



## Mayor and Cabinet

### Future Home Care Arrangements (New Model and Procurement Process)

**Date:** 09 March 2022

**Key decision:** Yes.

**Class:** Part 1

**Ward(s) affected:** All Wards

**Contributors:** Executive Director, Community Services, Director of Law, Director of Finance

DRAFT

## Outline and recommendations

### 1.0 Purpose of the report

- 1.1 The purpose of this report is to seek agreement from Mayor and Cabinet to procure 4 Neighbourhood Lead Providers (Home Care) and 5 specialist advice support and training providers to support the four Neighbourhood Lead Providers. This paper summarises the new model for Home Care and the full procurement process as requested by Mayor and Cabinet on 11 March 2020.

### 2.0 Recommendation

- 2.1 To approve the procurement of nine contracts comprising the following:

Contract	Estimated annual value	Estimated value – 5 years	Estimated value – 7 years
Neighbourhood 1	£2,500,000	£12,500,000	£17,500,000
Neighbourhood 2	£6,000,000	£30,000,000	£42,00,000
Neighbourhood 3	£5,300,000	£26,500,000	£37,100,000
Neighbourhood 4	£3,200,000	£16,000,000	£22,400,000
5: Specialist End of Life Care advice, support and training	£120,000	£600,000	£840,000
6: Specialist Mental Health advice, support and training	£120,000	£600,000	£840,000
7: Specialist advice, support and training to support the effective management of individuals with advanced dementia including those presenting with behaviours that challenge	£120,000	£600,000	£840,000
8: Specialist Learning Disability and autism advice, support and training	£120,000	£600,000	£840,000
9: Specialist advice, support and training to enable all those in receipt of commissioned home care to maximise meaningful life roles e.g. enabling community engagement.	£120,000	£600,000	£840,000

- 2.2 To give delegated approval to the Executive Director of Community Services following stage 1 of the procurement process to decide the short-listed suppliers recommended to stage 2 of the procurement process as outlined in section 8.6.3.

### 3.0 Summary

- 3.1 This report sets out the new model for Home Care and the proposed full procurement process. This report was requested by Mayor and Cabinet on 11 March 2020 and has been delayed by the ongoing Covid-19 Pandemic.
- 3.2 The new model will include the following core elements:
- 3.2.1 Personalised set of principles through which care is provided
  - 3.2.2 Embedding the voice of people with lived experience and unpaid carers into the delivery and overview of the service
  - 3.2.3 Four Lead Neighbourhood Providers of Home Care
  - 3.2.4 Five specialist advice, support and training providers to support the Lead Neighbourhood Providers
  - 3.2.5 Embedding the service within the wider Lewisham Community Offer

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- 3.2.6 A career progression pathway for home care workers. This will be embedded in the ICS commitment to working with social care providers to promote workforce development opportunities and career pathways.
- 3.2.7 Compliance with UNISON's ethical care charter and a commitment to work towards parity of esteem with equivalent roles in the NHS
- 3.2.8 A commitment to promote home care as a career of choice for Lewisham residents.
- 3.2.9 A commitment to embedding the LondonADASS Big Promise within service delivery  
[https://www.youtube.com/watch?v=iZWclcGpwfY&list=PLio1\\_qJY3EazD4z2SCKGPqUPUhAfGOYUd](https://www.youtube.com/watch?v=iZWclcGpwfY&list=PLio1_qJY3EazD4z2SCKGPqUPUhAfGOYUd)
- 3.2.10 A commitment to identifying and nurturing untapped talent within the borough through developing innovative roles delivered through the apprenticeship route  
<https://lewisham.referrals.selectminds.com/landingpages/apprentice-opportunities-at-lewisham-council-7>
- 3.3 The procurement process will build on the current delivery model (three Lead Providers of Home Care in the Borough and these contracts have been extended until 31 March 2023).

