

COVID 19 HEALTH AND CARE CELL**DATE: 23RD MARCH 2020**

DECISION REQUEST / PROPOSAL	Variation of contract with Wirral Health and Well-being Community Interest Company (WHW)
DECISION PROPOSED BY	Graham Hodgkinson
SERVICE AREA AFFECTED	Adult Social Care / Provider Partners
IDENTIFIED CRITICAL SERVICE Y/N	Y

INTRODUCTION

The Council has a contract with Wirral Health and Well-being Community Interest Company (WHW) for the provision of support to vulnerable people and carers. The proposal is to vary the contract with WHW to set out an enhanced menu of support for vulnerable people aged 70+. This will include a major upscale of telephone befriending, shopping and prescription delivery services and extensive contingency plans to maintain safe and adequate staffing levels in care homes.

These services will support vulnerable people at home and will reduce the demand on statutory services.

1. DECISION

To approve:

- (a) the variation of the current contract with Wirral Health and Well-being Community Interest Company to bring into effect additional funding for a period of 6 months of £100,000 per month plus VAT to be paid on a block arrangement for the six-month period up until the expiry of the contract on 2 October 2020 with the first instalment to be paid in April 2020;**
- (b) that the additional funding shall secure an enhanced menu of support for vulnerable people aged 70+ to combat the effects of self-isolation including telephone befriending, shopping and prescription delivery service and maintenance of safe and adequate staffing levels in care homes.**

This decision will support the Council priorities during the period that contingency planning is required to respond to and manage the effects of the covid-19 epidemic, which are to:

1. Preserve life
2. Protect the vulnerable people in our communities

2. INFORMATION AND INTELLIGENCE SUMMARY

- 2.1 The Government's decision to recommend self-isolation at home for people aged 70+ will have a massive impact on the physical and mental health of Wirral's residents aged 70+.
- 2.2 Wirral Health and Well-being Community Interest Company (company registration number 10900344 ("WHW")) was established in 2017. It is structured so that it has corporate directors appointed onto it from senior representatives of AGE UK Wirral, Wired, Barnados and Wirral Mind and Health Junction CIC. It sub-contracts all its services to these organisations and consults with public authorities including the Council in terms of reviewing and implementing services to its users.
- 2.3 The Council has a contract with WHW for the provision of support to Vulnerable People, Young People and Carers. The contract runs from 3 October 2017 to 2 October 2020. The contract provides for support and Opportunities to vulnerable Wirral residents, offering early intervention and preventative support services to maintain their independence in the community. Under this contract, services are available (amongst other matters) to older people who are frail, have dementia, sensory impairments, mental health needs autism, brain injury or multiple impairments and their carers.
- 2.4 The current proposal is to vary the contract with WHW to set out an enhanced menu of support for vulnerable people aged 70+. Self-isolation, alongside the impact it would have upon the carer population could mean that in excess of 1,000 people a week would be directly affected which would likely to see a fairly immediate peak elsewhere in the system of knock on effect issues and costs.
- 2.5 People with specified conditions are on a "shielding list" where partner organisations have a duty to support people during their isolation.
- 2.6 To ensure service continuity to vulnerable people variation of this contract will result in a wider offer beyond the present service levels to support and meet this unprecedented demand. This enhanced officer will include a major upscale of telephone befriending, shopping and prescription delivery services and extensive contingency plans to maintain safe and adequate staffing levels in care homes.
- 2.7 These services will support vulnerable people at home and will reduce the demand on statutory services.

3. RISK ASSESSMENT / H&S AND STRATEGY FOR IMPLEMENTING DECISION

- 3.1 There is an increased risk of deterioration of physical and mental health of the population aged 70+ and carers within the Wirral population. There is also a risk that the population is not adequately supported through this period when their health needs are at high levels of vulnerability.
- 3.2 Supporting this population to self-isolate mitigates against the risk that they may otherwise require acute, primary or community care and thereby putting themselves at greater danger, causing avoidable extra demands on the Health and Care system.

4. WHAT POWERS, POLICIES AND PROCEDURES HAVE BEEN CONSIDERED

- The Council's Adult Care and Health service have a statutory duty to meet assessed eligible care needs for people under the Care Act 2014, and a duty to ensure a range of information, advice and support provision within the local area.
- The Care Act 2014 places a duty on the Council to support a responsive and resilient care provider market.
- The Government issued NHS COVID Discharge Guidance on 19th March 2020, requiring NHS discharges from hospital to take place within 3 hours of being deemed medically fit. This guidance required the provision of sufficient care to release capacity in the hospitals.
- The Department for Health and Social Care guidance, "Our Action Plan for Adult Social Care" requires the Council to financially support care providers with additional costs associated with additional demand during the Covid - 19 outbreak.

5. IDENTIFICATION OF CONTINGENCIES OR OTHER OPTIONS

- 5.1 WHW has a trusted reputation for delivering the priorities of AGE UK Wirral (amongst others) and has a trusted reputation for delivering care to older and vulnerable people. It would be appropriate to extend this support to vulnerable population impacted via self-isolation.

6. FINANCIAL IMPLICATIONS (APPROXIMATE / PROJECTED)

- 6.1 The proposal comprises additional funding for a period of 6 months at a cost of £100k per month plus VAT to be paid on a block arrangement for the six-month period.

Name of Finance Officer involved in decision: Mark Goulding

7. LEGAL IMPLICATIONS

- 7.1 Given that this would be an extension of a contract on commercial terms there can be no State Aid implications.
- 7.2 Regulation 72(1)(c) of the Public Contracts Regulations 2015 ("the 2015 Regulations) provides for Modification of contracts during their term as follows "A contract may be modified without a new procurement procedure.... where all the following conditions are fulfilled—
- (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
 - (ii) the modification does not alter the overall nature of the contract...;
 - (iii) any increase in price does not exceed 50 % of the initial contract value;
- 7.3 The above regulation is appropriate for application to the current recommendations within this report. If the proposals within this report are approved, notification to the EU would be required under regulation 52 of the 2015 Regulations in the prescribed format.

- 7.4 The proposals within this report would also require a waiver under 12.4 of the Council's Contract Procedure Rules on the basis that a waiver of the rules would be in the interests of the Council, be lawful, and provide value for money.
- 7.5 The value of the services provided by WHW under the original contract have been proven to be value for money. The proposals are indeed lawful and are in the interest of the Council in terms of enabling it to comply with its requirements under the Care Act 2014.
- 7.6 If the proposals within this report are approved a PRAD will be required to be completed in this case citing the above grounds and a formal contract variation will need to be finalised by Legal Services in conjunction with WHW.

Name of Legal Officer involved in decision: Matthew Neal

DECISION PRESENTED TO TSG ON	Date
DECISION OF TSG	APPROVED REJECTED MORE INFO REQUIRED