

Item No.	Classification: Open	Date: 13 July 2022	Decision Maker: Strategic Director of Children's and Adults' Services
Report title:		GW2 Older People's Nursing Care Provision (Country Court)	
Ward(s) or groups affected:		All	
From:		Director of Commissioning	

RECOMMENDATION

1. That the Strategic Director of Children's and Adults' Services, in consultation with the Cabinet Member for Health and Wellbeing, approve the award of a block contract to Country Court Care Homes Limited for a period of ten years from 16 May 2022 to 15 May 2032 with an option to extend for a period or periods of up to five years to purchase 52 nursing care rooms at the Camberwell Lodge Care and Nursing Home in Southwark.

BACKGROUND INFORMATION

2. A Gateway 1 report which sought permission to undertake a competitive procedure with negotiation was approved by Cabinet on 30 April 2019. Cabinet agreed to delegate approval to award contracts, following these individual negotiations, to the Strategic Director of Children's and Adults' Services, in consultation with the Cabinet Member for Children, Schools and Adult Care. The portfolio is now held by the Cabinet Member for Health and Wellbeing.
3. A deed of variation of the lease between the council and Country Court was executed in November 2017. The site's freehold is owned by the council and the length of the leasehold is for 125 years from 1994. Country Court, under the terms of the variation were required to construct or refurbish a home and to register a residential home/nursing home with Care Quality Commission (CQC) by 6 November 2021, with at least 44 rooms.
4. Following redevelopment of Burgess Park Care Home, it is now known as Camberwell Lodge Care and Nursing Home. It is a new care home providing residential and nursing care that is due to open in May 2022. In October 2019 Country Court participated in the competitive procedure with negotiation. Country Court and the council agreed contractual arrangements for 52 of the 99 rooms at the home.

5. The council made a commitment to open two new nursing homes so that there is an increase in good quality nursing care provision within Southwark. The current position is that:
 - a. Southwark now has access to one local nursing care home through block contracts.
 - b. The Gateway 1 nursing care report dated 30 April 2019, outlines the procurement strategy to increase the number of nursing care rooms within Southwark to enable up to 80% of people needing nursing care to be placed within Southwark.
 - c. Due to the lack of local capacity and choice, many Southwark residents are currently being placed into care homes out of borough. As of February 2022, there were 241 placements by the council for Southwark nursing care residents. Of these 101 or 42% were in borough placements and 139 or 58% were out of borough placements.

6. In the Borough Plan 2020-22, the council committed to developing two nursing homes to be built in-borough to increase local capacity. As part of this plan, negotiations have been taking place with Country Court to develop a new home which is ready for admitting residents from May 2022.

Procurement project plan (Key Decision)

Activity	Completed by/Complete by:
Forward Plan for Gateway 2 decision	01/12/2021
Briefed relevant cabinet member (over £100k)	26/03/2019
Approval of Gateway 1: Procurement Strategy Report	30/04/2019
Commencement of negotiations	05/10/2021
Completion of negotiations	09/02/2021
DCRB	30/03/2022
CCRB	07/04/2021
Lead Member Briefing	26/04/2022
Notification of GW2 forthcoming decision	01/07/2022
Approval of GW2: Contract Award Report	11/07/2022
End of Scrutiny Call-in period and notification of implementation of Gateway 2 decision	27/07/2022
Contract award	29/07/2022

Activity	Completed by/Complete by:
Add to Contract Register	29/07/2022
Contract start	06/06/2022
Contract completion date	05/06/2032
Contract completion date – if extension(s) exercised	05/06/2037

