

**NORTH SOMERSET COUNCIL**

**DECISION OF COUNCILLOR DAWN PAYNE  
THE EXECUTIVE MEMBER FOR ADULT SOCIAL CARE  
with advice from the  
DIRECTOR OF PEOPLE AND COMMUNITIES**



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**DECISION NO: P&C38**

**SUBJECT: 'Novation of Support to Live at Home Contract (Worle)**

**DECISION:**

1. To approve the novation of the contract for Support to Live at Home (Worle) to Notaro Homecare Ltd (Registered Company No 10322148 ) following notification of the proposed withdrawal of Human Support Group at short notice.

**BACKGROUND:**

This notice was reluctantly accepted given the risk that resources would diminish if contract notice period was adhered to and given the concern that capacity in the area would be insufficient to meet need. Therefore HSG will be released from the contract on 14 December 2016.

In order therefore to deliver a new provider in accordance with the timelines required for the provider to provide TUPE transfer, this novation was completed at short notice. Providers approached included both successful providers of other support to live at home contract awards and the existing sub-contractor for the Worle area. The recommended award is to Notaro, a locally based provider already operating in the Worle area, and with extensive experience of TUPE transfers and the delivery of domiciliary care and other care services in the District.

**Reasons:**

Notaro is an established local service with proven reliability and flexibility with an existing presence in the Worle area as the current sub contract provider, therefore they are able to recruit staff to this service and start within a short timeframe.

**Other Alternatives Considered:**

Given the urgency of the action, alternatives were restricted to discussions with other contract holders namely Brunel Care and Alliance Living Care, however neither company wished to bid alone and practical concerns of a shared responsibility and a less attractive financial offer led to this option being rejected. The partnership working from both companies to support at short notice this process, is acknowledged.


**Financial Implications:**

The hourly rate of £15.59 up to a contract volume of 1,500 hours where it will fall to £15.49, is higher than H.S.G. current rate of £15.20, (which H.S.G. now view as too low a bid for this market) but is viewed as more sustainable given H.S.G. recruitment difficulties. This is likely to increase the Worle contract by approximately £30,000 per annum in a full year, however given the recruitment situation, is likely to deliver more of the targeted £500,000 savings on the whole support to live at home contract, as more packages successfully transfer from the spot contract rate of £16.70.

**Procurement**

Following initial discussions we considered two potential procurement routes, both of which allowed us to progress urgent conversations in a fair and transparent fashion. The two procurement routes considered were novating the contract to another provider/s or utilising Regulation 32 of the Public Contract Regulations 2015, which allows the use of the negotiated procedure without prior publication for reasons of extreme urgency brought about by events unforeseeable by the contracting authority whereby the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with. We approached Alliance and Brunelcare given that both of these providers had evidenced their abilities by winning Rounds 2 and 3 of the Support to Live at Home procurements run within the last 6 months. We also felt that both of these providers would be in a position to implement the contractual requirements in Worle at a fast pace. When it became clear that the partnership arrangement that Alliance and Brunelcare were offering was not practical and that they were not in a position to accept a novation, we then considered our other option which was to pursue a novation of the contract to the current sub-contractor, Notaro. Successful conversations were then held with Notaro. Legal advice was also taken throughout this process.

Signed:

  
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 Councillor Dawn Payne  
 Executive Member for Adult Social Care

Dated:

.....15/11/16.....

**Confirmation of advice given:**

Signed: Gerald Hunt.....  
Gerald Hunt  
Head of Commissioning

Dated: 15.11.16.....