#### 4.0 Recommendation

- 4.1 Mayor and Cabinet are recommended to approve the procurement of the following nine contracts all for a period of 5 years with the option to extend for up to a further 2 years with estimated total costs as set out in the table below:

Contract	Estimated annual value	Estimated value – 5 years	Estimated value – 7 years
Neighbourhood 1	£2,500,000	£12,500,000	£17,500,000
Neighbourhood 2	£6,000,000	£30,000,000	£42,00,000
Neighbourhood 3	£5,300,000	£26,500,000	£37,100,000
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9: Specialist advice, support and training to enable all those in receipt of commissioned home care to maximise meaningful life roles e.g. enabling community engagement.	£120,000	£600,000	£840,000

- 4.2 To give delegated approval to the Executive Director of Community Services, following stage 1 of the procurement process, to determine the short-listed suppliers recommended to stage 2 of the procurement process, as outlined in section 8.6.3.

#### 5.0 Policy context

- 5.1 The Care Act 2014 had a significant impact on home care providers and commissioners and on people who use home care services and their carers. The majority of the Care Act came into effect in April 2015 and put a duty on local authorities to promote wellbeing and meet needs (rather than requiring them simply to provide services). It also requires local authorities to assess and offer support to address the needs of carers, independently of the person they care for. This is aligned with a range of other carer-specific policies which emphasise the value of carers, and the importance of enabling

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them to have ‘a life alongside caring’.

- 5.2 Under the Act, local authorities have a duty to prevent, delay or reduce the development of people’s social care needs, so far as possible, and to work in an integrated, person-centred way, with all other support agencies including those in the third sector. They also have a duty to provide information and advice for the whole population, not just those who are receiving services that they fund. This means that people funding their own home care and support are entitled to guidance from the local authority, including on financial matters. The Care Act 2014 also requires local authorities to stimulate and manage their local market to benefit the whole population, not just those in receipt of local authority funded support.
- 5.3 Engaging people with lived experience is a core element of the Care Act 2014, which states: ‘Local authorities should, where possible, actively promote participation in providing interventions that are co-produced with individuals, families, friends, carers and the community’.
- 5.4 The report supports the following Corporate priorities:
- Delivering and defending: health, social care and support
  - Building an inclusive local economy

## **6.0 Background**

- 6.1 In 2015, Lewisham Council adopted a Neighbourhood Care Team Model as part of the wider initiative to establish health and care services on a neighbourhood footprint. With health partners, it worked to establish virtual neighbourhood teams of district nurses and social work staff aligned to GP practices, working with other specialist community health and care services such as the South London and Maudsley NHS Foundation Trust to co-ordinate work at a neighbourhood level. The Council appointed a neighbourhood coordinator for each of the four neighbourhoods to coordinate the partnership. A key part of this vision included building strong relationships with the lead home care providers.
- 6.2 The Council entered into 2 year contracts (with the option to extend for 1 year) on 01 April 2016 with 4 Home Care providers, one for each of the planned four neighbourhoods. This contract replaced the previous Framework Agreement for Domiciliary Care (2010-2016) which included 18 providers.
- 6.3 The rationale for the significant consolidation of contracted home care providers was to appoint one Lead Provider per Neighbourhood who would have the capacity and expertise to lead the delivery of home care in that neighbourhood and work closely with the neighbourhood teams. The Service Specification for the Lead Provider contract was developed to enable Adult Social Care and Health to optimise the home care service to individuals in their own home by facilitating integrated working across health and social care, offering a localised and personalised experience and most importantly delivering the outcomes that are important to the Service User.
- 6.4 Three of the four contracts have been extended until 31 March 2023. The Neighbourhood 1 contract was not extended, due to quality issues. As a result, the Neighbourhood 1 contract was split between the remaining three remaining lead providers based on postcode.
- 6.5 Throughout its tenure the Home Care Contract has enabled the Council to discharge its responsibilities to provide care to individuals in their own home in an efficient, structured and timely way.
- 6.6 Adult Social Care Neighbourhood Leads report that there has been an improvement in the provision of Home Care since moving to the Lead Provider model. It has been easier to build relationships with one Lead Provider and ensure that quality concerns are addressed promptly. They have been encouraged by the Provider’s willingness to take part in Multi-Disciplinary meetings and pilot new ways of working to benefit their Service

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Users. Service Users also report benefits from the Neighbourhood Model of Home Care including a more positive experience of service provision and an increase in independence and enhanced quality of life. The re-procurement will build on these foundations.

6.7 Insourcing has been considered and an options appraisal was undertaken in 2019 looking at:

- The re procurement of domiciliary care services via the existing neighbourhood model;
- Transferring services back 'in house' under the existing Adult Social Care management structure; Option A.
- The establishment of a Council owned organisation to deliver domiciliary care services; Option B.

6.7.1 The report concluded that transferring services back 'in house' under the existing Adult Social Care management structure (Option A) over a five year period is estimated to cost £142m, whilst establishing a Council owned organisation to deliver domiciliary care services (Option B) over a five year period is estimated to cost £118m, compared to delivering the service in its current form (£91m). Both Option A and Option B would also impact on the Councils market shaping duty (Care Act, 2014) to stimulate a diverse range of care and support services to ensure that people and their carers have choice over how their needs are met and that they are able to achieve the things that are important to them. Both Option A and Option B would also be challenging as currently the Council do not employ staff with the necessary knowledge, skills and experience to run such diverse and complex services

6.8 The new Home Care model and re-procurement seeks to maximise benefits to the adult social care home care workforce in order to both to recognise their value and also provide real career opportunities and embrace them within our Proud to Care Lewisham family.

6.9 In parallel, we will also be growing the Personal Assistant market to enable residents to have greater choice and control.

## 7.0 New model – We are Proud to Care

7.1 The new model of care will adopt a personalised set of principles through which care will be provided – all providers and staff delivering the new model of home care will embed the following principles in their approach

<https://www.youtube.com/watch?v=i9yGRuLaUuw> :

- We feel no act of kindness is too small
- We are a family
- We give people a voice
- We are making a difference
- We care for the most vulnerable people in society
- We are training and developing the future workforce

7.2 Embedding the voice of people with lived experience and unpaid carers into the delivery and overview of the service – successful bidders will be required to meaningfully involve people with lived experience and unpaid carers in their service delivery. This will help to further embed the development and delivery of person centred, outcome focused support planning initiatives.

7.3 Four Lead Neighbourhood Providers of Home Care

7.3.1 The new model will continue to be embedded within a neighbourhood model. Home Care Workers will be integral members of the neighbourhood teams, working alongside other health and care staff in the neighbourhoods. Neighbourhood Teams will continue to work together to create an integrated health and care service that is focused on the individual to provide a more responsive, person centred service. Clients will be allocated to the

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same worker(s) wherever possible. Shared training opportunities will be a key element of this. This will be led by the Proud to Care local Lewisham apprentices <https://lewisham.referrals.selectminds.com/jobs/proud-to-care-lewisham-local-lead-3009>

- 7.3.2 The Neighbourhood Model will continue to improve communication between organisations, reduce duplication and build a support team around the individual to prevent or delay their need increasing and enable wellbeing, choice and independence. This will result in the right level of care and support in the community for all adults requiring services.
- 7.4 Specialist providers to offer expert advice, support and training to the Lead Neighbourhood Providers
- 7.4.1 These specialist services will be delivered on a borough footprint. This will include:
- Specialist End of Life Care advice, support and training
  - Specialist Mental Health advice, support and training
  - Specialist advice, support and training to support the effective management of individuals with advanced dementia including those presenting with behaviours that challenge
  - Specialist Learning Disability advice, support and training
  - Specialist advice, support and training to enable all those in receipt of commissioned home care to maximise meaningful life roles e.g. enabling community engagement.
- 7.4.2 Lead Providers will also be able to access these specialist agencies that will offer specific expertise, support and training to Lead Providers.
- 7.5 Embedding the service within the wider Lewisham Community Offer – the service will be an equal member of the Lewisham Community Offer and be integrated in the wider transformational change including the Empowering Lewisham work. It is expected that the branch offices of each neighbourhood provider will become a hub whereby all health, social care and other relevant organisations working in that neighbourhood can hot desk etc.
- 7.6 A career progression pathway for home care workers. The career progression pathway will be developed in consultation with the home care provider forum and overseen by the Home Care Procurement Reference Group supported by colleagues from Skills for Care. This will draw on the work of the London Adult Social Care Academy which goes live on the 01 April 2022. This will be embedded in the ICS commitment to working with social care providers to promote workforce development opportunities and career pathways.
- 7.7 Compliance with UNISON's ethical care charter and a commitment to work towards parity of esteem with equivalent roles in the NHS e.g. band 3 NHS (£12.75.per hour at 2021/22 pay scale). This compares to London Living Wage (2021/22) of £11.05.
- 7.8 A commitment to promote home care as a career of choice for Lewisham residents. All bidders will be required to work collaboratively to promote home care as a career of choice to Lewisham residents through the Proud to Care Lewisham initiative. This will include:
- Visits to schools and Colleges of Further Education
  - Organising and running recruitment fairs
  - Other innovative evidence based initiatives
- 7.9 A commitment to embedding the LondonADASS Big Promise within service delivery [https://www.youtube.com/watch?v=iZWclcGpwfY&list=PLio1\\_qJY3EazD4z2SCKGPqUPUhfAfGOYUd](https://www.youtube.com/watch?v=iZWclcGpwfY&list=PLio1_qJY3EazD4z2SCKGPqUPUhfAfGOYUd).
- 7.10 A commitment to identifying and nurturing untapped talent within the borough through developing innovative roles delivered through the apprenticeship route

