

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

*PART 1 – PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted *[if applicable]*

SERVICE DIRECTORATE: CUSTOMERS

1. DECISION TAKEN

- 1.1 That Careline will enter into a new five-year partnership with Hertfordshire County Council (HCC) to be the single provider of Telecare services to HCCs client base. This agreement will be via a delegation of powers to this Council via a Section 9EA Agreement and will remain cost neutral to the Council with all associated costs underwritten by HCC.

2. DECISION TAKER

- 2.1 Jo Dufficy, Service Director – Customers and Ian Couper, Service Director – Resources in consultation with the Executive Members for Housing & Environmental Health and Finance & IT

3. DATE DECISION TAKEN:

- 3.1 19 March 2021

4. REASON FOR DECISION

- 4.1 Careline has been providing a much valued and essential service to many residents and their families since 1982, not only in Hertfordshire but also regionally. The critical service that Careline provides enables residents to continue to live independently in their own homes for longer. This has positive effects on the residents and their families as well as the Health Care service more generally.
- 4.2 In 2014 the Council entered a partnership arrangement with HCC to provide telecare services across the County, this agreement worked well and as such was renewed in 2018. HCC currently has two providers of telecare services, Careline and a second contractor that provides a similar service.
- 4.3 HCC has decided to move away from its current arrangement of having two providers to a single provider arrangement with Careline. This move will streamline the referral process for clients and professionals and enable a continuation of collaborative work to develop additional Assistive Technology (AT) services, such as monitoring sensors, to enhance the support available to residents, which are currently being piloted.
- 4.4 Careline currently provides an alarm monitoring and response service to just under 14,000 users nationally, of which over 8,000 (individual and scheme monitors) are HCC clients, accounting for approximately 60% of Careline's overall client base. Entering into this agreement will secure the ongoing viability of the Careline service with an additional of 3,300 HCC clients transferring to Careline during 2021. The costs related to both the initial transfer and ongoing service provision will be underwritten by HCC.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 HCC is clear that it is looking for a single supplier for its Telecare and assistive technology partner. If Careline does not take on the additional work on offer, it will lose its existing volume of work from the County Council, which will almost certainly make the service unviable.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1 This partnership agreement has been the subject of considerable and on-going discussions between Officers of the Council and Hertfordshire County Council (HCC). The Executive Member for Housing & Environmental Health has been kept informed of developments and during a period of absence, the Leader of the Council was kept informed.
- 6.2 Consultation has also taken place with the Executive Member for Finance and IT as per the resolution of Cabinet at its meeting of 15 September 2020. Cabinet resolved that the Service Director – Customers and Service Director – Resources in consultation with the Executive Member for Housing and Environmental Health and the Executive Member for Finance be authorised to continue discussions with HCC and enter into a formal agreement for the expansion of the Careline Services, provided this remains cost neutral for the Council.
- 6.3 All service users will be notified of the change in provider ahead of the individuals service transfer taking place.

7. FORWARD PLAN

- 7.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 26 June 2020.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

- 8.1 Careline has been providing a much valued and essential service to many residents and their families since 1982. During that time the service has grown and developed, providing a range of telecare services to its service users.
- 8.2 Service users include; older people, those living with dementia, people who are frail due to age or health conditions, people with physical and sensory disabilities and people with learning disabilities and people with mental health illness. This critical service enables a wide range of service users to continue to live independently with the security of immediate assistance if it is needed.
- 8.3 Careline provides this service to private (partially subsidised self-funding) customers and to those that are fully funded via the HCC social care service. Additionally, Careline provides both alarm monitoring and out of hours services to a number of Corporate Clients.
- 8.4 In 2014 the Council entered into a partnership arrangement with HCC to provide assistive technology services across the County, The collaboration 'Herts Careline' aims to promote independent living with a mission to be a public service asset that supports individuals, the Social Care Authority, Emergency Services, NHS bodies, Social Housing providers and other public or voluntary organisations with their ambitions.
- 8.5 This arrangement was renewed in 2018 and Careline has been one of two main providers of Telecare services to HCC's clients. Since that time HCC has decided to

move to a single provider arrangement to make the referral process more straightforward and to collaboratively develop and introduce additional AT services to support the aim of supporting residents to stay in their own homes, living independently for as long as possible. Careline has been chosen as that single supplier.

