
RENEWAL OF RESIDENTIAL CONTRACTS

**Responsible Cabinet Member - Councillor Veronica Copeland,
Adult Social Care and Housing Portfolio**

Responsible Director - Murray Rose, Director of People

SUMMARY REPORT

Purpose of the Report

1. To seek Council's agreement to waive Contract Procedure Rules using Clause 18 to renew two spot purchase residential contracts for up to six months to ensure the procurement process is completed in line with procurement rules and that a number of existing contracts can be aligned.

Summary

2. The Council currently has three separate spot purchase contracts that it uses to commission residential care for disabled, working age adults. Those are for adults with a learning disability, adults with a physical and/or sensory impairment and adults with early on-set dementia and/or mental health problems. A single framework agreement for working age disabled adults will ensure consistency across adult social care.
3. The current contractual arrangements have worked successfully for the Council and the system overall is robust and effective. The services commissioned are well regulated both by the Care Quality Commission (CQC) and locally by the Councils' Services for People Commissioning and Contracting Team and as such offers security and allows choice. The contracting team meet with CQC on a bi-monthly basis where any concerns are discussed about any provider they may have issues with.
4. The development of a framework agreement of residential care Contractors, all of whom have agreed the terms of the local authority contract, including cost, will ensure quality and value for money when this provision is required to meet assessed social care need.
5. The current contracts for adults with a learning disability and physical and sensory impairment end on 31 March 2014. The contract for adults with early on-set dementia and mental health problems ends on 30 September 2014. The renewal of the learning disability and physical and sensory impairment spot contracts will

support the move to a single framework and assist in the alignment of the contracts.

Recommendation

6. It is recommended that Council agree to renew the existing residential contracts for six months for people with a learning disability and people with a physical and sensory impairment.

Reasons

7. The recommendation is supported by the following reasons :-
 - (a) The renewal will support the alignment of a number of existing contracts into a single contract.
 - (b) The renewal will allow time to procure a framework agreement that will look to ensure value for money for the Council in its future purchasing of residential care for this group of people.

**Murray Rose
Director of People**

Background Papers

No background papers were used in the preparation of this report

Mark Humble Extension: 2856

S17 Crime and Disorder	There is no direct impact on S17 Crime and Disorder
Health and Well Being	The provision of residential accommodation ensures that peoples assessed social care needs can be met in a way that both meets their needs and is cost effective.
Carbon Impact	There are no carbon impact implications in this report
Diversity	Residential accommodation needs to be available that is able to meet the diverse needs of a range people's diversity and is able to meet and support individuals Human Rights.
Wards Affected	Not all Wards contain a residential care home, however people from all Wards will use the service.
Groups Affected	This will impact on a small number of working age adults who need residential care to meet their social care needs.
Budget and Policy Framework	This falls within the Councils budget and policy framework.
Key Decision	This is a key decision.
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	The provision of residential care ensures that people are healthy and supported
Efficiency	An effective competitive framework will ensure that whenever residential care is required to meet an individuals needs it can be provided in the most cost effective way.

MAIN REPORT

Information and Analysis

8. It was reported on the Annual Procurement Plan in April 2012 that the procurement of residential care for disabled working age adults would be undertaken as a strategic procurement and in line with the Contract Procedure Rules this procurement strategy is brought to Cabinet for approval.
9. The provision of residential care still remains at times a cost effective way of meeting individual's assessed needs. Generally, there has been a move away from its use, however there are still some individuals for whom it is a model that meets their assessed need, their individual outcomes and is cost effective.
10. The Council currently has three separate spot purchase contracts that are used to commission residential care for disabled working age adults. These contracts are for people with a learning disability, people with a physical and or sensory impairment and people with a mental health problem. Two of these contracts are due to end on the 31 March 2014 and the third due to end on 30 September 2014. Residential care for older people is commissioned through an alternative contract.
11. The Table below sets out the Councils current position.

Table 1

Group	Expenditure 2012/13	No. of Contracted placements in Darlington	No. of Out of Authority Contract Arrangements	Total
Learning Disability	£2,700,000	14	25	39
Mental Health	£570,000	10	11	21
Physical and Sensory Impairment	£680,000	5	9	14

12. The bringing of these together into a single framework agreement will ensure consistency across adult social care.

Financial Implications

13. There are no direct financial implications from this procurement. The existing placements will continue to be paid at the current rate and as a consequence will not result in a financial pressure. The Framework will ensure that any future placements are subject to a competitive process that looks to ensure best value.

Legal Implications

14. Where the Council determines that residential accommodation will meet the individual's assessed social care needs, it has a legal duty under the National Assistance Act 1948 to ensure that such needs are met. The extension will ensure that the needs of those individuals currently placed under the contract continue to be met and ensure continuity of provision.
15. Additionally, the provisions of the National Assistance Act 1948 (Choice of Accommodation) Directions 1992 ("the Directions") will apply. Where a placement is required and an individual expresses a preference for a particular accommodation then the Council must arrange for the care in that accommodation, provided that the provisions set out in the Directions are met. The extension will therefore ensure that the Council will continue to meet its obligations under the Directions during the extension period.

HR Implications

16. There are no Human Relations implications of this decision.

Procurement Advice

17. Request for Contract Extension under rule 18 Contract Procedure Rules form completed.

Equalities Considerations

18. An Equality Impact Assessment has been undertaken in relation to the procurement of a framework agreement for the provision of residential care for disabled adults.

Consultation

19. A small number of disabled people and other key stakeholders have been consulted on the outcomes set out in the revised contract.