
Decision Maker: **Portfolio Holder for Adult Care and Health**
With pre-decision scrutiny from Adult Care and Health Policy Development & Scrutiny Committee

Date: **17 March 2021**

Decision Type: Non-Urgent Non-Executive Key

Title: **CONTRACT EXTENSION VARIATION FOR DEMENTIA RESPITE AT HOME SERVICES**

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Chief Officer: Kim Carey, Interim Director for Adult Social Care.

Ward: (All Wards);

1. Reason for report

- 1.1 Following the presentation of an Award Report at Care Services Policy and Scrutiny Sub Committee (10 January 2017), Bromley, Lewisham and Greenwich (BLG) Mind were granted a contract to provide a respite service for carers of older people with dementia to help them maintain their caring roles. The contract commenced on 1 April 2017 for a period of 3 years and was due to expire on 31 March 2020. However, there is an option to extend the contract for up to a further two years on a 1+1 basis.
- 1.2 Following the Adult Care and Health PDS on 17 November 2019, the Portfolio Holder for Adult Care and Health approved the extension of the contract for a period of 1 year from 1 April 2020 until 31 March 2021 and a variation to the hourly rates (Report - ACH19018). A further one year extension option remained.
- 1.3 There has been an additional contract extension, from 31 March 2021 to September 2021 in accordance with Executive approval to delegate contract extensions approval to the Chief Officer, with the agreement of the Portfolio Holder, where commissioning has been impacted by the pandemic (report CSD20062 - Covid-19 Procurement Implications).
- 1.4 The financial actual outturn for 2019/20 was £193k whilst the budget was £167k representing an overspend of £26k. So far for 2020/21 the invoicing is up till November 2020 (spend is £71k). The full year spend is estimated at around £155k resulting in a £15k underspend. This underspend is due to the temporary closure/reduction of the service during the initial 3 months of the pandemic. However, invoicing since this period shows

the reversion back to the normal service demand trend so for 2021/22, we can assume an overspend similar to 19/20.

- 1.5 The pandemic and its impact on day opportunities, respite provision and local voluntary care and support providers necessitates further consideration to be given to developing sustainable arrangements that will meet needs once the pandemic recedes. The recommissioning of the services will be looked at as part of broader considerations over respite and preventative services commissioning plans.
- 1.6 The contract was awarded as detailed in 1.1 above, and consequently there is a further (final) option to extend the contract up to 31 March 2022. However, the recommendation is that this service is extended up to 30 September 2022. Therefore, the request is for the activation of the existing extension clause alongside a 6 month extension beyond the original term.
- 1.7 This report seeks permission from the Portfolio Holder to approve the recommendation detailed in section 2 of this report.

RECOMMENDATION(S)

- 2.1 Adult Care and Health PDS Committee is asked to note and comment on the contents of the report.
- 2.2 The Portfolio Holder for Adult Social Care is recommended to:
 - i) Approve the Extension of the contract, activating the existing extension clause, alongside a further 6 month extension via the Contract Variation process (Regulation 72 of the Public Contract Regulations) beyond the predefined contract duration. The extension will commence from 1 October 2021 until 30 September 2022 and will have an estimated value of £194k, whilst the budget will be £173k.

Corporate Policy

1. Policy Statues: Existing Policy
 2. BBB Priority: Supporting Independence
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Financial

1. Cost of proposal: £194k (estimated)
 2. Ongoing costs: £194k (estimated)
 3. Budget head/performance centre: Adult Social Care
 4. Total current budget for this head: £170k (current)
 5. Source of funding: Better Care Fund
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Staff

1. Number of staff (current and additional): There are no London Borough Bromley assigned to this contract.
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Between 2018/2019 LBB referred 150 new people and 146 people accessed sitting service. Between 2019/20 LBB referred 149 new people and 172 accessed sitting services.

