

Forward Plan reference number: Not applicable

Report title: ECL to enter into Direct Award contract for Reablement In-Reach Service with Essex County Council	
Report to: Councillor Kevin Bentley, Leader of the Council	
Report author: Peter Fairley, ECL Managing Director	
Date: 12th January 2024	For: Decision
Enquiries to: Peter Fairley, peter.fairley@essex.gov.uk	
County Divisions affected: North-East and West Essex	

1. Everyone's Essex

- 1.1 Everyone's Essex sets out the Council's commitment and ambition to improve and support the health and wellbeing of the County's residents. This includes our commitment to support people with care needs to be as independent as possible through access to suitable accommodation, and to ensure they have the support they need to promote their wellbeing and quality of life.
- 1.2 Under the Care Act 2014, the Council has a statutory duty to meet eligible needs. Providing access to suitable accommodation with care and support, including residential care homes, on either a short-term or permanent basis is one way to meet those needs. The Council has commenced a new service of in-reach support to residential care homes to help support those people who have been admitted into a care home for a short period of time, with the ambition of supporting their recovery back to their own home.
- 1.3 Essex Cares Limited (ECL) is the council's local authority trading company that is also the Essex-wide community reablement provider.
- 1.4 This report asks ECC, in its role as sole shareholder, to agree for Essex Cares Ltd (ECL) to accept a contract, directly awarded by ECC Adult Social Care for a Reablement In-Reach service provided as part of the ECC "Recovery to Home" service model designed to improve outcomes for adults who require a short-term residential care home placement. This will be for North-East and West Essex. This service will form part of the wrap-around support for the Recovery to Home Block Beds provision. A subsequent decision paper for Reablement In-Reach in Mid and South Essex may follow once local arrangements have been finalised.
- 1.5 This proposal is instrumental in delivering on the Everyone's Essex commitment of promoting health, care and wellbeing by working with local care home providers to provide Reablement support to people, with the aim of helping them regain their independence so that they can return home as soon as it is safe to do so.

2 Recommendations

- 2.1 For ECL to enter into contracts for the provision of the Reablement In-Reach Service in North-East and West Essex, as a legal entity to which Regulation 12 of the Public Contracts Regulations 2015 applies, for a period of 11 months at a cost of £578,000, with the potential for a further 12 months extension subject to performance and evaluation.

3 Background and Proposal

- 3.1 ECL is a Local Authority Trading Company (LATC) that is wholly owned by Essex County Council. ECL provides Community Reablement Services across Essex, the London Borough of Havering and West Sussex 365 days a year. ECL also provide ward-led enablement services in each of the 5 Essex acute hospitals as well as Queen's Hospital.
- 3.2 Recovery to Home is a new service model designed by Essex County Council's Adult Social Care to improve outcomes for adults who require a short-term residential care home placement with the aim of ensuring more people get to return to their homes with greater independence. It involves making available access to reablement support for an adult while they are in a residential care setting. Essex County Council has agreed contracts with nine residential care homes where this model will be implemented (see FP/128/05/23). Adults may be referred from hospital or the community and will be considered for the service if they need a period of reablement, recuperation or assessment that cannot safely be provided at home. This model aligns to strategic ambitions in care and health systems to ensure people are as independent as possible for as long as possible in life, providing the support needed to keep stays in care homes as short as possible, enabling a return home as soon as it is safe to do so.
- 3.3 The Executive Director for Adult Social Care has agreed to commission ECL, as the Council's local authority trading company and Essex-wide reablement provider, to provide in-reach reablement support to care homes in North Essex and West Essex.
- 3.4 This CMA seeks Shareholder approval for ECL to enter into the contract with ECC for the provision of in-reach reablement services to the Recovery at Home beds care homes in North Essex and West Essex. Mid and South Essex will progress once local arrangements have been finalised. The Reablement In-Reach element of the service alongside therapy services is essential to ensure the right adults are accepted into the service and have the best opportunity to return home from the Recovery to Home service in as short a timescale as is safe to do so.
- 3.5 The ECL Board has given approval for the organisation to enter into this contract on the 8th of January 2024.