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

7. Country Court will offer a blended nursing care weekly rate that covers the costs of both general and dementia nursing care.
8. The contract will include optimum use of the nursing care rooms in the care home – ensuring minimum voids and maximum occupancy of the block contract.
9. In line with the Residential Care Charter, the provider has committed to pay all staff a minimum the London Living Wage (LLW). This will attract, reward and retain the most qualified staff to the care home and will impact on the overall quality and continuity of the service for residents.
10. There will be a relatively high staff to resident ratio – with a high number of nurses supporting and caring for residents 24 hours a day, as well as senior carers and additional admin staff.
11. It is a new bespoke in-borough building with a high quality environment for residents, staff and visitors and is rated as Building Research Establishment Environmental Assessment Method (BREEAM) excellent, which means that it is considered as the best in practice for sustainable building design.
12. The resident's experience of the home will include social activities such as a café, hairdressing salon and bowls court, as well as staff other than those providing direct (personal) care including:
 - Customer relations staff who meet and greet residents, deliver an induction programme for residents ensuring that they settle in well.
 - Well-being champions who deliver a range of social and physical activities seven days a week.
 - Hospitality staff who provide food and drink for the residents.
13. Delivery against a service specification to deliver high quality nursing care that meets the 12 'I Statements' co-produced with local people, which

articulate the voice of the resident. These 'I Statements' reflect the Adult Social Care Outcomes Framework and the CQC Core Fundamental Standards for Care. The 'I Statements' are divided into four areas: Dignity and Respect, Person Centred Care, Keeping Healthy and a Skilled Workforce. Some of the key outcomes include:

- a. Good end of life care achieved for residents in the last year of their life taking into account the needs and wishes of the resident and their family and preventing hospital admissions if relevant decisions are made to accommodate end of life care within the nursing care home.
 - b. Safe and appropriate care for residents with dementia.
 - c. A caring skilled workforce – people who care about the residents, who enable residents to have a good life in the home and form meaningful relationships.
14. Compliance with the council's duties under the Care Act 2014 and other related legislation concerning support for vulnerable adults with nursing care needs.
 15. Compliance with the Fairer Future Procurement Framework requirements include a clear policy on a zero-tolerance approach to all forms of discrimination, harassment and bullying at work. The care home will be expected to report and publish its gender and ethnicity pay gap information and providing all workers, free of charge, with all equipment necessary to provide the contract works including safety equipment and any required uniform.

Key/Non Key decisions

16. This report deals with a key decision.

Policy implications

17. The council's Borough Plan makes a clear commitment within the 'Fairer Future, A Healthier Life' to open two nursing homes within Southwark and to ensure that those homes through a residential care charter meet clearly defined standards of care. This was reinforced in the Care Home Quality Assurance Scrutiny Review by the Health and Adult Social Care Scrutiny Commission in July 2020.
18. Commissioning 52 beds in the new home will increase the opportunity for Southwark residents to continue to live in Southwark which was one of the core objectives of this procurement. The council has set a target of 80% of residents needing nursing care being placed in a home in Southwark. In February 2022, 42% of nursing care residents were placed in a Southwark Care Home. The commissioning of 52 beds at Camberwell Lodge Care and Nursing Home will significantly help to achieve the 80% target. The 52 rooms will increase local provision by about 25%.

Tender process

19. In October 2019, an advert was placed in the Official Journal of the European Union (OJEU), giving potential suppliers an opportunity to submit an expression of interest to enter into a two-stage competitive procedure with negotiation to look to agree a nursing care contract with the council. A bidder could not move onto the second stage of the procurement process without first passing the first stage.
20. Having access to a building or having the potential to build a new nursing care home within Southwark meant that the number of organisations able to participate in a procurement process was limited and a traditional competitive process would not have been appropriate. Therefore, the agreed procurement strategy was for officers to enter into a competitive procedure with negotiation with any provider capable of offering nursing care in accordance with CQC regulations and the council's specification.
21. The first stage required interested providers to submit a "Standard questionnaire" (SQ) providing details of company structure and financial standing, alongside their record of delivering nursing care and the details of the nursing home in Southwark from which they would deliver the care. If the information supplied was satisfactory, the council would then enter into formal contract negotiations.
22. The contract negotiations covered:
 - a. A detailed assessment of the cost of a bed
 - b. Bed numbers to be covered by any contract
 - c. The ratio of beds for standard and dementia nursing care
 - d. The mix of complexity of need of the residents
 - e. Approach to delivering the service to the required standards set out in the service specification
 - f. Approach to multi-disciplinary partnership working
 - g. Length of contract term and any specific targets or milestones to be achieved during that term
 - h. Process to be followed if quality, such as CQC (rating) falling below "Good" and not pay "Void" costs whilst agreed improvements are delivered by the provider.
 - i. How general void costs can be minimised for both the council and the provider.