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<https://lewisham.referrals.selectminds.com/landingpages/apprentice-opportunities-at-lewisham-council-7>

- 7.11 Although the new home care model is not being insourced, the model aims to embed Home Care providers within the local economy and for branch offices to become hubs of activity supporting local communities. The neighbourhood model will help reduce travel time and providers will be encouraged to promote the sector as a career of choice amongst local residents.

## **8.0 New model of home care – the procurement approach**

- 8.1 Scope - As noted by the Kings Fund (2018), *the term ‘home care’ covers a wide range of activities. The provision of personal care (help with washing, dressing and eating) to people with long-term care needs is the core service provided, but home care also extends to reablement services for people leaving hospital or receiving crisis interventions to avoid hospital attendance in the first place. The term can also include help with household tasks – the ‘mopping and shopping’ activities that many people may need to live independently. However, under the eligibility guidelines applied in England, the requirement for these latter activities alone would not entitle people to local authority help and, in most cases, would need to be paid for privately. Some home care is also provided on a ‘live-in’ basis.*

- 8.2. The re-procurement will include the following commissioned home care activity:

- 8.2.1 Home care provided currently by the three lead home care providers
- 8.2.2 End of life care currently provided by Marie Curie
- 8.2.3 Home care delivered to people funded by the NHS who have been assessed as eligible for Continuing Healthcare
- 8.2.4 Home care currently commissioned by South London and Maudsley NHS Foundation Trust on behalf of the Council
- 8.2.5 Home care currently commissioned through the Council enablement team
- 8.2.6 Home care funded to people with a Learning Disability
- 8.2.6 Home care directly through the use of direct payments.

- 8.3 It is important to note that the following activity is not directly within the scope of this re-procurement:

- 8.3.1 The Council’s in house Enablement
- 8.3.2 Direct payments that do not commission CQC regulated home care providers e.g. Personal Assistants
- 8.3.3 The Council’s Shared Lives service
- 8.3.4 Home care purchased privately by Lewisham citizens.

- 8.4 Building on the Lewisham Corporate Strategy values, the procurement process will adopt a value based collaborative programme managed approach. Collaboration adds value to local systems by: bringing stakeholders together to make decisions; fostering close operational partnership between commissioners and providers; simplifying financial arrangements; and offering improvement support to providers.

- 8.5 In order to oversee the procurement of the new model of home care and establish the shaping of the Procurement endeavour, a Home Care procurement Reference Group will be established bringing together representatives from the following areas:

- The Council’s Enablement team
- The integrated commissioning team
- The Council’s Adult Social Care Neighbourhood team
- The Council’s arranging care team
- The Council’s finance team

