

**Single Member Cabinet Decision****Executive  
Forward Plan  
Reference****E** 3114

Care homes recommissioning &amp; procurement strategy

<b>Decision maker/s</b>	<b>Cllr Vic Pritchard, Cabinet Member for Adult Care, Health and Wellbeing</b>
<b>The Issue</b>	Commissioners have developed a new and robust commissioning approach to purchasing residential and nursing care home placements. The project's initial scope is to improve block contract arrangements. In the longer-term it will establish a more practical means for the Council and CCG to administer day-to-day purchasing of individual beds. This approach is consistent with the Council's published commissioning intentions for care homes and will ensure that procurement processes are both legally compliant and best able to capitalise on opportunities for improving value for money and maximising innovation in the private provider market. This paper seeks authorisation for commissioners to proceed with designing the framework and undertaking the procurement process with close cooperation from Corporate Procurement.
<b>Decision Date</b>	On or after 19 <sup>th</sup> January 2019
<b>The decision</b>	<p>The Cabinet Member agrees that</p> <ul style="list-style-type: none"><li>• He gives approval to officers to develop the procurement strategy &amp; documentation and undertake procurement processes for both the initial and longer term objectives of the project.</li><li>• He delegates authority for the outcome of procurement processes and any subsequent contract award decisions, to the Director of Integrated Health &amp; Care Commissioning, subject to Joint Commissioning Committee reviewing detail of the proposed framework prior to procurement.</li></ul>
<b>Rationale for decision</b>	Approving these recommendations will ensure that the Council and CCG are able to secure residential and care home services in a timely, compliant fashion whilst also being able to work with providers to develop future opportunities.
<b>Financial and budget implications</b>	<p>For reference, the overall current spend on care homes from the older people's purchasing budget is £10,439,804pa (based on 2017/18 financial year). Within that spend, the existing block contractual arrangements that are intended to transfer to the framework have a value of approximately £791,621 pa. Some of these arrangements however are also funded via the NHS or through Better Care Fund projects.</p> <p>The project will be completed with existing resources and subject to the Council's annual budget setting process.</p>

<b>Issues considered (these are covered in more detail in the report)</b>	Sustainability; Equality (age, race, disability, religion/belief, gender, sexual orientation); Corporate; Other Legal Considerations
<b>Consultation undertaken</b>	Other B&NES Services; Stakeholders/Partners; Section 151 Finance Officer; Monitoring Officer
<b>How consultation was carried out</b>	<p>The commissioning intentions in the MPS were open to consultation with providers and key stakeholder earlier in 2018. Through the consultation period providers commonly told commissioners that they wanted better ways to engage, partner and do business with the Council.</p> <p>Commissioners subsequently ran an engagement event with care home providers specific to this project, which considered emerging proposals for a procurement framework. Outcomes of this engagement have been taken into account in further developing this project to-date.</p> <p>Prior to this paper, the project's aims and intended approach have been considered by the Care &amp; Health Programme Board (C&amp;HPB), the Council's Goods &amp; Services Panel on 11th November 2018, and Joint Commissioning Committee on 20<sup>th</sup> December 2018. The Cabinet Member for Adult Care, Health and Wellbeing has also been briefed on the project.</p>
<b>Other options considered</b>	<p><u><i>Continue with current arrangements or undertake individual procurements for each block contract opportunity.</i></u> Under current systems, applying the Contract Standing Orders to care services is cumbersome, time-consuming and increases risk to securing services in a timely, legally compliant manner. It is also more challenging to ensure robust contract management and oversight of performance outcomes.</p> <p>Any approach considered must be compliant with the Council's Contract Standing Orders established process for entering into contracts and the Public Contracts Regulations (2015) Light Touch regime which offers flexibility for certain services, including care and health services. The core principles of <i>openness, transparency</i> and <i>equal treatment</i> will apply.</p> <p>A framework is considered to be the best way to secure a compliant and effective means of commissioning these services. Within the flexibility offered by the Light Touch regime, a process and model can be developed that meets the particular needs of the services. There are also no minimum timescales to be applied to the procurement process.</p>
<b>Declaration of interest by Cabinet Member(s) for decision, including any dispensation granted:</b>	<i>The nature of interest and whether interest is a disclosable pecuniary interest or an-other interest, including any conflict of interest, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests). Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of their staff before taking the decision.</i>
<b>Any conflict of interest declared by anyone who is consulted by a Member taking the decision:</b>	

<b>Signatures of Decision Makers</b>	
<b>Date of Signature</b>	
<b>Subject to Call-in until 5 Working days have elapsed following publication of the decision</b>	