Tender evaluation

23. At the start of the procurement process, a draft service specification was shared with Country Court. Country Court was then asked to submit a response to the Southwark's Method Statement in October 2019. This included setting out their approach to caring for four potential care home

residents (penned portraits). In November 2019, Country Court was also asked to submit a selection questionnaire (SQ), providing details of company structure and financial standing, a track record of delivering nursing care and details about the nursing home in Southwark where they would be delivering the care. Country Court was also interviewed by Southwark commissioning team and the Co-Design Group of Residents in February 2020.

24. Following their successful completion of stage one, Country Court developed a dependency framework that converted the four penned pictures (a descriptive portrait of residents, which is a composite of the key care needs that are representative of a group of people with similar levels of acuity) into a defined level of dependency and the number of staff/hours required. This in turn helped to determine the pricing schedule for the weekly cost of nursing and residential care per resident at the home.
25. As part of the procurement process a small group of council staff made an onsite visit to one of Country Court's homes in the West Midlands. This involved officers from Procurement, Social Work, Commissioning and Placement/Brokerage Teams. The panel were generally impressed with the care on offer within the home. Following the visit, officers were assured that Country Court would be able to meet the demand and needs of Southwark residents. A panel of local residents from the Co-design Group interviewed Country Court in February 2020. Country Court was able to respond to questions raised by the panel including the physical environment, personal care and nutrition.
26. In February 2021, Country Court submitted a revised pricing schedule with estimated weekly costings (excluding Funded Nursing Care Charge (FNC)) for the new home. The figures were based on the four penned pictures and were higher than the average weekly nursing care costs in the borough.
27. In October 2021, Southwark began negotiations with the provider on key clauses within the contract as well as the weekly cost of nursing care. Considerable progress had been made in negotiations by end of November 2021 in a number of areas that will be incorporated into the contract:
 - Payment for additional services
 - Readmitting patients from hospital
 - Payment process for one to one care
 - Financial assessment for arrears debt
 - Referrals and admissions process to the care home
 - When it is appropriate/inappropriate to refuse a referral
28. In January 2022, the council and Country Court agreed that the block contract would be for a period of ten years with the option to extend for up to five years. The price agreed with Country Court includes payment of the LLW as a minimum for all staff in the care home and the duration of the initial term of the contract reflects that the provider has a financial long-term commitment to Southwark in the form of the redevelopment of the home

and all of the associated costs. The price is known as a 'blended rate' because it is paid for two types of care – general nursing care and dementia nursing care. It was agreed that the mix of these types of care is only limited by the mix of needs in the home and the staff/resident ratio.

Plans for the transition from the old to the new contract

29. This is a new contract. The council will work closely with the provider to implement the contract. Monthly meetings will be held between Country Court and the council's Adult Social Care, Commissioning, Contract Management and Placement Teams.

Plans for monitoring and management of the contract

30. The council's contract register publishes the details of all contracts over £5,000 in value to meet the obligations of the Local Government Transparency Code. The report author will ensure that all appropriate details of this procurement are added to the contract register via the eProcurement System.
31. The Placement Team will work with its counterparts in the provider in relation to referrals to the care home and reconciling payments for council-funded residents. Contract management colleagues will receive quarterly reporting for contract monitoring meetings and contract monitoring visits to the home at least twice a year.
32. Initially, monthly meetings will be held between Country Court and the council's Commissioning, Placement and Contract Management Teams to ensure affective mobilisation of the service in the first year. The placement team will work with its counterparts in the provider to manage the number of referrals to the care home and reconcile payments for any council-funded residents. Commissioning and contract management colleagues will agree with the provider the process for monitoring Key Performance Indicators (KPIs) from the Performance Framework. County Court will submit quarterly templates to the council which will be discussed in depth at monitoring meetings. This will include data on Falls, Safeguarding Incidents, Complaints and Quality Alerts. A biannual survey of residents and their families as well staff will be undertaken to monitor qualitative indicators. Annual performance review will be in line with Contract Standing Orders.