- 8.6 The agreement with HCC is by a Section 9EA agreement. This is a delegation of powers to the Council under Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. This is not a commercial agreement; the agreement is for a period of five years with an option to extend and appropriate exit arrangements are in place.
- 8.7 The Council's finance and legal teams have been working closely with colleagues at HCC for many months and the details of the specification, the financial calculations and financial envelope and overarching terms of contract have now been finalised. Additional resources required to deliver the expanded service have been accounted for and a financial envelope has been agreed. It is important to note that whilst this is a demand led service all costs associated with this agreement will be fully underwritten by HCC.
- 8.8 Careline currently provides an alarm monitoring and response service to just under 14,000 users nationally, of which just under 10,000 are Hertfordshire residents. Over 8,000 are on behalf of HCC. Under the new arrangement approximately 3,300 users will transfer from their current provider to Careline. The transfer will be done in a safe and controlled manner with approximately 500 users transferring per month.
- 8.9 The service transfer will be overseen by a joint Management Board who will continue to meet monthly during the first year of the agreement to ensure the transfer is seamless and without disruption to the customer. Customer safety and continued satisfaction with the service is paramount, and additional checks are being conducted for each installation to ensure there is no service interruption.

9. LEGAL IMPLICATIONS

- 9.1 At the Cabinet meeting of 15 September 2020, Cabinet resolved that the Service Director – Customers and Service Director – Resources in consultation with the Executive Member for Housing and Environmental Health and the Executive Member for Finance be authorised to continue discussions with HCC and enter into a formal agreement for the expansion of the Careline Services, provided this remains cost neutral for the Council. HCC have agreed to a financial envelope to cover all costs associated with the new arrangement.
- 9.2 The relevant functions vested in Cabinet by the Constitution are:
- 5.6.15 To oversee the provision of all the Council's services other than those functions reserved to the Council, and;
- 5.6.24 To promote and develop external partnerships to meet strategic objectives.
- 9.3 Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 permits a local authority to arrange for the discharge of any of the local authority's executive functions by (inter alia) another local authority. As Section 9EA is a delegation of powers between two local authorities, there is no requirement to go through a formal procurement exercise
- 9.4 Part 2 of the Public Contracts Regulation (PCR) 2015 sets out rules on the procedures for procurement by contracting authorities where such services, goods or works are above a threshold and not specifically excluded. Regulation 12(7) states that a

contract will be excluded from the scope of the procurement rules where a contract is between two contracting authorities and fulfils all of the following conditions: -

- a) the contract establishes or implements a co-operation between the participating contracting authorities with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common;
- b) the implementation of that co-operation is governed solely by considerations relating to the public interest; and
- c) the participating contracting authorities perform on the open market less than 20% of the activities concerned by the co-operation.

The contract for the service complies with the above conditions and is therefore exempt from the relevant part of the PCR 2015 and does not need to go through a procurement exercise.

- 9.5 By entering this contract, both HCC and NHDC will be complying with their general duty under Sections 1 and 2 of the Care Act 2014 to promote individual's wellbeing.

10. FINANCIAL IMPLICATIONS

- 10.1 For some time, Officers from both Councils have been carrying out feasibility and financial studies to establish what additional resources Careline will require and ensure that the financial envelope agreed covers the full cost of the new service and any costs associated with the transfer of clients. The Council is satisfied that this is the case and the contract has an additional safeguard in place which states that HCC will underwrite any additional costs should they occur.
- 10.2 A joint Finance Management Board will oversee the financial monitoring of the arrangement, the board is expected to meet every two months.
- 10.3 The specific financial details will be covered in the Part II report.

11. RISK IMPLICATIONS

- 11.1. If Careline did not take on this additional work, there is a considerable risk that it would lose its existing HCC clients as HCC is clear in its intention to work with a single partner for the provision of this service. This would almost certainly make the Careline Service unviable on an on-going basis.
- 11.2. The management of the transfer of clients from HCC's other supplier to Careline will follow a transfer plan that has been developed with key stakeholders and agreed by the Joint Management Board. Safety of the service users is of paramount importance and all transfers will have engineer safety checks carried out to ensure that the equipment is working as it should be.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no other equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. As part of the TUPE arrangements Careline will take on some additional installation and maintenance engineering activity. The engineer will be provided with a lease vehicle that will be an electric vehicle in line with the Council's Climate Change strategy.
- 14.2. There are no additional known Environmental impacts or requirements that apply to the actions of this report

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 Under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) employees are protected if the business where they are employed is transferred to a new employer. A total of 4 staff are affected by this new partnership and are therefore protected by TUPE and are expected to Careline, one engineer and three administrators / call handlers, which have been factored into the new establishment and all costs covered within the financial envelope agreed with HCC. TUPE discussions have taken place between the Council's HR team and that of the other supplier and appropriate consultation has taken place with those staff affected.

16. BACKGROUND PAPERS

- 16.1 Report to Cabinet -15 September 2020

17. APPENDICES

- 17.1 None

NOTIFICATION DATE

26 March 2021

Signature of Executive Member Consulted



Cllr Gary Grindal, Executive Member for Housing and Environmental Health

Date 25.03.21

Signature of Executive Member Consulted



Cllr Ian Albert, Executive Member for Finance and IT

Date 25.03.21

Signature of Decision Taker



Jo Dufficy, Service Director – Customers



Signature of Decision Taker

Ian Couper, Service Director - Resources

Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS