Services and Wellbeing, to approve the final terms of the contract with G4S Health Services (UK) Ltd on behalf of the Council and to arrange execution of the contract on behalf of the Council, subject to such delegated authority being exercised in consultation with the Chief Officer - Legal, HR and Regulatory Services and Interim Chief Officer – Finance, Performance and Change.

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Background documents: None