Identified risks for the new contract

33. The following risks and associated mitigations have been identified:

Risks	Likelihood	Mitigation or control
Drop in provider's CQC rating to 'Inadequate'.	Low	In the event of the provider's CQC rating dropping to 'Inadequate' new referrals will be suspended until such time that the CQC rating has improved. The council will work with the provider to implement an action plan. The

		costs of voids and referring residents elsewhere will be considered as well.
The provider delays the opening of the Care Home due to logistical difficulties.	Low	<p>The provider has assured the council that the home will be open and ready to admit residents from May 2022.</p> <p>In the event that the Care Home is delayed in opening, a contract management meeting will be held with the provider to agree a new start date for the contract.</p>
The Care Home refuses to accept referrals from the placement team without reasonable explanation.	Medium	Regular meetings will be held between the Placements team and the provider to ensure all appropriate referrals to the care home are accepted on time.
Continuing impact of COVID-19 on staff numbers and admissions to the Care Home.	Low	Any issues will be addressed during the contract management meetings.
Costs of the contract becomes too high with inflationary uplifts.	Low	<p>There will be a joint annual contract review each November. Budgetary decisions for the following year will be ratified by the council in February each year. Outcomes from the APR decision will be communicated to the Home before the end of March each year.</p>
Financial risk of paying for voids when the block is not fully utilised	Low	The proposed arrangement includes a gradual increase of rooms over a period of ten months in the first year of the contract. The process for mitigating voids is set out in Schedule 3 of the contract with the provider. The council will closely monitor the mobilisation of the service in the first year and hold regular meetings with the provider to reduce the number of voids.

Community, equalities (including socio-economic) and health impacts

Community impact statement

34. In completing the Nursing Care Gateway 1 in 2019 an equalities impact analysis was undertaken in considering the need for in borough nursing care provision for Southwark residents. This was completed in accordance with Section 149, (Public Sector Equality Duty) Equality Act 2010. The equalities impact analysis will be reviewed and updated after the care home opens in May 2022.
35. Although there is currently no data on residents at the care home, data at the borough level shows that of the 497 council placed residents living in Care Homes between January 2022 and February 2022, approximately 36% were 85 years of age and over and 58% were women, which is linked to longer life expectancy for women. Up to 27% of residents over this period were from Black, Asian and Minority Ethnic groups in Southwark.
36. Age and Disability are 'protected characteristics' under the Equality Act 2010 and the outcome of the council's proposed contract will particularly benefit older people and those living with very complex conditions who require 24/7 support with nursing care.

Equalities (including socio-economic) impact statement

37. The Public Sector Equality Duty under section 149 of the Equality Act 2010 requires the council, when exercising its functions, to have due regard to:
 - The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - The need to advance equality of opportunity between persons who share protected characteristics and those who do not; and
 - Foster good relations between those who have protected characteristics and those who do not.
38. 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment. The council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce.
39. There is also a duty under the Equality Act to foster good relations between persons who share a relevant protected characteristic and those who do not share it. Age and disability are "protected characteristics" under the Equality Act 2010 and the outcome of the proposed procurement strategy will particularly benefit older people and those living with complex conditions.