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- Procurement representatives for both social care and health
  - The Council's legal team
  - People with lived experience of home care
  - The carer reference group
  - Key third sector stakeholders
  - Healthwatch
  - Primary care network
  - Lewisham and Greenwich NHS Trust
  - South London and Maudsley NHS Foundation Trust
  - Community therapy services
- 8.5.1 The group will be chaired by the Director of Operations - Adult Social Care Community Services, London Borough of Lewisham
- 8.5.2 The Home Care Procurement Reference Group will meet monthly and will be responsible for overseeing the development and delivery of the re-procurement action plan. The action plan will include the following elements:
- Market engagement
  - Development and testing of the service specification including embedding the Multi-Agency Adult Safeguarding policy and procedures within the service specification
  - Ensuring the voice of people with lived experience and unpaid carers is embedded in the procurement process
  - Agreeing key performance indicators that are outcome focused and person centred
  - Agreeing core paperwork and system indicators that will be adopted by the successful bidders
  - Agreeing career pathway for home care workers and embedding this within the procurement approach
- 8.5.3 The Home Care Procurement action plan will be managed by the Associate Director, Community Support and Care, Lewisham Integrated Commissioning Team.
- 8.5.4 This approach will clearly address the Council's Corporate Strategy Values as set out in the table below

<b>Values – Lewisham Corporate Strategy</b>	<b>Procurement approach</b>
We put service to the public first	The procurement reference group will be responsible for ensuring: <ul style="list-style-type: none"> <li>• The service specification focuses on delivering a strengths based approach based on person centred outcomes enabling individuals to maximise their physical and mental wellbeing, quality of life and life roles to ensure they are supported to live fulfilling lives</li> <li>• People with lived experience are equal members of the group</li> <li>• Unpaid carers are equal members of the group through the Carer Reference group</li> </ul>
We respect all people and all communities	The service specification will commit to ensuring services are accessible and competently delivered to meet the needs of all Lewisham residents through the lens of the nine protected characteristics. The service specification will embed the LondonADASS Big Promise in the operational delivery model. The service will also include a core offer to unpaid carers to ensure they are fully supported in their caring role. This core offer will be developed with the support of the Carer Reference group and will include (though not limited to): <ul style="list-style-type: none"> <li>• Supporting carers to navigate the health, social care and wider system (including benefits)</li> <li>• Information and advice that is tailored to the individual carer</li> <li>• Access to joint training with care workers</li> </ul>

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	<ul style="list-style-type: none"> <li>Promoting the Proud to Care discount scheme amongst carers</li> </ul>
We invest in employees	<p>Adult social care contributes at least £50.3 billion to the economy in England and provides significant societal benefits (Skills for Care, 2021). Value based recruitment, training and enabling career progression is vital in order to maximise the quality of service provision. Building on full compliance with UNISON's ethical care charter the new model will work towards parity of esteem with equivalent roles in the NHS</p> <p>We have also included a career progression pathway for home care workers within the core element of the new model. This will be embedded in the Integrated Care System (ICS) commitment to working with social care providers to promote workforce development opportunities and career pathways,</p> <p>The service specification will include a clear commitment to developing a career progression pathway for home care workers so that they can develop their knowledge and skills to enhance the outcome of clients. This will improve job satisfaction and retention. This work will be overseen and driven by our Proud to Care local Lewisham apprentice(s)</p>
We are open, honest and fair in all we do.	The procurement process will be open, clear and transparent with weekly updates through the Home Care provider forum bulletin and monthly virtual provider forums.

## 8.6 Procurement

8.6.1 The tender will be separated into 9 contracts to ensure that awarded providers have sufficient capacity to deliver the service. Lots will be as follows:

- 1 – 4: Lead Home Care Providers to support each of the four geographical neighbourhoods in Lewisam
- 5: Specialist End of Life Care advice, support and training
- 6: Specialist Mental Health advice, support and training
- 7: Specialist advice, support and training to support the effective management of individuals with advanced dementia including those presenting with behaviours that challenge.
- 8: Specialist Learning Disability and autism advice, support and training
- Lot 9: Specialist advice, support and training to enable all those in receipt of commissioned home care to maximise meaningful life roles e.g. enabling community engagement.

8.6.2 Providers can only bid for one contract.

8.6.3 The proposed procurement route is a restricted tender following public advertisement (with the flexibility allowed under the Light Touch Regime). This will include a shortlisting stage for each contract, so only those suppliers with the technical experience & capability are invited to make a full tender submission.

8.6.4 Each contract will be for 5 years with an option to extend for an additional 2 years at a estimated value of:

Contract	Estimated annual value	Estimated value – 5 years	Estimated value – 7 years
Neighbourhood 1	£2,500,000	£12,500,000	£17,500,000
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training			
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8.6.5 The value for contracts 1 – 4 are above the threshold for the Light Touch Regime (£663,540) and in line with the Council’s Contract Procedure Rules will be awarded by Mayor and Cabinet.

