

North Somerset Council Decision

**Decision Of: Executive Member for Adult Social Care
With Advice From: Director of Adult Social Services
Directorate: Adult Social Care**



Decision No: ASC018

Subject: Novation of Notaro Homecare Limited Contracts

Key Decision: No

Reason:

This decision does not meet the criteria for it to be a key decision. There are no costs associated with the decision and it is not significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Local Authority

Background:

Notaro hold four domiciliary care contracts with North Somerset Council.

1. Area 2 Support to Live at Home contract.

- The contract was awarded to The Human Support Group commencing 1 November 2015
- The contract was novated from The Human Support Group to Notaro Homecare Limited 5 December 2016
- The contract was extended for the Additional Term on 1 November 2019
- The contract ends on 31 October 2022.

2. Area 4 and 5 Support to Live at Home contract.

- The contract was awarded to Notaro Homecare Limited commencing 1 July 2017
- The contract will be extended for the Additional Term on 1 July 2021
- The contract ends on 31 October 2024

3. Diamond Court Extra Care Housing Contract.

- The contract was awarded to The Human Support Group commencing 1 November 2015
- The contract was novated from The Human Support Group to Notaro Homecare Limited 5 December 2016
- The contract was extended for the Additional Term on 1 November 2019
- The contract ends on 31 October 2022.

4. Lakeside Court Extra Care Housing Contract.

- The contract was awarded to The Human Support Group commencing 1 November 2015
- The contract was novated from The Human Support Group to Notaro Homecare Limited 5 December 2016
- The contract was extended for the Additional Term on 1 November 2019
- The contract ends on 31 October 2022.

Notaro Homecare Limited have requested to novate all four contracts to Home Life Carers Limited.

Decision:

To approve the novation of the Support to Live at Home Contracts for Area 2 and Area 4 and 5 and the Diamond Court Extra Care Housing contract Lakeside Court Extra Care Housing contract to Home Life Carers Limited, Company Number 05795650.

Reasons:

The Council has undertaken initial due diligence with Home Life Carers Limited. These checks include;

- Review of financial profit and loss statement
 - Audit financial check
 - Confirmation of the following areas
1. Commitment to holding all four contracts for the remaining Terms.
Home Life Carers has confirmed they will continue delivering on all four contracts for the remaining Terms and will seek to resolve any outstanding unmet needs.
 2. Confirmation of the support structure that will be in place for the Registered Manager, including any additional local management support.
Home Life Carers has confirmed that the current Registered Manager will be supported by the Regional Manager and Regional Director. In addition, the branch will benefit from the central support services which include experienced HR, Recruitment, Learning and development, Finance, IT and Marketing teams. The central support provided also includes an extensive Quality Assurance team which has dedicated Service Improvement Officers in each Region who carry out internal audits and regular monitoring visits to ensure that compliance and quality standards are maintained in all branches. Their aim is to seamlessly transfer, retain and support the existing team.
 3. Support with providing timely and robust contract monitoring information.
Home Life Carers has confirmed that the Regional Manager will attend contract monitoring meetings with the Registered Manager and will take responsibility for contract monitoring returns and reports. Home Life Carers has agreed a transitional period with Notaro Home Care Limited during which time the service will continue to be delivered using the existing infrastructure to ensure service continuity.
 4. Confirmation of a local office.
Home Life Carers Limited has confirmed that the office location will be in Weston-super-Mare, BS22 8NG.

5. Confirmation of where the invoicing will be managed and that there will be no issues/delays due to any changes made.
Home Life Carers has confirmed that invoicing will continue to be managed onsite at Notaro Homecare Limited's current office during the transitional period. In that intervening period, current systems will be migrated onto Home Life Carer Limited's operating system and from that date forward all invoicing will be managed by their central invoicing team.
6. Confirmation of the ESM system being used and assurance that there will be no impact on service users.
Home Life Carers has confirmed that the Electronic Call Monitoring will be carried out using mobile phone technology. Care Workers will use their company issued mobile phones to log in when they arrive at the Service Users visit. All Care Records, including E-MAR are completed electronically via the Care Workers handset. Feedback and follow up forms can be sent by the Care Worker to the office for issues relating to the Service Users wellbeing so that they can be dealt with in a timely manner. The system used is People Planner by the Access Group.
7. Communication plan for staff and service users.
Home Life Carers has confirmed that the Regional Manager will be onsite to meet with all Branch staff alongside Notaro Homecare Limited management. Staff will be fully consulted on any changes. There is a detailed communications plan in place which will include writing to all Service Users and stakeholders and holding group and individual meetings with all staff. Home Life Carers Limited will share this plan with the Council.

We are satisfied with the information and responses received from Home Life Carers Limited.