Health impact statement

40. The COVID-19 pandemic impacted all groups but particularly people from Black, Asian and minority ethnic communities, low-income households and those with disabilities. The opening of the new care home helps to improve the health of both staff and residents in Southwark.
41. By adhering to Southwark's Residential Care Charter, all staff employed by the care home will be paid the LLW for their travel time between jobs as well as occupational sick pay. It will therefore reduce health inequalities by ensuring people from socio-economic disadvantage are better remunerated for their work and will lead to a more stable, well-equipped workforce that is able to deliver high quality, consistent care for service users.
42. One of the Borough Plan's key aims is to support and protect vulnerable residents so that they can lead healthy and active lives. The new care home will enable many older residents to live safely and independently in the care home, many of whom are recovering from illness after discharge from hospital. It will provide them with the care and support they need to live healthy and fulfilled lives and prevent many from being readmitted to hospital.

Climate change implications

43. The council's climate change strategy has five priorities and the social value from this procurement will contribute to the priority of 'Active & Sustainable Travel'. More specifically, the strategy's ambition is that Southwark will 'be a borough where walking and cycling becomes the default way to get around'.
44. As part of the council's commissioning role, it will work with the provider to maintain good environmental practice by, for example, including route planning that promotes walking and reduces carbon footprints and offering staff a 'Cycle to Work' scheme.

Social Value considerations

45. The Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the well-being of the local area can be secured. The social value considerations included in the tender (as outlined in the Gateway 1 report) are set out in relation to the tender responses, evaluation and commitments to be delivered under the proposed contract.

Economic considerations

46. The contract guarantees Southwark council access to 52 rooms at a Care Home based in the borough which meets the council's commitment to provide a local service for local people.
47. For the financial year 2022-23 the cost of Nursing Care excluding FNC will be above the current average price for placements (2021-22) in the out of borough nursing care homes.
48. The reasons for paying above the average weekly rate for nursing care are:
 - In line with the Residential Care Charter, the provider will be paying LLW to all staff, including carers. This would be the first time that a provider has agreed to pay all care home staff LLW in the borough.
 - Salaries for all staff in the sector has increased as it became more challenging to recruit suitably qualified candidates.
 - The cost of care home provision is becoming more expensive in inner London boroughs than out of London boroughs for non-complex clients.
 - Significant capital costs investment by the provider in the redevelopment of a site to construct a brand new bespoke care home – this is the first nursing care home has been built in the borough for many years.
 - The care home has been built during a global pandemic which has seen construction cost supplies and wage increase of 23%. This is in part attributed to supply shortages during the pandemic, as well as supplier and logistic costs increases.
 - A commitment from the provider to accommodate complex nursing care residents. This would include residents with advanced dementia who may have challenging behaviours that other homes may struggle to accommodate.
 - Additional benefits for residents staying at the care home over and above the average nursing home. These are outlined in more detail in paragraphs 9-11 in this report.

Social considerations

49. It can be a difficult experience for the person, and their family, to move from a private residence to a nursing care home. At this time, the majority of Southwark residents also experience moving away from their communities and neighbourhoods due to a lack of local nursing homes.

50. Camberwell Lodge Care and Nursing Home is in-borough and as such it will enable our residents to stay within Southwark. With local staff and volunteers within the home, they will have a sense of connection to the local community and their family and friends.
51. The creation of roles such as Customer Relations and Wellbeing Champions means that there are dedicated staff to supporting the social and emotional wellbeing of residents.

Environmental/Sustainability considerations

52. Camberwell Lodge's building is rated as BREEAM excellent. This means it is considered as the best in practice for sustainable building design, helping the council to tackle its emissions and become carbon neutral by 2030.
53. Living at Camberwell Lodge Care and Nursing Home will mean it is accessible for family and friends to visit their loved ones and enables health and social care staff to easily visit and undertake their duties around supporting their clients. This will reduce the carbon footprint and enable nursing care residents to stay connected to their communities.

Market considerations

54. Alongside Camberwell Lodge Care and Nursing Home, there are currently two other nursing homes based in Southwark - Queens Oak (88 nursing care rooms) and Tower Bridge (124 nursing and residential care rooms).
55. Until 2020, all in borough placements were with Tower Bridge Care Home, representing a third of all nursing care placements.
56. The demand for this type of service currently exceeds supply. Therefore more individuals have to move out of borough away from their communities and natural support networks to have their care needs met. Since 2020, this slightly improved with the council able to make placements in Queens Oak Nursing Home.
57. Part of the council's strategy to increase in-borough capacity includes the expansion of existing care homes as well as the construction of new homes. The council has set a target of 80% of residents placed in a home in Southwark. Access to 52 beds at Camberwell Lodge Care and Nursing Home will significantly help to reduce the shortfall and work towards meeting the 80% target.

Staffing implications

58. Staffing and contract management resources will be met within the Contract Management, Commissioning and Placements Teams in Children's and Adults' Services.

Financial implications

59. The block contract value in the first year of the contract is forecasted to build up to the full block by 31 January 2023. There will be a gradual uptake of rooms and until it has reached the full block of 52 beds by Month 10.
60. There will be a joint annual contract review each November. The annual price review will give due consideration to relevant cost pressures that the home will outline in writing to the council for consideration. The contract includes a clause for a price review which is subject to negotiations (either up or down) as agreed between the council and the home, taking into account the prevailing cost pressures of that time.
61. As described in paragraph 48, the negotiated price is higher than the current average weekly cost for Nursing Care placements, in which the additional benefits of this contract have been stated in paragraphs 9-13.
62. The proposed contract could provide value for money if Adult Social Care places complex clients as part of the block, as there are a number of complex clients which are currently being placed out of borough.
63. In addition, Commissioners and the Service will need to manage the contract carefully to ensure that the block arrangements are planned and triggered appropriately and that voids are minimised to ensure maximum value for money. As this is a block contract there is a risk of paying voids for the unutilised beds throughout the entirety of the contract. The process for mitigating voids is set out in Schedule 3 of the contract with the provider. If the empty room is not available for occupation due to an act or omission from the home, the council will not be liable to pay for this room.
64. This contract will be funded from core Adult Social Care Nursing Care budget. This budget is part funded from the Better Care Fund (BCF) and Improved Better Care Fund. However the financial sustainability of this contract is subject to future funding trends with regards to BCF inflationary growth, budget challenge and the annual spending review.

Investment implications

65. There are no investment implications to consider.

Legal implications

66. Please see the concurrent from the Director of Law and Governance below.

Consultation

67. Consultation has taken place at each stage of the nursing care home procurement from the initial proposal through to the current negotiation with Country Court. For example, Country Court was interviewed by members of the Co-design Group in February 2020, who asked a series of questions

on a number of themes including physical environment, personal care, nutrition and hydration, care records, family involvement, quality assurance, staff recruitment, training and development.

68. The draft service specification accompanying the invitation to tender for the nursing care procurement outlined a set of customer 'I Statements' produced by residents reflecting their priorities for good quality care.

Other implications or issues

69. The case for change recognises the national demand and supply profile around provision in this sector:
 - a. Nationally the nursing care sector faces significant challenges meeting rising demand due to ill health in later life and the general demographic drivers associated with an aging population. The number of adults aged 65 years and over needing social care support is predicted to increase between 2018 and 2038, with increases in publicly funded care home residents of 41% and privately funded care homes residents of 67%. (National Audit Office, March 2021)
 - b. Bed supply for nursing case placements in England is decreasing, with a fall of 15% in rooms per 100 people aged 75 or over between 2012 and 2020. The number of nursing beds per 100 people aged 75 and over also fell by 11%. (Nuffield Trust, March 2021)

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS [REF: 91AS2021-22]

Strategic Director of Finance and Governance

70. The Strategic Director of Finance and Governance notes the contents of this report and in particular the issues addressed under the 'Financial Implications' section. Commissioners and the service will need to manage the contract carefully to ensure that the block arrangements are planned and managed appropriately and that voids are minimised to ensure maximum value for money.
71. The contribution made by the Better Care Fund (BCF) to this activity reflects the shared benefits accruing to the council, CCG and health partners in their endeavours to improve outcomes for the residents of Southwark. Whilst funding is secure for 2022-23, the service and other partners will need to work closely to mitigate any risks arising from future spending reviews and subsequent changes to the BCF.

