

<b>Integrated Community Equipment Service (ICES) – extension of contract and extension of s75 agreement</b>
<b>Cllr Wayne Fitzgerald, Cabinet Member for Integrated Adult Social Care, Health and Public Health</b>
<b>December 2020</b>
<b>Deadline date: N/A</b>

Cabinet portfolio holder: Responsible Director:	Cllr Wayne Fitzgerald, Cabinet Member for Integrated Adult Social Care, Health and Public Health Wendi Ogle-Welbourn, Executive Director for People and Communities
Is this a Key Decision?	YES If yes has it been included on the Forward Plan: YES KEY/31AUG20/03
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	NO

<b>R E C O M M E N D A T I O N S</b>
The Cabinet Member is recommended to:
<ol style="list-style-type: none"> <li>1. Agree ICES Contract Extension with the supplier NRS Healthcare for the contract period between 1 April 2021 and 31 March 2022 at a total value for £1,179,286.00.</li> <li>2. Agree to extend ICES Section 75 Agreement between the Council and the CCG until 31 March 2022.</li> </ol>

**1. PURPOSE OF THIS REPORT**

1.1 This report is for Cllr Wayne Fitzgerald to consider exercising delegated authority under paragraph 3.4.8 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (c).

**2. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>No</b>	If yes, date for Cabinet meeting	N/A
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### 3. BACKGROUND AND KEY ISSUES

#### 3.1 The Integrated Community Equipment Service (ICES)

The ICES is commissioned via two Section 75 Agreements and pooled budgets – one for Cambridgeshire and one for Peterborough with the local authorities acting as Lead Commissioner. These pooled budgets fund the contracts that are currently provided by *NRS Healthcare* which manages the delivery of health and social care equipment, including some assistive technology, across the two local authority areas. The service is well respected within the health and social care system as an essential element of the early intervention and prevention agenda by providing cost effective options to enable people to remain as independent as possible in the home of their choice. It also supports the long term care agenda in providing equipment alongside care and support packages for people with long term conditions and also supports 'end of life'.

The pooled budget S75 agreements have been in place since 2006. Peterborough's pool operates with the following contributions.

	<b>LA contribution</b>	<b>CCG contribution</b>	<b>Total pooled budget</b>
<b>Peterborough ICES Pool</b>	£412,750 (35%)	£766,536 (65%)	£1,179,286

The pooled budget has performed well in recent years with either small year-end pressures, or by coming in on budget. The Section 75 is governed by the quarterly ICES Commissioning Meeting, which reviews finance and performance reports and agrees service priorities.

A procurement was undertaken in 2014 and subsequently CMDN APR14/CMDN/36 authorised the award of a 5 year contract with the option to extend for 2 years for an Integrated Community Equipment Service contract to Nottingham Rehab Supplies Healthcare, commencing on 1 April 2014. The extension period of this procured contract is due to expire on 31 March 2021.

- 3.2 The Cambridgeshire & Peterborough Joint Commissioning Board (JCB) has agreed that, due to the impact of the Covid-19 response, a number of contracts should be extended to allow sufficient time to engage the market and undertake the full procurement process. JCB agreed that the ICES contract with *NRS Healthcare* should be extended for a further 12 months to 31 March 2022.

The ICES Section 75 Agreement, was due to be reviewed for the new service's contract in 2021. In light of the contract extension, it is proposed that the Section 75 Agreement will be extended until 31 March 2022 so that it is in line with the contract term. This will also allow time for a new Section 75 Agreement to be drawn up in time for the new contract that will commence on 1 April 2022. This has been discussed with the CCG, who are in agreement to the extension of the S75 agreement in relation to ICES.

#### **4. CONSULTATION**

4.1 This has been considered with the CCG, the service area, legal and procurement. No public consultation has been undertaken as this is a contract extension required due to the impact of Covid-19, therefore full consultation will be undertaken prior to retendering the contract during 2021.

#### **5. ANTICIPATED OUTCOMES OR IMPACT**

5.1 The ICES delivers services that:

- support people of all ages to remain as independent as possible in the community
- support people to remain living as independently as possible in the home of their choice
- support the hospital discharge process and prevention of admission
- support both the Early Intervention & Prevention, and the Long Term Care agendas

#### **6. REASON FOR THE RECOMMENDATION**

6.1 The recommendation is required because the provision of a community equipment service is a statutory duty under the Care Act 2014. The provision of equipment to support people at home is a cost effective service that minimises the risk of people becoming more dependent on long term care and support.

#### **7. ALTERNATIVE OPTIONS CONSIDERED**

7.1

- i) Do nothing: This is not an option as the contract and Section 75 Agreement need to be continued in order to maintain statutory service provision
- ii) Extend for a longer period : This option is rejected on the basis that the contract would have reached the end of its original term of 5+2 so going out to the market next year is the best option for this service

#### **8. IMPLICATIONS**

##### **Financial Implications**

8.1 The annual financial PCC commitment for this service is £412,750. This offers value for money by delivering interventions that prevent greater expenditure elsewhere in the health and social care system.

The original procurement and CMDN (APR 14/CMDN/36) authorised the original contract's total value of approximately £7,000,000.00 for the 5 year plus 2 year extension period.

##### **Legal Implications**

8.2 **Contract extension**

The ICES delivers services that are part of statutory provision under the Care Act 2014. If an individual has an assessed need under the Care Act, that can be met by the provision of community equipment, then the local authority has a duty to provide that equipment. Failure to provide these services would risk people becoming more dependent on long term care and support.

Due to the impact of the Covid-19 response, this contract shall be extended to allow sufficient time to engage the market, undertake the full procurement process, mobilisation

etc. Procurement Policy Note 01/20 sets out the range of commercial actions that need to be considered by contracting authorities in responding to the impact of COVID-19. This extension is limited to what is absolutely necessary to address the unforeseeable circumstance related to the COVID-19 outbreak.

Regulation 72 Public Contracts Regulations 2015 sets out that contracts may be modified without a new procurement procedure where: (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; and (iii) any increase in price does not exceed 50% of the value of the original contract.

### **S75 agreement**

Under the NHS Act 2006 local authorities and NHS bodies can enter into partnership arrangements to provide a more streamlined service and to pool resources, if such arrangements are likely to lead to an improvement in the way their functions are exercised. These powers permit the exercise by an NHS body of a local authority's prescribed health related function in conjunction with the exercise of the NHS body of its prescribed functions (section 75(2)(b), NHS Act 2006). These powers give rise to three Health Act flexibilities, namely pooled budgets, lead commissioning and/or integrated provision.

### **Equalities Implications**

- 8.3 There are no equality issues in relation to this service. It is available to all service user groups

### **Carbon Impact Assessment**

- 8.5 Carbon Impact Assessment approved 19/10/20 The service is operated by independent sector provider *NRS Healthcare* who are one of the market leaders in this field. The provision of this service is a statutory duty under The Care Act 2014 where there is a duty placed on local authorities to provide equipment that will keep people safe and independent where they have an assessed need under the Act. This service is a vital element of the Early Intervention and Prevention Agenda. The service is delivered by a fleet of sprinter vans. However, the provider has supplied a statement to confirm that they have a plan to offset carbon emissions by a third over the next 3 to 5 years. They use planning and vehicle tracking software systems to offset emissions by donating to carbon offset projects therefore achieving a carbon neutral fleet.

- 8.6 No other implications

## **9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED**

- 9.1 None.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- 10.1
- ICES Section 75 Agreement
  - ICES Contract with NRS
- Neither of these documents are public documents

## **11. APPENDICES**

- 11.1 None.