

Meeting: Cabinet

Date: 20 February 2020

Wards Affected: All

Report Title: Extension of the Joint Community Equipment Contract

Is the decision a key decision? No

When does the decision need to be implemented? Immediately, for continuation of the existing contract from 1 April 2020.

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1. Proposal and Introduction

- 1.1 This report seeks Cabinet approval to extend the current contract with Nottingham Rehab Limited trading as NRS Healthcare, for the delivery of the Joint Community Equipment Service and minor adaptations within Torbay. The current contract with NRS Healthcare ends in March 2020 and this report requests the extension of this arrangement for one plus one years (potentially until March 2022) for the reasons outlined below.
- 1.2 The extended contract will continue to be commissioned jointly by the council and NHS Devon Clinical Commissioning Group (CCG). The contract extension will enable the council, along with its NHS partners, to undertake a review of our aids, adaptations and assistive technology functions, to provide a more joined-up offer to people who use our services and how this can be better provided, potentially by working in partnership with other local authorities.
- 1.3 The extended contract would commence on 1 April 2020.

2. Reason for Proposal and associated financial commitments

- 2.1 NRS Healthcare provide the Joint Community Equipment Service function in Torbay. This is commissioned jointly by the council and the CCG. This includes the provision of equipment on loan to people living in the community, enabling them to remain in their home environment for longer. It provides simple and complex aids for daily living, along with minor adaptations for people with health and social care needs living in Torbay (or who are registered with a Torbay GP). The current contract with NRS Healthcare ends in March 2020.

2.2 In our future retendering of this service we are looking to continue to innovate and improve the service we offer, making the best use of resources and providing better outcomes for adults and children to support people to manage their health and wellbeing within their community. This includes looking differently at how we combine aids, adaptations and assistive technology services, to provide a more joined-up offer and how this might be better achieved by working in partnership with others.

2.3 In part this is driven by our involvement in the Devon Sustainability and Transformation Partnership (STP) and emerging integrated care system (ICS) for the county. Working in partnership the Devon STP states that in future, “..our main focus will be on helping more people to live healthily and happily at home, with support and care from the NHS and social care services.” This is supported by a number of strategic priorities, including:

- enhancing self-care and community resilience;
- integrating and improving community services and care in people’s homes; and
- delivering modern, safe and sustainable services.

By delivering on these priorities the Devon STP seeks to realise a number of benefits, including:

- more people managing their health and wellbeing, living in resilient communities;
- people receiving joined-up care and support between services and organisations; and
- more care being available in the community and people’s homes.

2.4 Our experience already of working together as part of the Devon STP and integrating care at a local level is important and means we can be responsive to people’s needs, making good use of local assets and resources. This recognises that people do not just access health and care services linked to their local geography. For example, residents in Torbay may sometimes use services from outside the Bay e.g. some of the specialist functions provided by the larger acute providers of University Hospitals Plymouth NHS Trust (Derriford) and Royal Devon and Exeter NHS Foundation Trust (Wonford). Likewise, people can receive services from providers who operate across local authority boundaries in Devon or care placements may be commissioned by one authority but located in another council area.

2.5 It is our intent that the benefits that we have achieved from working together locally, are enhanced by the advantages of being part of a wider Devon integrated care system and the resilience, sharing of good practice, and economies of scale that this has to offer.

2.6 A core element of the emerging approach is the development of integrated strategic commissioning, which can act across health and social care. The three local authorities (Devon County Council, Plymouth City Council and Torbay Council) have been active in this approach to date; sharing elements of commissioning, collaborating in our shared geographies and delegating significant investment into joint commissioning arrangements with our CCG. From April 2019 NHS Devon CCG commissions health services across the whole of the ceremonial county of Devon.