Options Considered:

To not approve the Contract novation. This is not a viable option as the Council has a statutory duty to provide the services being delivered under the contracts. Further detail under Risk Management.

Financial Implications:

Home Life Carers is novating all four contracts on the existing rates and therefore there are no additional cost implications associated with the decision. We are currently considering an annual uplift for all social care providers for the financial year 2021/22.

Costs:

Home Life Carers will take on all existing hourly rates paid to Notaro Homecare Limited for care and support; the current forecast spend on these contracts for 2020/21 is in the region of £2.4m

Funding:

Notaro is one of several suppliers providing domiciliary care and Extra Care Housing care in North Somerset, the total annual budget for which is £10.1m. Actual spend depends on the level of demand and is forecast at c. £10.4m for 2020/21.

Legal Powers and Implications:

Clause 14 of each of the four Contracts states;

14. ASSIGNMENTS AND SUBCONTRACTING

14.1 Except as expressly set out in this Contract neither party shall be entitled to give, bargain, sell, assign, let or otherwise dispose of any or all of its rights and obligations under this Contract without the prior written consent of the other party.

14.2 The Provider may not except with the express prior written consent of the Council:

(a) Assign the whole its obligations under this Contract, or

(b) Sub-contract any part/parts of its obligations (where such a sub-contract together with any previous sub-contracting) would result in more than 20% of the total Services (measured in number of hours under this Contract being sub-contracted).

Climate Change and Environmental Implications:

We will work with Home Life Carers to ensure efficiency in care staff travel time to ensure it is kept to a minimum. We support domiciliary care providers in employing walkers and to consider alternative methods of transport. The contracts set out under Social Value our expectations of providers around Economic, Social and Environmental benefits to be achieved. Future commissioning of domiciliary care services will further consider the ways in which we can commission services that have an increased positive environmental impact.

Consultation:

Not applicable given the urgency of the action, although Notaro Homecare Limited, Home Life Carers Limited and the Council will work in partnership to inform families and carers of the changes taking place by letters and meetings.

Risk Management:

Agreeing the novation request

Risk	Mitigation
Post contract novation demands for increase in care charge rates	In the current market this is a risk with all domiciliary care contracts. We are confident that we would be able to resolve any requests for increases in care charges rates without a detrimental impact on the Council.
Drop in quality of service	Home Life Carers Limited has assured the Council that they will retain the existing Registered Manager and team. We have no current concerns over the management or quality of service.
Service users see a temporary disruption to care calls	We will work closely with all parties to ensure that service users are communicated with effectively and that there is minimal disruption. Operational teams and Care Connect will be informed of the transfer.

Post-novation, should the Council have concerns with Home Life Carers Limited, there is a no cause termination clause in each contract that allows the Council to serve six months' notice.

Not agreeing the novation request.

Risk	Mitigation
No service provision.	<p>Notaro may withdraw from the arrangement with Home Life Carers Limited if the Council does not agree the novation. This is not a guarantee.</p> <p>Commissioning an alternative provider ourselves would require at least eight weeks of negotiation and due diligence. There cannot be any gap in service provision and if Notaro were not willing to continue to provide the services, the only mitigation would be for the Council to TUPE transfer the staff associated with the provision of the services in house.</p>

Equality Implications:

Have you undertaken an Equality Impact Assessment? No.

An equality impact assessment (EIA) for each contract was completed during the pre-procurement phase. This drew on the results of several stakeholder consultation including: attending groups for older and disabled people and carers; a service user questionnaire; a care worker questionnaire; a questionnaire for in-house staff; provider events; and meetings with Councillors.

Corporate Implications:

The novation of contract is within the targeted resources, earmarked as part of the Council's budget setting process. The continuity of care and delivering a sustainable care market, is key legislative requirement of the Care Act.

Appendices:

N/A

Background Papers:

Area 2 Support to Live at Home contract and Diamond Court and Lakeside Court Extra Care Housing Contracts

- Contract award Full Council 29/09/15 Report 19
- Contract Novation Executive Member Decision PC38 and 39
- Contract extension Director Decision PC78

Areas 4 and 5 Support to Live at Home contract

- Contract award Full Council 04/04/17 Report 18

- Contract extension Director Decision ASC005

Signatories:

Decision Maker(s):

Signed:

Handwritten signature of Mike Bell in black ink.

Title: Executive Member for Adult Social Care

Date: 25 March 2021

With Advice From:

Signed:

Handwritten signature in black ink, appearing to be 'JEW'.

Title: Director – Adult Social Services

Date: 25 March 2021

Footnote: Details of changes made and agreed by the decision taker since publication of the proposed (pre-signed) decision notice, if applicable: