

Decision No: CMM1 - 16/06/2008

Forward Plan No: EEM0007

This record relates to Agenda Item 14 on the agenda for the Decision-Making

RECORD OF CABINET MEMBER DECISION

DECISION-MAKER:	COUNCILLOR KEN NORMAN
PORTFOLIO AREA:	ADULT SOCIAL CARE & HEALTH
SUBJECT:	RE-TENDERING HOME CARE CONTRACTS
AUTHOR:	LYNN MOUNFIELD

THE DECISION

1. That the district contracts for home care services be re-tendered during the financial year 2008-09 for the subsequent three years.
2. That it is agreed that the re-tender will be for new cases arising during the contract period only and these will be subject to the new contract. The expectation is that existing work will come under the terms and conditions of the new contracts with each successful provider (as agreed in the previous two tendering processes).
3. That a service user representative be included on the Tender Evaluation Panel.
4. That the Director of Adult Social Care & Housing be authorised to approve the recommendations of the tender evaluation panel, after consultation with the Cabinet Member for Adult Social Care and Health, and the letting of contracts.
5. That the Director of Adult Social Care and Housing be authorised to approve any other matters in connection with the tendering and contract award exercise, including any necessary adjustments to the procedures outlined in the officer's report.

REASON FOR THE DECISION

1. The reasons for the recommendations to be approved are discussed in detail throughout the officer's report with special attention to: 3.1 to 3.10 , 5.3,5.6,5.7 and 6.1 to 6.5. This is an essential service which is key to supporting the national and local agenda of Personalisation in social care. The tendering process needs to support this agenda, ensure quality and value for money and comply with the relevant tendering legislation.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. To avoid unnecessary disruption to the arrangements for existing service users, the district contracts will be for new cases only, leaving existing service users with their existing provider. This is for three major reasons:
 - i) If service users were to have a change of provider this could be very disruptive for them. Continuity of carer is frequently cited as the issue that service users most care about. To move vulnerable users would not be good practice.
 - ii) Logistically moving potentially well over a thousand users would be complex and time consuming for the Council to manage.
 - iii) There is the likelihood that such a move would de-stabilise what has been a fragile market.
2. If a current provider is not awarded a district contract for new work, their existing work may need to be reviewed. There are two options open to the Council. (This is a similar system to that which was agreed in the previous re tenders).

OPTION ONE

If the provider is unsuccessful because the quality of the care they provide is not of sufficient standard, then their existing cases could be re allocated to other providers, over a period of three months.

OPTION TWO

If the provider is unsuccessful for reasons other than quality the Council could agree for them to be a back up provider enabling spot purchase care on an individual basis. This arrangement would then be subject to regular review.

3. The proposed approach to tendering and contractual arrangements for 2009-2012 draws on the experience of tendering for home care services in 2000-01 and in 2004-05, and consolidates the well-documented strengths of the current arrangements. It will ensure value for money for the council and effective partnership working with independent providers. Key features are commented on throughout this report and summarised in the **Appendix Seven**. The current number of providers is 10. There are currently no compelling reasons to increase the total number of providers, as there is already sufficient choice of provider (3 or 4) in each district, and service users feel more strongly about choosing between the individual care workers who attend them than choice about the company managing the care. At the same time there are risks attached to making the number of providers too small, as this may allow monopoly positions to develop. There is also an inherent unpredictability around potential buy-outs of small providers by larger organisations. Therefore to maintain the number of providers at 10 at this time appears to be reasonable.
4. No single provider will be allowed to secure more than 25% of the total value of all the contracts.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

The decision-maker(s) did not declare a personal or prejudicial interest in the matters set out in the report.

CONFIRMED AS A TRUE RECORD:

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision

Date:

16 June 2008

Decision Maker:

Councillor Ken Norman
Cabinet Member for Adult Social Care &
Health

Signed:



Proper Officer:

16 June 2008

Mark Wall, Head of Democratic Services

Signed:



SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny 'Call-In' provisions.

Call-In Period

17-23 June 2008

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*