

# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

## DECISION TO BE TAKEN BY:

Clair Bell, Cabinet Member for Adult Social Care and Public Health

## DECISION NO:

22/00056

**For publication** Yes

**Key decision:** No.

**Title of Decision:** Telecare Contract

**Decision:** As Cabinet Member for Adult Social Care and Public Health, I propose to: **DELEGATE** authority to the Corporate Director Adult Social Care and Health to modify the Telecare contract with Invicta Telecare Limited Trading as Careium for a period of nine months from 1 December 2022 to 31 August 2023 and take relevant actions as necessary to implement the decision.

**Reason(s) for decision:** The Telecare contract is due to end on 30 November 2022. The proposed contract modification which will allow time to complete a Technology Enabled Care build and test, which aims to inform the future offer for Technology Enabled Care Services through testing a range of more innovative technologies. This is with a view to commissioning a long-term county wide offer incorporating Telecare from April 2023.

The contract modification, will enable the county wide offer to be mobilised and to migrate people from the current Telecare service to the new service, ensuring there is not a gap or impact on provision. The future county wide offer also provides an opportunity to put in place a service that will allow existing Telecare provision that relies on analogue technology to be switched over to newer devices that can connect to broadband networks.

**Financial Implications:** The Telecare contract currently costs the authority approximately £650,000 per year. The estimated cost of the nine-month contract modification will be around £385k. Telecare is within the budget for 2022/23.

**Legal Implications:** Legal advice was accessed as the 24-month extension provided for in the Contract has already been used, a further extension may amount to a “material modification” of a public contract which should be subject to a new procurement procedure. However, a new procurement procedure will not be required if the proposed modification falls within one of more of the “permitted changes” set out in Regulation 72 of the Public Contracts Regulations 2015.

Legal advice has been provided and stated that there are reasonable arguments that the proposed modification falls within the scope of Regulation 75 of the Public Contracts Regulations 2015 and therefore that a new procurement procedure is not required. There were recommended steps that can be taken to mitigate the risk of challenge and a contract award notice or transparency notice can be published.

**Equality Implications:** An EqIA has been completed and not expected to have a significant negative impact on any of the protected characteristics.

**Data Protection Implications:** A Data protection impact assessment is not required.

**Cabinet Committee recommendations and other consultation:** The proposed decision will be discussed at the Adult Social Care Cabinet Committee on 13 July 2022 and the outcome included in the paperwork which the Cabinet Member will be asked to sign.

**Any alternatives considered and rejected:** The alternative option considered was to decommission/end the Telecare service at the end of its existing contract in November 2022. This will create a risk in gap of provision of Telecare between the end of the Telecare contract in November 2022 and the implementation of the Technology Enabled Care Services contract in April 2023. The 5,190 existing Telecare cases will need to be reviewed and alternative provision considered which could include:

- People paying privately for the Telecare provision (where this is Telecare only), this means stop providing Telecare for people who do not have ongoing care and support needs. The council's duty for prevention does not extend to the need to pay for preventative services that would help delay or prevent the onset of care needs. It is however required to promote and provide information and advice as to how individuals can undertake such preventative measures themselves. This option would require a full consultation.
- If people are living in the Technology Enabled Care build and test area (East Kent) they can access alternative provision, however this is only a one year test and will be replaced by the county wide offer. Therefore, people will have three service providers in one year.
- Where this is part of an eligible need (Telecare enhanced), the care and support package may change from the use of Telecare to more carer input reducing independence for the person and increasing the pressure on limited capacity within the care market. Or a Direct Payment can be used to access alternative provision. There could also be an adverse impact on people experiencing uncertainty about their future provision and changes to their care and support offer.

Another way to mitigate this risk is to obtain Telecare services from a new contractor for the duration of the proposed extension. However, this will impact on service continuity for people as they will have three providers in one year (the current Telecare, moving to the new contractor and finally onto the county wide service which will be in place from April 2023). The short-term contract will not be attractive to providers and can be at a significant cost. This would require procurement and project resources, which are currently focused on the build and test and development of the county wide Technology Enabled Care Service. Therefore, this option has the potential to undermine the longer-term plan.

Therefore, based upon the risk in gap of provision and impact on the longer term plan, the option to decommission the Telecare contract in November 2022 was rejected.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

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signed

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date