- 2.7 Torbay commissioners believe the partnership model could contribute to improved service delivery, better outcomes for adults and children, and the opportunity to realise efficiencies through shared or merged service elements. This includes how better we might join-up different types of services from the perspective of the public and also possibly over a wider geography than just Torbay.
- 2.8 Commissioners in Torbay Council have already had initial discussions with their counterparts in neighbouring authorities. We will continue to explore with Plymouth City Council and Devon County Council whether there is an appetite and potential benefits of closer collaboration for the provision of aids, adaptations and assistive technology, enabling greater opportunity for service innovation, sharing knowledge, expertise and capacity in order to jointly realise benefits for service users and manage costs.
- 2.9 Cross-border work (covering a wider geography and population) could allow all three authorities to use their combined purchasing power to work with economic operators to identify the best aids, adaptations and assistive technology solutions for people, standardise products and set clear expectations on quality.
- 2.10 The approach of having one Joint Community Equipment Service covering more than one local authority (and in some case an entire county) has been adopted in other parts of England. Examples include: Bedfordshire and Luton; Bristol and South Gloucestershire; and Dorset with Bournemouth, Christchurch and Poole.
- 2.11 This report does not commit Torbay Council and any potential partners to a specific option at this stage, merely the request to extend our existing Joint Community Equipment contract in the short-term to enable further research and discussions to take place with regards to aids, adaptations and assistive technology services.
- 2.12 Any future recommendations would need to come back to Cabinet and Council for approval, supported by a detailed and costed options appraisal. Any subsequent agreed tenders would be supported by an open and transparent procurement process. This work might result in one of the following outcomes for the Torbay Service (this list is not exhaustive and the scope, in terms of geography and services to be included, will need to be determined by the review of aids, adaptations and assistive technology):
- procurement of a Torbay only service, covering just community equipment;
 - procurement of a Torbay only service, encompassing a wider range of functions;
 - procurement of a Torbay and Plymouth service, based on either of the above; or
 - procurement of an STP-wide service, that may or may not include a wider range of services, with some STP Partners potentially joining at a later date.
- 2.13 The proposals contained in this report will commit the council financially in respect of approximately £1m (based on 2019/20 budget), subject to any changes as a result of future budget setting for 2020/21 and the contract being extended for two years. The amount reflects the council's contribution over two years, to be matched by the CCG. This does not include any potential overspend, which will be funded as it has in previous years via a three-way split between the council, CCG and Torbay and South Devon NHS Foundation Trust.
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3. Recommendation(s) / Proposed Decision

- 3.1 That Cabinet approves the decision to extend the current contract with Nottingham Rehab Limited trading as NRS Healthcare, for the delivery of the Joint Community Equipment Service and minor adaptations within Torbay.
- 3.2 Torbay Council awards its current economic operator a new one year contract to run until 31 March 2021, with an option to extend for a further 12 months in the event this is required for a more complex tender, following the completion of a review of our aids, adaptations and assistive technology services.

Section 1: Background Information

1. What is the proposal / issue?

Statutory guidance states that:

“Local authorities must provide or arrange services, resources or facilities that maximise independence...meeting a person’s needs in their own home...for example, community equipment services and adaptations...”

(Source: Care and Support Statutory Guidance - issued under the Care Act 2014, paragraph 2.9, updated 26 October 2018, Department of Health & Social Care)

Within the Care Act 2014, community equipment is guided by a number of key principles and duties including determining eligible needs, personalisation, prevention and wellbeing.

Aspects of the provision of community equipment are also covered by a number of other pieces of legislation including the Children Act 1989, Equality Act 2010 (and subsequent public sector Equality Duty), Public Services (Social Value) Act 2012 and Children and Families Act 2014.

Community equipment includes complex items (such as mattresses, lifting equipment and beds), to small products such as commodes. Community equipment enables individuals of all ages to cope independently, often without the need for other services, helping to reduce the package of care or indeed enabling care to be delivered in the person’s own home (and occasionally in a care home setting). It helps both family and paid carers (such as domiciliary care workers) to support people with complex physical disabilities in their own homes, in a safe and effective manner. It enables the safe delivery of a number of services e.g. providing support with personal care, a return home for someone at the end of life, intermediate care and replacement care. Having community equipment in place is an important element in timely hospital discharge, helping to avoid hospital and residential care admissions, preventing falls and supporting reablement. Equipment is needed to maintain independence and reduce risk of injury, which is seen to increase with age.