8.6.6 Contracts 5 – 9 have been included within the report as they are integral to the effective delivery of contracts 1 – 4.

## 9.0 Proposed schedule

Week commencing	Action	Summary
2 <sup>nd</sup> Thursday of the month	Set up monthly home care provider forums inviting the 52 home care providers with a branch based in Lewisham	Monthly virtual meetings which commenced on 13/01/2022
1 <sup>st</sup> week Feb. 2022	Set up carer reference group	Meeting weekly – first meeting took place on 04/02/2022
1 <sup>st</sup> week March. 2022	Set up Home Care Procurement Reference Group	
2 <sup>nd</sup> week March 2022	Paper to Mayor and Cabinet	
1 <sup>st</sup> week April 2022	Draft service specification	
2 <sup>nd</sup> week April – 2 <sup>nd</sup> week June 2022	Market engagement	
2 <sup>nd</sup> week July 2022	Above threshold Standard Selection Questionnaire	
2 <sup>nd</sup> week Aug. 2022	Evaluation of Standard Selection Questionnaire	
4 <sup>th</sup> week August 2022	Issue Invitation to Tender to shortlisted providers	
1 <sup>st</sup> week Oct 2022	Evaluation of tender submissions	
3 <sup>rd</sup> week Oct 2022	Panel interviews	
2 <sup>nd</sup> Nov. 2022	Seek approval from Mayor and Cabinet to award contract	
Dec. – Mar 2023	Mobilise contract	
01 April 2023	Go live	

## 10.0. Financial implications

10.1 2021/22 forecast spend for home care is £18.3m, proposed contract value is £17.6m which could potentially generate a £0.7m saving. As part of the Care Act 2014 Local Authorities have a duty to maintain market sustainability, therefore any uplifts to the contract may reduce the saving in future years.

10.2 Newton Europe and the service are working on a number of projects / programmes to deliver homecare savings to deal with the budget pressure for home care. The contract will be funded from the Council’s General Fund and any budget pressures will be mitigated by underspends in other areas of Adult Social Care.

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10.3 Demand for Community based services post covid has been increasing nationally, the proposed contract value may change as a result.

## 11.0 Legal implications

11.1 The value of the combined aggregated individual services across their contract lengths means that this is a Category A procurement for the purposes of the Council's Contract Procedure Rules ("CPR"), requiring permission of Mayor and Cabinet to procure and subsequently to award. The procurement falls under the Light Touch Regime under the Public Contract Regulations 2015 ("PCR 2015") as a Schedule 3 service: (health, social and related services or supply services of domestic help and nursing personnel) above the light touch financial limits.

11.2 It is mandatory for Schedule 3 contracts to be advertised on Find a Tender Service ("FTS") (formerly OJEU) and also advertised within 24 hours of FTS advertising on Contracts Finder, with an advertisement complying with requirements set out in PCR 2015. Subsequent award notices must also be published on FTS and Contracts Finder in the prescribed form.

11.3 Procedures for tendering are to be determined by contracting authorities in accordance with regulation 76 PCR 2015. These require procedures to be transparent and ensure equal treatment of suppliers. Time limits must also be reasonable and proportionate. The proposed tender is by way of public advertisement followed by a restricted procedure in accordance with PCR 2015 and the CPR.

11.4 Subsequent awards will be Key Decisions under Article 16.2 (b) and Article 16.2 (c) (xxiii) of the Constitution as having an impact on more than one ward and a value of more than £200,000.

11.5 The Public Services (Social Value) Act 2012 requires that when the Council is procuring services above the relevant threshold – as is the case here - it must consider, before commencing a procurement process, how the procurement might be conducted so as to improve the social, economic and environmental wellbeing of the area. The matters to be considered must only be those relevant to the services to be procured and it must be proportionate in all the circumstances to take those matters into account. The Council has adopted a Social Value policy which must also be applied; and the Council's Sustainable Procurement Code of Practice will need to be applied to the contract. The report sets out the social value issues which arise at paragraph 17 and any future decision by the decision maker will also need to take those matters into consideration.