- 3.6 ECL's Articles of Association provide, under Article 3A(i), where ECL is proposing to enter into a contract under which the total consideration is greater than £500,000 this is to be approved by ordinary resolution, which takes the form of a Cabinet Member Action.

4 Links to our Strategic Ambitions

- 4.1 This report links to the following aims in the Essex Vision

- Enjoy life into old age.
- Provide an equal foundation for every child.
- Strengthen communities through participation.
- Connect us to each other and the world.

- 4.2 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':

- A strong, inclusive and sustainable economy
- Health wellbeing and independence for all ages

5 Options

Option 1 – To approve the recommendation of direct award to Essex Cares Ltd (recommended option)

- 5.1 As the current countywide Reablement and Short-Term Care in the Community Service provider, ECL has experienced staff and processes to deliver the service. ECL had recent experience of implementing enablement within a hospital setting, as well as previous accommodation-based services including 'Step to Home' during COVID -19 and Residential Reablement. As the Council's Local Authority Trading Company, ECL is also best placed to deliver this new Reablement In-Reach element of the Recovery to Home model. This element of the service will need testing and refining and a flexible approach and flexible deployment of staff will be required to develop the approach within each of the care homes as the service progresses during the contract term. This will include the flexing up and down of staff deployed and the roles of staff, dependent on the number of people in the Recovery to Home Service in each care home and working alongside care home staff and therapists to deliver a seamless 'one service approach'.

Option 2 – Do Nothing

- 5.2 Suppliers of the residential care aspect of Recovery to Home have already been secured. It would mean a key part of the proposed Recovery to Home model would be missing. Without all elements of the Recovery to Home model being in place, the model is unlikely to reduce the length of stay in an interim care home placement and unlikely to increase the number of adults who return home.

Option 3 – Open Tender

- 5.3 This is not the recommended option. The expertise required in delivering a new service such as this cannot be underestimated. The service will need to be shaped, flexed and refined during the contract term. There are likely to be many challenges, and a clear risk is that the adoption of system change can and will take time and will need experience to implement. As ECL is the Reablement and Short-Term Support in the Community provider, it understands the intricacies of the system at a place level across the County. This situates ECL as an experienced and informed provider to deliver the service.

6 Issues for consideration

6.1 Financial implications

- 6.1.1 The maximum cost of the 11-month contract agreement is £578,000. This assumed a December 2023 start date. This did assume that the maximum staffing complement will be deployed from April 2024. The actual cost will depend on the mobilisation period of the service and the number of staff in place. This means that if, for example, bed numbers do not reach planned levels, then staffing numbers and associated costs can be maintained and better controlled.
- 6.1.2 This will be funded through existing ECC commissioner and health partner pooled funds, namely the Discharge Fund, part of the overall Better Care Fund. There is a risk that the contributions from partners do not align with the payment profile for this service, though this is mitigated by the terms in the BCF section 75 agreement, if a shortfall were to arise then any pressure would need to be managed within the overall pooled fund.

6.2 Legal implications

- 6.2.1 The decision of the Shareholder is required prior to ECL entering into a contract with a value over £500,000, pursuant to Article 3A(i).
- 6.2.2 The decision by the Leader on behalf of the Shareholder will be received in this report and is as effective as an ordinary resolution taken at a Shareholder meeting of ECL.
- 6.2.3 It is lawful to award to ECL, without competition, using exemptions under Regulation 12 of the Public Contracts Regulation 2015, which allows the Council to award contracts to ECL as the Council's wholly owned company, which meets the requirement of that regulation.

7 Equality and Diversity Considerations

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8 List of Appendices

Appendix 1 – Equalities Comprehensive Impact Assessment

Appendix 2 – ECL Board Resolution

9 List of Background papers

None

The ‘sign off’ boxes below are deleted for cabinet reports but not for CMAs.

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Kevin Bentley, Leader	31.01.24

In consultation with:

Role	Date
Executive Director, Corporate Services (S151 Officer)	24.01.2024
Michael Neumann on behalf of Nicole Wood	
Director, Legal and Assurance (Monitoring Officer)	19.01.2024
Laura Edwards on behalf of Paul Turner	