Head of Procurement

72. This report seeks approval from the Strategic Director of Children's and Adults' Services, in consultation with the Cabinet Member for Health and Wellbeing, to award a block contract to Country Court Care Homes Limited

for a period of ten years from 16 May 2022 with an option to extend for up to five years for 52 nursing care rooms at the Camberwell Lodge Care and Nursing Home.

73. The Strategic Director of Children's and Adults' Services, in consultation with the Cabinet Member for Health and Wellbeing note that the procurement process is detailed in paragraphs 19 to 28, management and monitoring of the contract is detailed in paragraphs 29 to 32, the risks are detailed in paragraph 33, the impact on equalities, health and climate change are detailed in paragraphs 37 to 44, there are no social value commitments as part of this award and paragraph 48 confirms payment of the London Living Wage.

Director of Law and Governance

74. This report seeks approval to award a contract to Country Court Care Homes Limited for a block of up to 52 nursing care rooms at their Camberwell Lodge Care and Nursing Home, as detailed further in the recommendations, which also note that the decision to award has been expressly delegated by Cabinet to the Strategic Director of Children's and Adults' Services, in consultation with the Cabinet Member for Health and Wellbeing.
75. These services are classed as light touch services under the Public Contract Regulations 2015 (PCR15), and as the estimated value of the council's requirements exceed the light touch threshold in force at the time of the commencement of the procurement exercise, they have been subject to the tendering requirements of the PCR15. A contract notice for the opportunity was published in the Official Journal of the European Union, which advised of the council's intention to conduct a competitive procedure with negotiation. In designing and conducting that process the Council has been careful to ensure that it meets the EU Treaty principles of transparency and equal treatment and that the time limits proposed for responding are reasonable and proportionate.
76. The report advises that Country Court Care Homes Ltd is able to meet the council's service requirements and the report also summarises the financial terms that have been negotiated.
77. The proposed contract award is consistent with the council's Contract Standing Orders and will assist the council to fulfil its duties under the Care Act 2014.
78. When making procurement decisions the council must consider and have due regard to any effects of the decision on the community at large and, in particular on people identified as possessing "protected characteristics", as defined in the Equality Act 2010. The report notes and details the equality impact assessment which has been undertaken to assess the needs of local service users, all of whom are considered to possess a protected characteristic. In conducting such an exercise, the council is able to demonstrate compliance with the Public Sector Equality Duty (PSED)

contained in section 149 of the Act. Paragraph 34 notes that the equality analysis will be reviewed and updated once the new Home has opened, in order to check and ensure continued PSED compliance.

Director of Exchequer (for housing contracts only)

79. Not applicable.

PART A – TO BE COMPLETED FOR ALL DELEGATED DECISIONS

Under the powers delegated to me in accordance with the council's Contract Standing Orders, I authorise action in accordance with the recommendation(s) contained in the above report (and as otherwise recorded in Part B below).

Signature **David Quirke-Thornton**

Date **11 July 2022**

Designation **Strategic Director of Children's and Adults' Services**

PART B – TO BE COMPLETED BY THE DECISION TAKER FOR:

- 1) All key decisions taken by officers
- 2) Any non-key decisions that are sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available (see 'FOR DELEGATED DECISIONS' section of the guidance).

1. DECISION(S)
As set out in the recommendations of the report.
2. REASONS FOR DECISION
As set out in the report.
3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED BY THE OFFICER WHEN MAKING THE DECISION
Not applicable.

4. ANY CONFLICT OF INTEREST DECLARED BY ANY CABINET MEMBER WHO IS CONSULTED BY THE OFFICER WHICH RELATES TO THIS DECISION

None.

