

# Approval to waive Contract Procedure Rules (CPRs) 8.1 and 8.2 and award a contract to Courtney Thorne for the provision of Telecare Call Systems for Spring Gardens, Dolphin Manor and Knowle Manor Residential Homes.

Date: 27<sup>th</sup> July 2022

Report of: Service Delivery Manager, Adults & Health

Report to: Deputy Director Social Work & SC Service, Adults & Health

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

This report is seeking approval to purchase 3x new Telecare Call Systems for Spring Gardens, Dolphin Manor and Knowle Manor Residential Homes.

The contract will be for a period of 3 years and the cost of the contract will be £75,000.

## Recommendations

- a) The Deputy Director Social Work & SC Service, Adults & Health is recommended to approve a waiver of Council Contract Procedure Rules (CPR's) 8.1 & 8.2 and award a contract direct to Courtney Thorne for the provision of 3x Telecare Call Systems for Spring Gardens, Dolphin Manor and Knowle Manor Residential Homes.
- b) The contract will be awarded for a three-year period at a total cost of £75,000. The purchase and installation of the equipment will be funded through previously approved and allocated capital funds.

## What is this report about?

- 1 The Director of Adults and Health and the Director of Resources both approved a Key Decision (D55409 dated 08/07/2022) to incur capital expenditure up to the sum of £1,215,000 for the refurbishment of the 3 Residential Care Homes - Spring Gardens, Dolphin Manor and Knowle Manor.
- 2 A key aspect of the Council's "Better Lives" strategy has been a continuous review of its in-house services for older people with the focus being on how they meet both current expectations and crucially how they can contribute to maximising people's independence, recovery, and rehabilitation in the future. The aspiration is to ensure the properties are fit for purpose, supporting sustainability in order that moving forward the service offer can be flexible and fluid to be responsive to system flow pressures and commissioners' requirements.
- 3 The three Residential Care Homes - Spring Gardens, Dolphin Manor and Knowle Manor have had very little investment for many years with essential maintenance spend only and as a result the Telecare Call Systems in place are dated and costly to repair. The Council incurs costs of circa £3k per year in call out charges and replacement equipment, which is funded by the Care Delivery Service. Replacement parts for the existing built-in Telecare Call System are becoming obsolete, increasing the expenditure risks when multiple systems are installed to maintain functionality.
- 4 By replacing the existing Telecare Call System during the refurbishment of each Residential Home, it will ensure that the health, safety, and wellbeing of the customers who live in the homes is maintained.
- 5 A review of the marketplace showed there are minimal options available, and after carrying out a technical review of the systems on offer in relation to their suitability, operability and connectivity capabilities, it was deemed that the Telecare Call System available from Courtney Thorne was the most appropriate and best value for the Council.

### **What impact will this proposal have?**

- 6 The installation of the new Telecare Call System will be more effective than the current, outdated system, enabling staff to respond more efficiently to customer needs, increasing safety and enhancing wellbeing.
- 7 The audit reporting abilities of the digital technology enables increased quality monitoring of within service delivery, in turn supporting Care Quality Commission regulatory compliance

### **How does this proposal impact the three pillars of the Best City Ambition?**

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 8 The main refurbishment report this request relates to references the review of the directly provided care homes for older people as part of the Adults & Health Better Lives Programme. This strategy focuses on the Council's capacity to help support the growing number of older people with their care and support needs.
- 9 The digital enhancements the new Telecare Call System offers also supports the Best Council Ambition 'making the best use of our resources including our people, money, digital capabilities, land and buildings, evidence and insights, communications'.

10 Approval of this recommendation will also support the Council in maintaining Care Quality Commission regulatory compliance.

### **What consultation and engagement has taken place?**

Wards affected: Rothwell, Morley South, and Otley and Yeadon wards

Have ward members been consulted?       Yes                       No

11 Consultations with key stakeholders within the Adults & Health Directorate (incl. ward members) are underway regarding the overall care home refurbishments.

12 The Chief Digital Information Officer, together with members of both the Council's Integrated Digital Service and Procurement & Commercial Service have been consulted, and all support the recommendation to award a contract direct to Courtney Thorne.

### **What are the resource implications?**

13 There are minimal resource implications as the new Telecare Call Systems will be installed as part of the refurbishment programme for each Residential Home.

### **What are the key risks and how are they being managed?**

14 Telecare Call Systems are essential requirements within care homes and the current ones in situ are no longer fit for purpose (two of the systems were installed in the 1970's). Current regular repairs of the systems in place are costly, and this request will remove that financial liability.

15 The refurbishment work to be carried out at each of the Residential Homes needs to include the installation of the new Telecare Call System. There are significant wider risk implications if this request is not approved as one of the homes is due to begin a new service offer in Jan 2023 to support hospital discharges and commissioning gaps. Without approval to procure a new Telecare Call System, delays would result impacting on system planning and service provision.

### **What are the legal implications?**

16 The decision to award a contract direct to Courtney Thorne at a value of approx. £75,000 is a Significant Operational Decision and is not subject to call in. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.

17 The value of the direct award detailed within this report is below the threshold for the application of the Public Contracts Regulations 2015 for the procurement of public goods and services contracts and therefore it is not subject to the full procurement rules. However, CPRs 8.1 and 8.2 require competition for procurements valued between £25K and £100K and the invitation of at least three written tenders. A waiver of these CPRs is required to award a contract direct to Courtney Thorne.

18 Awarding a contract direct to Courtney Thorne without competition could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, that it has not been wholly transparent. In terms of transparency, it should be noted that case law suggests that the Council should always consider whether contracts of this value should be subject to a degree of advertising. It is up to the Council to decide what degree of advertising is appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices etc.) and the geographical location of the place of performance.

- 19 The Deputy Director Social Work & SC Service, Adults & Health has considered this and, due to the nature of the goods and services being delivered and the relatively low value of the contract, is of the view that the scope and nature of the services is such that it would not be of interest to other suppliers if an opportunity was published on Find a Tender. In awarding the contract to Courtney Thorne without competition, there is a potential risk of challenge from other providers who have not been given the chance to tender for this opportunity, although this risk is considered low due the reasons set out in this report.
- 20 There is a risk, albeit low, of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. The complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration; however, such investigations are by their nature more subjective than legal proceedings. This risk is considered low.
- 21 Although there is no over-riding legal obstacle preventing the award of this contract in this manner, in making the final decision, the Deputy Director Social Work & SC Service, Adults & Health should be satisfied that the course of action chosen represents best value for money to the Council.

## **Options, timescales and measuring success**

### **What other options were considered?**

- 22 Leaving the existing installations in place – this was considered and ruled out due to age, cost commitments and system ineffectiveness.

### **How will success be measured?**

- 23 It is envisaged that by installing new Telecare Call Systems at each of the 3 Residential Homes, there will be a significant reduction in unplanned costs.
- 24 There would also be non-financial benefits - improved customer experience, patient safety and improved compliance to regulation, improved ease of use and reduced inefficiencies in delivering care.

### **What is the timetable and who will be responsible for implementation?**

- 25 The refurbishment works for the 3 Residential Homes are planned for September 2022 (2 off) and January 2023 (1 off), and the Leeds Building Services surveyor responsible will co-ordinate and arrange installation.

## **Appendices**

- None – see equality assessment at background papers on D55409.

## **Background papers**

- Major Refurbishment Programme of Dolphin Manor, Knowle Manor and Spring Gardens D55409 - [Council and democracy \(leeds.gov.uk\)](https://www.leeds.gov.uk/council-and-democracy)