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

- 3.1 In 2014 the Children and Families Act 2014 became law, and in 2015 there was also the introduction of the Care Act 2014. For carers this has meant, for the first time, new rights to be supported by local authorities in the same way as people who receive care. Accordingly, the Acts confirmed a range of duties including the responsibility of the local authority to:
- promote the wellbeing of carers in order to prevent, reduce or delay them developing needs for support.
 - recognise and respond to carers that have needs for information and advice services that are general or personal to their caring role
 - meet the eligible needs of carers, although adult carers may be charged for services they receive in their own right.
- 3.2 The Care Act 2014 states that “Where it appears to a local authority that a carer may have needs for support (whether currently or in the future), the authority must assess a) whether the carer does have needs for support and b) if the carer does, what those needs are.(or are likely to be in the future).” “A local authority must have regard to – c) the importance of identifying carers in the authority’s area with needs for support which are not being met (by the authority or otherwise).”
- 3.3 An essential aspect of support for carers in enabling them to continue in their caring role is access to breaks and respite care. Respite care comes in various forms but essentially is either care provided in care homes (residential) and care provided at home (sitting services).
- 3.4 The types of respite that carers choose to use and the way in which they use it will depend very much on the individual, their circumstances and the circumstances of the person they are caring for. Some people may only require an occasional break such as a holiday to recharge their batteries, some might need a more regular short break to maintain outside interests and networks whilst others could prefer an occasional short break when circumstances dictate.
- 3.5 Flexibility is key and it is not prudent to commission or arrange any one type of respite service as it is unlikely to meet the diverse needs. The provision of a Direct Payment can provide the most flexible option for many carers, enabling the individuals to arrange the breaks according to their own needs and preferences. Social Care are currently seeking to expand day opportunity arrangements with the support of the voluntary sector, however support at home is still considered by carers that use the service as invaluable as detailed in Section 5 below.
- 3.6 Following the 2017 tender process, the contract was awarded to Bromley, Lewisham and Greenwich (BLG) Mind, as a chargeable service. However, charging was not introduced; the service remains free at the point of entry for eligible service users. The cost of delivering the service is met via the Better Care Fund for the budgeted element and Adults Social Care Budget for the overspend.
- 3.7 With the increase in dementia there is a correlating impact on carers, as frequently carers will provide the informal care, that assists people that have dementia to stay at home for as long as possible. Additionally, the age of carers is predicted to increase, providing a stronger emphasis on the need for carer respite.

- 3.8 The Care Act 2014 provides a single legal framework for charging for care and support under sections 14 and 17. The new framework is intended to make charging fairer and more clearly understood by everyone. To ensure consistency and fairness, the Care and Support Statutory Guidance has been issued by the Department of Health & Social Care under the Care Act 2014.
- 3.9 The intention is to not charge for the service during the extension period, however this will result in a financial pressure for Adult Social Care, resulting in an estimated overspend of £21k from October 2021 to September 2022. These are additional costs currently funded via the general Adult Social Care Budget.

4. DESCRIPTION OF SERVICE AND SUMMARY OF THE BUSINESS CASE

4.1 OVERVIEW

4.1.1 The aim of this report is to seek permission from the Portfolio Holder, to extend the existing Dementia Respite at Home Contract with BLG Mind for 12 months from 1 October 2021 to 30 September 2022. Initial consideration has been given to the future commissioning options; however, by extending the contract for 12 months, there will be the opportunity to conclude on the preferred commissioning approach.

4.1.2 The extension will:

- Support the provider market, as some providers may have been impacted and will not be in the position to bid (for example bid writers on furlough) and may have depleted resources only available to support residents, rather than available to prepare for a tender.
- Ensure that future tenders are financially stable (clearer post pandemic)
- Ensure that the tendering approach complements the emerging Day Opportunities vision (which is being coproduced with the voluntary sector) and the recommissioning of respite support as part of recommissioning the Primary and Secondary Intervention Service.

4.2 SERVICE PROFILE/DATA ANALYSIS

4.2.1 The population of Bromley currently stands at approximately 330,000 and is predicted to increase by a further 10% in the next 10 years, with 1 in 10 residents being over 75 by this time. According to the 2011 Census, there are approximately 30,000 unpaid carers in Bromley, which equates to 10% of the population.

4.2.2 The national data confirms that people diagnosed with dementia will continue to rise with the increase in the size of the general population:

Bromley people aged 65 and over predicted to have dementia by 2040:

2020	2025	2030	2035	2040
4384	4639	5042	5518	6024

4.2.3 The number of people with early onset dementia is also set to remain steady up until 2040.

4.2.4 The following figures provide the future projection of Bromley people aged 65 and over providing unpaid care to a partner, family member or other person up to 2040:

2020	2025	2030	2035	2040
7,995	8,437	9,277	9,977	10,478

4.2.5 From the Carers perspective the key aims of the Dementia Respite at Home Service are to:

- prevent the breakdown of informal care by enabling the carer to have a break from caring
- promote the wellbeing of carers via regular breaks from care
- provide emotional support by giving carers an opportunity to share problems and feelings in conversation with others
- prevent social isolation by enabling carers to continue involvement in community life on a regular basis.