5. NOTE OF ANY DISPENSATION GRANTED BY THE MONITORING OFFICER, IN RESPECT OF ANY DECLARED CONFLICT OF INTEREST

If a decision taker or cabinet member is unsure as to whether there is a conflict of interest they should contact the legal governance team for advice.

None.

6. DECLARATION ON CONFLICTS OF INTERESTS

I declare that I was informed of no conflicts of interests.*

Signature **David Quirke-Thornton** Date **11 July 2022**

Designation **Strategic Director of Children's and Adults' Services**

7. CONSIDERATION GIVEN TO WHETHER, AS A NON-KEY DECISION, THIS SHOULD BE FORWARDED TO THE CONSTITUTIONAL TEAM FOR PUBLICATION IN ACCORDANCE WITH REGULATION 13(4)*

The decision taker should consider whether although a non-key decision, the decision is sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available. Where there is any doubt, having considered the importance and/or sensitivity of a decision, it should be deemed that Regulation 13(4) would apply.

I consider that the decision be made available for publication under Regulation 13(4).*

Signature **David Quirke-Thornton** Date **11 July 2022**

Designation **Strategic Director of Children's and Adults' Services**

* Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the council is required to put in place a scheme for recording and publishing some officer executive decisions. This process is sometimes referred to as "Regulation 13(4)".

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Gateway 1 Report – Nursing Care	Partnership Commissioning Team 160 Tooley Street London SE1	Jonathan McInerny 020 8176 5552
Link: https://moderngov.southwark.gov.uk/documents/s81914/Report%20Gateway%201%20Nursing%20Care.pdf		
Gateway Zero Report – Nursing Care	Partnership Commissioning Team 160 Tooley Street London SE1 2QH	Jonathan McInerny 020 8176 5552
Link: https://moderngov.southwark.gov.uk/mgIssueHistoryHome.aspx?IId=50016071&PlanId=508		
Care Home Quality Assurance scrutiny review by Health & Adult Social Care Scrutiny Commission July 2020	Partnership Commissioning Team 160 Tooley Street London SE1 2QH	Jonathan McInerny 020 8176 5552
Link: https://moderngov.southwark.gov.uk/documents/s89938/CHQA%20draft%20report.pdf		
Fairer Future, A Healthier Life – Southwark Council	Partnership Commissioning Team 160 Tooley Street London SE1 2QH	Jonathan McInerny 020 8176 5552
Link: https://www.southwark.gov.uk/council-and-democracy/fairer-future		
Social Value Act 2012	Partnership Commissioning Team 160 Tooley Street London SE1 2QH	Jonathan McInerny 020 8176 5552
Link: https://www.gov.uk/government/publications/social-value-act-information-and-resources/social-value-act-information-and-resources		
Equalities Act 2010	Partnership Commissioning Team 160 Tooley Street London SE1 2QH	Jonathan McInerny 020 8176 5552
Link: https://www.legislation.gov.uk/ukpga/2010/15/contents		

Care Act 2014	Partnership Commissioning Team 160 Tooley Street London SE1 2QH	Jonathan McInerny 020 8176 5552
Link: https://www.legislation.gov.uk/ukpga/2014/23/contents/enacted		
Southwark Council's Climate Change Strategy	Partnership Commissioning Team 160 Tooley Street London SE1 2QH	Jonathan McInerny 020 8176 5552
Link: https://www.southwark.gov.uk/environment/climate-emergency?chapter=2		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	David Quirke-Thornton, Strategic Director of Children's and Adults' Services	
Report Author	Jonathan McInerny, Programme Manager	
Version	Final	
Dated	29 June 2022	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	Yes	Yes
Head of Procurement	Yes	Yes
Director of Law and Governance	Yes	Yes
Director of Exchequer (for housing contracts only)	Not applicable	Not applicable
Cabinet Member	Yes	Yes
Contract Review Boards		

Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
Cabinet	No	No
Date final report sent to Constitutional Team		13 July 2022