2. What is the current situation?

The existing contract with Torbay Council’s provider of community equipment finishes in March 2020 and currently only covers Torbay.

We are recommending the extension of our existing contract (commissioned jointly by the council and the CCG). The contract extension will enable the council, along with its NHS partners, to undertake a review of our aids, adaptations and assistive technology functions, to provide a more joined-up offer to people who use our services and how this can be better provided, potentially by working in partnership with other local authorities.

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| <p>3.</p> | <p>What options have been considered?</p> <p>A re-procurement could take place now (but would still likely take a year and would therefore require an extension), to provide the service based on the existing model solely for Torbay. However, given the uncertainty around the ongoing financial outlook of local government and funding pressures on current health and care budgets (including the Joint Community Equipment Service), a joint approach across parts or all of Devon could offer a more innovative way to deliver services and maximise value for money. A short term contract with another provider is unlikely to be attractive due to the costs and times associated with putting a new service in place, which would include the transfer of existing staff under TUPE regulations.</p> |
| <p>4.</p> | <p>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</p> <p>Adopting a more sustainable model that maximises value for money, whilst retaining a service that enables people to remain in their home environment for longer, supports the new council administration’s vision, in particular:</p> <ul style="list-style-type: none"> • Thriving people; and • Council fit for the future. |
| <p>5.</p> | <p>How does this proposal/issue contribute towards the Council’s responsibilities as corporate parents?</p> <p>Community equipment is used by some children. As part of the council’s responsibilities as corporate parents, in instances where services are directly provided for children and young people in care and care leavers they are scrutinised to deliver to a high standard and to all statutory requirements.</p> |
| <p>6.</p> | <p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>Equipment provision is not means tested but is provided following assessed needs (primarily by NHS prescribers/practitioners, such as district nurses, occupational therapists, physiotherapists, etc.) and is demand led. The main users are an ageing population, with more complex conditions and long-term needs, though younger people can also have equipment.</p> <p>The provision of community equipment supports the council’s and its NHS partners’ priorities to tackle poverty, deprivation and vulnerability, particularly with regards to enabling people to live in their home/community.</p> |

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| 7. | <p>How does the proposal/issue impact on people with learning disabilities?</p> <p>The provision of community equipment supports people with a range of needs and disabilities and therefore plays a positive role in enabling people. As we are recommending to extend the existing contract there are no proposed significant changes at this stage.</p> |
| 8. | <p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>As we are recommending to extend the existing contract there are no proposed significant changes at this stage. However, as part of the subsequent review of aids, adaptations and assistive technology we plan to consult and engage with a range of stakeholders including service users, NHS operational colleagues, potential partner agencies, etc.</p> |

Section 2: Implications and Impact Assessment

9. What are the financial and legal implications?

The proposals contained in this report will commit Torbay Council financially in respect of approximately £1m (based on 2019/20 budget), subject to any changes as a result of future budget setting for 2020/21 and the contract being extended for two years. The amount reflects the council's contribution over two years, to be matched by the CCG. This does not include any potential overspend, which will be funded as it has in previous years via a three-way split between the council, CCG and Torbay and South Devon NHS Foundation Trust.

The proposed approach has been discussed with procurement colleagues, including the mitigating actions identified below.

The extension to the contract will be supported by: a signed Variation to the existing contract; signed S75 agreement with the CCG and Torbay and South Devon NHS Foundation Trust; and extension of the lease arrangements between NRS and the landlord of the community equipment store (via colleagues in the TDA and legal team).

10. What are the risks?

There is a risk that other providers could challenge the extension of the current contract. This has been mitigated by producing (in partnership with procurement colleagues) a Voluntary ex ante transparency (VEAT) notice in 2019, which has been published to the market explaining our rationale for requesting an extension to the current contract. This was supported by telephone conversations with representatives of the main providers in this market. The contract extension will then be followed by an open and transparent re-procurement process that both current and new providers can bid for. It should be noted that no provider concerns were raised during the 10 day standstill period following publication of the VEAT notice.