4.2.6 For the service user the service aims to:

- provide care, stimulation and safeguarding comparable to that which they received when they were well enough to attend day care.
- prevent admission to full-time nursing care
- support continuity of carers via the one provider model.

4.2.7 The Respite at Home Service enables carers to sustain their role as carers with a planned programme of regular breaks from caring and through the provision of emotional support so that carers have an opportunity to share problems and feelings.

4.2.8 Adults referred to the service by the Council will have eligible needs arising from a diagnosis of dementia as the primary cause of their need for care and support. The process for accessing the LBB fully funded service is via an assessment of need for carers and cared for people by a Care Manager from Adult Social Care in accordance with the Care Act 2014. The assessment determines eligibility for respite care and as such the service will only be discontinued following a review by the care manager (unless an emergency arises).

4.2.9 Currently the Respite at Home service provides a weekly allocation of up to 3 hours respite per week. The actual allocation is dependent upon need, which can be 'banked' to facilitate a longer period of respite.

4.2.10 The Weekend and Overnight Respite Service is a specialist service provision. By providing overnight care, it enables carers to have a longer break away from home with the reassurance that the person they care for can remain in the family environment with familiar domestic routines. Carers can save up their weekly allocation to fund this.

4.2.11 The current arrangements also include advice, information, support and practical help to carers of adults with dementia.

4.2.12 The Council's Contract Compliance Team undertakes regular monitoring of the Dementia Respite at Home Service. The last review (October 2020) concluded on five areas for improvement (mainly because the service was affected by the pandemic). The improvement areas are included in an Improvement Action Plan, and progress has been made resulting in two remaining improvement areas, (delays to training and the client survey). However the

provider has agreed deadlines for both of the remaining agrees and compliance will continue to be monitored.

4.2.13 The last CQC inspection (November 2017) resulted in a 'Good' rating. The Dementia Respite at Home Service Staff Team are well regarded by service users and professionals supporting people with dementia (as detailed in section 5).

4.2.14 Between 2018/2019 LBB referred 150 new people and 146 people accessed sitting service. Between 2019/20 LBB referred 149 new people and 172 accessed sitting services. The service will cease only following a care management decision, due to an emergency or safeguarding issue, or where prompted by the service user/carer.

4.3 OPTIONS APPRAISAL – Future Commissioning Arrangements

4.3.1 The Council has four main commissioning options:

- i. Decommission the Service - Allow the contract to expire on 30 September 2021 and offer Direct Payments.
- ii. Recommission a new service (as is) to commence on 1 October 2021
- iii. Extend the contract up until 30 September 2022 and recommission the service, incorporating the current specification into the tender for Bromley Well or new arrangements for Day Opportunities (coproduced and design led by the voluntary sector)
- iv. Do something else (other recommissioning), to be established via further review and consideration.

4.3.2 In order to better manage the budget overspend, commissioning options ii, iii and iv could incorporate a process whereby once the budget is exceeded, service users can access the service directly via a direct payment (see recommendation 2.2 ii)

Option 1 - Decommission the Service - Allow the Contract to expire on 30 September 2021 and offer Direct Payments.

4.3.3 The Option would result in the expiration of the contract on 30 September 2021.

4.3.4 In order to continue to commit to the best possible outcomes for carers and the people that they care for, there would be a Direct Payment and Pre-Payment Card promotion campaign. Service Users will have access to the Day Opportunities Directory of Services which is being developed by Community Links Bromley, in partnership with LBB and would also be able to utilise the Personal Assistants that are recruited via the Direct Payment, Payroll and Support Service.

4.3.5 Service users would all need to be reviewed before the end of March 2021 to enable the transfer. Additional resource pressures include cross department resourcing in relation to tenders; currently there are two live Domiciliary Care Tenders and Supported Living for example.

4.3.6 Table 2

Benefits of Decommissioning	Disbenefits of Decommissioning
Support the Councils Direct Payment maximisation ambition.	Replacing a like for like sitting service may be difficult to establish, if not contracted via a block arrangement.
The service is facing increasing demand without the budget to support it. Decommissioning would stop the overspend and potentially result in savings.	Decommissioning the service could negatively impact the service users and their carers.
Would result in additional income reinvested into Direct Payments and used for a wider range of flexible day opportunities.	The pandemic has limited the range of day opportunities and this service already has an operational model, with significant resources that is mitigating against a breakdown of the caring arrangement
	Decommissioning of the service during the pandemic when there are limited options available for the provider to diversify could negatively impact both the service provision to end users and the viability of the provider.
	There is a high level of satisfaction with the Dementia Respite at Home Service with service users and professionals rating the service highly. Therefore, there could be discontent.

