

Birmingham City Council

Report to Cabinet

16th May 2023



Subject: STAYING INDEPENDENT AT HOME POLICY – MAJOR ADAPTATIONS AND KEY SAFE SERVICE DELIVERY

Report of: Professor Graeme Betts, CBE
Director for Adult Social Care

Relevant Cabinet Member: Cllr Mariam Khan - Health and Social
Cllr Yvonne Mosquito - Finance and Resources

Relevant O &S Chair(s): Cllr Mick Brown - Health and Social Care
Cllr Akhlaq Ahmed - Resources

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 011358/2023		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1 Executive Summary

- 1.1 The report is seeking approval to extend the Major Adaptation and Key Safe Contracts to ensure that services can be provided to support citizens to remain living independently in their homes.

2 Recommendations

- 2.1 That Cabinet; -
 - 2.1.1 Approves the Waiver for the contract extensions as set out in **Appendix 2**.
 - 2.1.2 Approves a 7-month extension for current contracts for the provision of Key Safes and Major Adaptations as detailed in 7.4.2 - 7.4.4 for the maximum value of £6.372m.
 - 2.1.3 Authorises the City Solicitor (or their delegate) to conclude and enter into all legal documents to give effect to the above

3 Background

- 3.1 In March 2022 Cabinet approved the implementation of the Staying Independent at Home (SIAH) Policy which widened the use of the Disabled Facilities Grant and increased the range of assistance that can be provided to citizens.
- 3.2 The SIAH Policy has now been fully implemented and services are being delivered to ensure that citizens are supported to remain living within their own homes.
- 3.3 The Cabinet Report in March 2022 approved the delegation of the Procurement Strategy for a new service model. This report also outlined a range of contracts that required extension to ensure continuity of service delivery while the procurement of an integrated service was being developed. These were extended in line with the original procurement timeline detailed within the Cabinet report.
- 3.4 Additional due diligence and service development was required on the new service model being proposed which has impacted on proposed contract start date for the new service. This means that current services are due to expire before the new service commences.
- 3.5 The procurement for the new delivery model was launched on the 29th March 2023 with a closing date of the 23rd June 2023. Subject to a successful process it is anticipated that the new arrangements will be mobilised during November and December for a 1st January 2024 contract start date.

4 Options considered and Recommended Proposal

- 4.1 Do Nothing – do not extend the contracts. This is not recommended as there is a statutory requirement for the Council to provide adaptations through the Delivery of Disabled Facilities Grants.
- 4.2 Extend the contracts – this allows services to continue for the time required for the procurement exercise to be completed. This is the recommended proposal.

5 Consultation

- 5.1 The contents of this report were discussed at the Staying Independent at Home Programme Board on the 14th March 2023. The Board were supportive of the recommendations within this report.

6 Risk Management

- 6.1 The policy was developed through a robust project management programme that includes the management and identification of risks that are tracked as part of the project delivery. The current contracts will expire on the 30th June 2023 which means continuation of services could be impacted as any delivery would be outside of Council governance. This is also an increased risk that the instability of not having a contract could cause providers to not continue to deliver the services required.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 Birmingham is an aspirational city to grow up in – through the policy implementation this will give greater choice to citizens of all ages to be able to make a more informed decision about living at home with support to ensure home is a safe environment. This widens the options available to citizens to have greater choice when addressing their social care need.
- 7.1.2 Birmingham is a fulfilling city to age well in – by implementing the Staying Independent at Home Policy the Council will be able to support citizens to remain living as independently as possible within their own homes.

7.2 Legal Implications

- 7.2.1 The Housing Grants, Construction and Regeneration Act 1996 (HGCRA 1996) places a mandatory duty on the Local Authority to provide grants towards the costs of works required for the provision of facilities for people living with disabilities as defined in the Equality Act 2010.
- 7.2.2 Under Section 111 of the Local Government Act 1972, a local authority has the power to take action which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions and therefore has a general power to enter into contracts for the discharge of its functions. Section 93 of the Local Government Act 2000 gives the Secretary of State power to awarded grants to local authorities for expenditure incurred by them in the provision of welfare services determined by the Secretary of State.

7.3 Financial Implications

- 7.3.1 The cost of the proposed contract extensions detailed in 7.4.2 - 7.4.4 will be a maximum of £6.372m for 7 months and will be funded through the annual Disabled Facilities Grant that is received by the Council. There is no

additional funding required from the Council to support the extensions of the contracts.

7.4 Procurement Implications

7.4.1 The new service for Staying Independent at Home: Adaptation and Improvement Service is currently following a procurement process, with a tender return date of 23rd June 2023, and a proposed start date of the 1st January 2024.

7.4.2 The services that require a maximum 7-month extension until the 31st January 2024 are:

Key Safes

This service is currently provided by Black Country Housing Group and was extended previously in line with the original procurement timeline with a current expiry date of the 30th June 2023. With a proposed maximum value of £146,000.

Major Adaptations

This service is currently broken down into 2 lots as detailed below:

7.4.3 Lot 1 (lifting equipment) also extended in line with the original procurement timeline with a current expiry date of 30th June 2023. With a proposed maximum value of £1.226m. These extensions would be with:

- Able Access UK Ltd
- Dolphin Lifts Midlands Ltd

7.4.4 Lot 2 (bathrooms and kitchens) also extended in line with the original procurement timeline with a current expiry date of the 30th June 2023. With a proposed maximum value of £5m. The extensions would be with:

- 3MS Gold Services Ltd
- Able Access UK Ltd
- Bickford Construction
- Eden Adaptations
- Goodwells Ltd
- Hardyman Group Ltd
- John Gillespie Contractors Ltd
- Laker BMS Ltd
- S Kitaure Construction

7.4.5 In light of the details outlined in 3.3-3.5 the Council seeks to amend the contracts in accordance with the Public Contract Regulations (PCR 2015). Clause 72 of the Public Contract Regulations (72.1.bii) permits contract

modifications “for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor—

(ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract;”

- 7.4.6 Given that this arrangement is time-limited, and that the procurement process is underway the risk of challenge from other potential providers is considered to be minimal and outweighed by the risk of not having a continuation of service in place.
- 7.4.7 In order to further mitigate the risk, a Voluntary Ex Ante Transparency (VEAT) notice will be published notifying the market of our intention to extend these contracts.
- 7.4.8 The Contracts will be managed by the Multi-Disciplinary Team Manager within the Adult Social Care Directorate, supported by the Commissioning Manager as required.

7.5 Human Resources Implications

- 7.5.1 None

7.6 Public Sector Equality Duty

- 7.6.1 Through the continued delivery of the service the support and assistance will continue to be available to citizens.
- 7.6.2 See **Appendix 1** Equality Impact Assessment (EQUA1114)
- 7.6.3 The requirements of Standing Order No. 9 in respect of the Council’s Equal Opportunities Policy are incorporated in the Contract for those services proposed to be extended.
- 7.6.4 The requirements of the Equality Act 2010 are specifically included in the Contract to comply with, the Act.

7.7 Environmental and Sustainability Implications

- 7.7.1 All providers are aware with the Council’s aims for a Sustainable Birmingham, including how providers use equipment, materials and consumables which minimise environmental impact. This continues to be monitored through contract management processes that are already in place.

8 Appendices

- 8.1 **Appendix 1** - Equality Impact Assessment (EQUA1114)
- 8.2 **Appendix 2** – Completed Waiver Form

9. Background Papers

- 9.1 Cabinet Report 22nd March 2022 – Staying Independent at Home Policy – Widening the Use of the Disabled Facilities Grant (Key Decision Ref. No. 009964/2022)