This recommendation is supported by a parallel Request to Waive Financial Regulations/Standing Orders in Relation to Contracts. Ordinarily Contract Procedures do not permit waiver requests for above EU threshold contracts. By notifying the market via a VEAT notice of the intention to direct award the contract the council is complying with its obligations under the Public Contracts Regulations, thereby enabling the waiver request to be made.

The purpose of this waiver is to obtain the necessary officer/member approval for the direct award to enable this report to go to Cabinet to request commitment of funding for this contract from 01 April 2020 to 31 March 2022.

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| <p>11.</p> | <p>Public Services Value (Social Value) Act 2012</p> <p>Following extension of the current contract a detailed timetable would need to be agreed with commissioners and procurement colleagues in those authorities who agree to implement any subsequent approach and procurement. This would include the provision of an outline plan to procure any new service by April 2021 or April 2022. It is recommended that the procurement team from one of the authorities takes the lead on any joint work (in partnership with commissioners from all three authorities and the CCG).</p> <p>It is recommended that the future contract length is of a suitable duration, to give the provider/s stability to support longer-term planning. Funding levels would need to strike the right balance between being affordable and value for money, and delivering the necessary quality and ability to meet the Joint Community Equipment Services functions (and any other services that are included within scope).</p> <p>All existing providers within Devon would obviously be able and encouraged to bid for the new contract, along with other potential suppliers (existing or new).</p> |
| <p>12.</p> | <p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Initial research has been undertaken, looking at how other local authorities commission aids, adaptations and assistive technology services.</p> <p>Commissioners have also had initial conversations with their counterparts in neighbouring councils.</p> <p>More detailed research would form part of the proposed review of aids, adaptations and assistive technology, to inform any future re-procurement.</p> |
| <p>13.</p> | <p>What are key findings from the consultation you have carried out?</p> <p>N/A.</p> |
| <p>14.</p> | <p>Amendments to Proposal / Mitigating Actions</p> <p>N/A.</p> |

Equality Impacts

| 15. | Identify the potential positive and negative impacts on specific groups | | | |
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| | Positive Impact | Negative Impact & Mitigating Actions | Neutral Impact | |
| Older or younger people | The extension of the community equipment contract will enable continued support to both older and younger people. | | | |
| People with caring Responsibilities | The extension of the community equipment contract will enable continued support to people with caring responsibilities. | | | |
| People with a disability | The extension of the community equipment contract will enable continued support to people with a disability. | | | |
| Women or men | The extension of the community equipment contract will enable continued support to both women and men. | | | |
| People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i> | The extension of the community equipment contract will enable continued support to people who are black or from a minority ethnic background. | | | |
| Religion or belief (including lack of belief) | The extension of the community equipment contract will enable continued support to people with a religion or belief (including lack of belief). | | | |

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| | People who are lesbian, gay or bisexual | The extension of the community equipment contract will enable continued support to people who are lesbian, gay or bisexual. | | |
| | People who are transgendered | The extension of the community equipment contract will enable continued support to people who are transgendered. | | |
| | People who are in a marriage or civil partnership | The extension of the community equipment contract will enable continued support to people who are in a marriage or civil partnership. | | |
| | Women who are pregnant/ on maternity leave | The extension of the community equipment contract will enable continued support to women who are pregnant/on maternity leave. | | |
| | Socio-economic impacts (Including impact on child poverty issues and deprivation) | The extension of the community equipment contract will enable continued support to people from a range of socio-economic backgrounds, including people facing issues related to poverty and deprivation. | | |
| | Public Health impacts (How will your proposal impact on the general health of the population of Torbay) | The extension of the community equipment contract will enable continued support to people within our community, impacting positively on their general health. | | |
| 16. | Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above) | N/A. | | |

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| 17. | Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above) | N/A. |
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