Option 2 - Recommission a new service to commence on 1 October 2021

4.3.7 This approach would continue the dedication to the Government vision set out in the Children and Families Act (2014) and Care Act (2014), whereby the caring arrangement is supported, bring the best possible outcomes for the carer and the cared for. Reducing the need for 'formal' care outside of the home and maximised mental and physically wellbeing for the carers and cared for.

4.3.8 Currently Social Care/Commissioning, Procurement, Legal and Finance are working on a number of tenders including two Domiciliary Care tenders (1st stage of the Framework tender resulted in 128 bids) additionally the Department has a Supported Living Tender which is live. Therefore, completing a tender at this time will place immense pressure on officers, who are however determined to deliver this or any other commissioning option.

4.3.9 The 'benefits of recommissioning the service are detailed in Table 3 below:

Table 3

Benefits of Recommissioning	Disbenefits of Recommissioning
The current model is tried and tested and there is a high level of satisfaction with the Dementia Respite at Home Service, with service users and professionals rating the service highly. Therefore, there could be discontent if the service wasn't recommissioned.	Block contracts may impede the Councils Direct Payment maximisation ambition.

The service supports the sustainment of the family arrangements in place of institutional care	The service is facing increasing demand without the budget to support it. Decommissioning would stop the overspend and potentially result in savings.
The pandemic has limited the range of day opportunities and this service already has an operational model, with significant resources that is mitigating against a breakdown of the caring arrangement.	Would result in additional income reinvested into Direct Payments and used for a wider range of flexible day opportunities.
Decommissioning of the service during the pandemic when there are limited options available for the provider to diversify could negatively impact both the service provision to end users and the viability of the provider.	
The service promotes the mental and physical wellbeing of service users and their carers, potentially minimising the likelihood of hospital admission or GP attendance.	

Option 3 - Extend the contract up until 30 September 2022 and recommission the service, incorporating the current specification into the tender for Bromley Well or new arrangements for Day Opportunities (coproduced and design led by the voluntary sector)

4.3.10 The case for recommissioning the service is made in Table 2 (disbenefits for decommissioning) and in Option 2 above.

4.3.11 Option 3 recommends a longer tender lead in time, outside of the pandemic which is likely to enhance the engagement with the market and stakeholders, which will also maximise tender competition.

4.3.12 Option 3 allows for further consideration to be given to incorporating the service into the upcoming tender for Bromley Well, strengthening the Carers Pathway offered by the service.

4.3.13 Options 3 also allows the opportunity to conclude on the vision for day opportunities, whereby a provider might deliver a range of options including sitting services.

Option 4 - Do something else (other recommissioning), to be established via further review and consideration.

4.3.14 Pending the outcome of a future review.

4.3 PREFERRED OPTION

4.3.1 Option 3 is the preferred option

5. STAKEHOLDER ENGAGEMENT

5.1 The annual service user survey has been delayed due to the pandemic however, it is scheduled to go ahead in March 21. However, as part of the quarterly monitoring process, the Provider has presented some examples of feedback:

- *It's going well. ***** watches TV with mum and they chat. It's nice for her to have the company. Dad is happy. It gives him a break."*
- *"It is a life saver. May loves it at the activity centre as well as the 1:1 we get at home. It means me and my wife can cope."*
- *"It is a lifeline. I don't get out much now and it just means I know someone is coming once a week and it means I get to have a chat too. It really is a lifeline."*

5.2 A dementia consultation and engagement exercise were undertaken by the Council and Bromley CCG from June to July 2019. Online and hard copy surveys were completed by people with dementia, their carers and professionals who support them. 77 surveys were completed by professionals and 94 by people with dementia and their carers. In addition, commissioners interviewed senior managers from the current provider and Adult Social Care as well as focus groups sessions with front line staff.

5.3 The key findings have influenced the delivery of the current service via the contract extension negotiation process, including the increase and stability of the workforce via more attractive salaries.

5.4 The survey responses also illustrated that there is a high level of satisfaction with the services provided by the Dementia Respite at Home Service, with a high proportion of respondents not finding anything that could be further improved or providing recommendations on areas of development that were seen as tweaks rather than major improvements. What was particularly appreciated was the knowledge and understanding of staff, having someone to contact for advice and support, the high quality of the service and how friendly and welcoming staff and volunteers are.

6. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS - EXTENSION

6.1 **Procurement Strategy and Contract Proposal:** The penultimate extension is included in the original award report. The latter 6 months would be via the Extension Variation Process Public Contracts Regulations 2015 (Reg 72). During this time the service would be based on the current contract and specification and performance targets as the current provider are meeting all of the requirements.

6.2 **Estimated Contract Value** – estimated £194k

6.3 **Proposed Contract Period** – 30 September 2021 to 1 October 2022

6.4 **Other associated costs** – None identified

7. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 7.1 An Equalities Impact Assessment has been completed. The conclusion is that the service supports the Equalities Duty (2010) and is open to people from all of the 9 protected characteristics, as long as they have a dementia diagnosis and meet the social care access criteria.

8 POLICY IMPLICATIONS

- 8.1 Respite at home is designed to meet the Council's objectives within 'Building a Better Bromley' to support independence within the community, particularly for vulnerable people.

9. IT AND GDPR CONSIDERATIONS

- 9.1 The contract has been updated to ensure it is GDPR compliant and BLG Mind has signed the contract variation document.

10. PROCUREMENT RULES

- 10.1 This report seeks authority to extend the Council's current contract for provision of dementia respite at home services with BLG Mind to 30 September 2022, 6 months beyond the term of the original contract.
- 10.2 A variation will be required to extend the contract beyond its original term. This was originally procured as an above-threshold contract following a competitive tendering process. The variation stated above can be completed in compliance with Regulation 72 of the Public Contract Regulations. Subject to compliance with Regulation 72 of the Public Contract Regulations (which allows change to a contract without re-advertisement in OJEU where the proposed change, irrespective of monetary value, is provided for in the initial procurement documents in a clear, precise and unequivocal option clause which specifies the conditions of use and the scope and nature of the change).
- 10.3 The full extension beyond term requested is covered under CPRs 23.7 and 13.1. The Council's specific requirements for authorising this, taking into account the value of the permissible extensions taken to date, require the Approval of the Portfolio Holder following Agreement by the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance for a contract of this value. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 10.4 Following Approval, the extension must be applied via a suitable Change Control Notice, or similar, as specified in the contract. A modification notice will be published for transparency and in accordance with the requirements of the Public Contracts Regulations 2015.
- 10.5 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

11. FINANCIAL CONSIDERATIONS

- 11.1 The actual and projected costs of the current contract and proposed extension are set out in the table below:

	Budget	Actual	Variation
	£'000	£'000	£'000
<u>Existing contract</u>			
2017/18	161	165	4
2018/19	163	168	5
2019/20	167	193	26
2020/21 (estimated) *	170	110	-60
2021/22 (6 months) (est.)	86	97	11
	747	733	-14
<u>Proposed extension</u>			
2021/22 (6 months) (est.)	86	97	11
2022/23 (6 months) (est.)	87	97	10
	173	194	21
	920	927	7
* 20/21 costs are lower due to the impact of COVID-19			

11.2 The contract is funded from the Protection of Social Care element of the Better Care Fund (BCF). Previous overspends have been offset against underspends elsewhere in this element of BCF.

11.3 The option to mitigate the overspend by using Direct Payments once the contract budget has been fully spent will still result in an increased cost to Adult Social Care budgets, but will be partly mitigated by client contributions.

12. PERSONNEL CONSIDERATIONS

12.1 There is no Bromley staff directly delivering the service.

13. LEGAL CONSIDERATIONS

13.1 This report seeks to approve a variation/extension to the current Contract awarded to BLG Mind, for the provision of dementia respite at home services, following competitive tendering. This is until 30.09.22 (i.e. six months beyond the term of the original Contract). The proposed Contract period commences from 30.09.21 till 01.10.22. The current contract's extension has a Contract value of £173k (budget) + £21k (overspend).

13.2 Under the Council's Contract Procedure Rules (CPR), the Councils requirement for authorisation of a variation/modification/extension to a Contract, is in accordance to CPR 23.7 and 13.1 and where applicable the Public Procurement Regulations 2015 (the Regulations). The recommended approach to make this modification, would fall and comply with Regulation 72 (1) which allows Contracts to be modified without a new procurement procedure where the requirement for modification has been brought about by circumstances which a Council could not have foreseen and that the modification does not alter the overall nature of the Contract and that any increase in price does not exceed 50% of the value of the original Contract.

13.3. Guidance gives authority to the Portfolio Holder following Agreement by the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the

Director of Finance to approve the variation by using this Officer Gateway Report. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	NA