11.6 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality.
- It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

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- 11.7 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 11.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 11.9 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 12.0 Equalities implications**
- 12.1 The recommendations made in this report relate to one specific group - adults who have been identified and assessed as being in need of services in order for them to maintain their independence and remain in their own home. Implementing these recommendations will not have an impact on individual client choice or on the manner in which support is delivered and the quality of that care.
- 13.2 The service specification will include a commitment to embedding the LondonADASS Big Promise within service delivery  
[https://www.youtube.com/watch?v=iZWclcGpwfY&list=PLio1\\_qJY3EazD4z2SCKGPqUPUhfAfGOYUd](https://www.youtube.com/watch?v=iZWclcGpwfY&list=PLio1_qJY3EazD4z2SCKGPqUPUhfAfGOYUd) and ensure the nine protected characteristics are embedded within service delivery
- 13.3 The COVID-19 pandemic has shone a spotlight on the health inequalities experienced by those from Black, Asian and Minority Ethnic communities. Embedding community voice and lived experience, particularly for those from Black, Asian and Minority Ethnic minority communities, into the procurement process of the new home care model will be a critical part of ensuring that any existing equalities are taken into account in developing the new service. The findings of the Birmingham and Lewisham African Caribbean Health Inequalities Review (BLACHIR) due to be reported to the Lewisham Health and Wellbeing Board in March 2022 will also be considered within the procurement process for the service.
- 14.0 Climate change and environmental implications**
- 14.1 The Council’s environmental objectives will be addressed in the contract documentation and form part of criteria used at evaluation.
- 15.0 Crime and Disorder implications**
- 15.1 There are no specific crime and disorder implications arising from this piece of

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procurement. However, contract compliance measures around safeguarding, assertiveness and anti-bullying initiatives will be built into the service specification.

## 16.0 Health and wellbeing implications

- 16.1 It is expected that the new model of Home Care in Lewisham will focus on increasing Service User's independence by giving them more choice and control in arrangements for their care and allowing Care Workers sufficient time to work with Service Users to enable them to regain skills and develop strategies that allow them to remain in their own home.
- 16.2 Home Care provision will be an integral part of the Care at Home initiative. As Care Workers begin to work much more closely with Community Nurses, Primary Care and Therapists it is hoped that this will reduce demand on in-patient beds (avoid admissions) and also lead to less delayed discharges.

## 17.0 Social Value implications

- 17.1 The procurement for the Lead Provider (Home Care) Contracts will require providers to detail how they would ensure social value across their contracts and provide the Council with clear and ambitious targets
- 17.2 Providers awarded the contracts for these services will therefore need to ensure that the Borough receives a strong added value offer from performance of these contracts.
- 17.3 Specific social values will be set for the contracts being tendered through this procurement exercise. Progress against these will be monitored in line with the Council's Social Value Policy (2019) and will be built into the formal contract management and monitoring processes.

## 18.0 Background Papers

Title of Document	Date	File Location	Contact Officer
Mayor & Cabinet (Contracts) Report: Award of Home Care Services (Lead Provider) Contract	9.12.15	Governance Support	Kevin Flaherty
Mayor & Cabinet (Contracts) Report: Provision of Homecare Services (Lead Provider) – Extension of Contract	6.12.17	Governance Support	Kevin Flaherty
Mayor & Cabinet (Contracts) Adoption of the Ethical Care Charter	20.9.18	Governance Support	Kevin Flaherty
Mayor & Cabinet: Report on Care at Home	21.11.18	Governance Support	Kevin Flaherty
Mayor & Cabinet Report: Provision of Homecare Services (Lead Provider) – Extension of Contract	12.12.18	Governance Support	Kevin Flaherty
Mayor & Cabinet Report: Provision of Homecare Services (Lead Provider) – Extension of Contract	30.10.19	Governance Support	Kevin Flaherty

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Mayor & Cabinet Report: Future Home Care Arrangements	11.03.2020	Governance Support	Kevin Flaherty
Mayor & Cabinet Report: COVID related contract extensions	24.03.2021	Governance Support	Kevin Flaherty

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### Comments for and on behalf of the Director of Law, Governance and HR

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