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Health, Care and Housing Scrutiny Committee Monday, 15 October 2018

MINUTES OF A MEETING OF THE HEALTH, CARE AND HOUSING SCRUTINY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON MONDAY, 15 OCTOBER 2018

PRESENT

County Councillors J Charlton (Chair), S C Davies, D E Davies, J Gibson-Watt, H Hulme, A Jenner, E Jones, G Morgan, K M Roberts-Jones, D Rowlands, E Vaughan, A Williams, J Williams and J M Williams
County Councillor S M Hayes (Portfolio Holder for Adult Social Care)

In attendance Count Councillor S Hayes (Portfolio Holder for Adult Social Care) (from 10.30am), V Hanley (Interim Professional Lead Commercial Services) J Jones (Strategic Commissioning Manager – Age Well), E Patterson (Scrutiny Officer)

1.	APOLOGIES
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Apologies for absence were received from County Councillors G Williams and S Williams.

2.	DECLARATIONS OF INTEREST
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The following declarations of interest were received:

County Councillor G Morgan – a personal interest (owning a small number of shares in BUPA)

County Councillor H Hulme – a personal and prejudicial interest (her mother attends Maes y Wennol Day Centre)

3.	DECLARATIONS OF PARTY WHIPS
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No declarations of Party Whips were received.

4.	MINUTES
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The Chair was authorised to sign the minutes of the meeting held on the 4th July 2018 as a correct record.

The Scrutiny Officer confirmed that all the outcomes mentioned in the minutes had either already taken place or were in the work programme to take place.

5.	EXEMPT ITEMS
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RESOLVED to exclude the public for the following item of business on the grounds that there would be disclosure to them of exempt information under category 3 of The Local Authorities (Access to Information) (Variation) (Wales) Order 2007).

6.	RE-COMMISSIONING THE MANAGEMENT OF POWYS COUNTY COUNCIL'S CARE HOMES
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The Interim Professional Lead gave an introduction to the process for the re-commissioning of Powys Residential Care Homes. The process is confidential insofar as commercially sensitive information has to remain confidential but the updates that the Portfolio Holder shared with Members regarding the process was for public information.

The Portfolio Holder for Adult Social Care joined the meeting at 10.30am having left the meeting of the Regional Partnership Board to join this meeting.

The Portfolio Holder explained the recent history around residential care. The current Care Homes operators BUPA have given notice that they wish to cease operating in Powys from 31st May 2019. Powys County Council own 12 Care Homes which are operated by BUPA together with an additional facility Glan Irfon which is also owned by Powys County Council but delivered with a shared Section 33. It is intended that the re-commissioning of these facilities will be undertaken in parallel but with separate lots.

An OJEU Notice has been issued inviting organisations to express interest by means of submitting a prequalification questionnaire. This will ascertain the level of interest and will allow the Council (and PTHB) to evaluate their capability, registrations, track record and their financial standing and capacity to proceed with the next stage of tendering beyond 31st October 2018.

The outcome of this stage will inform what next steps need to be taken regarding the re-commissioning process.

The Commissioning team are working closely with BUPA to ensure that any tender documentation includes as much information as possible as early as possible for interested parties to prepare a bid.

Scrutiny Members expressed concern that the timescale is tight. It was acknowledged that this was the case but much work had been undertaken to date and the timetable is being adhered to. It was intended to publish tender documentation with a final return date of February/March 2019 which will allow for a transition period leading up to the end of the BUPA contract in May 2019.

It is intended to seek a partner to run the homes in the first instance in the medium term which will provide an opportunity for the service to examine what are the longer term needs for independent living, nursing care, residential care and respite care across the county. This medium term partner may wish to be part of longer term arrangements.

It was confirmed that an Impact Assessment had been completed and that contingency plans are being worked upon to mitigate risk.

It was confirmed that expert legal advice had been engaged to support this process.

It was confirmed that a Communications Plan was in place which would provide information regarding the re-commissioning process moving forward. Staff were receiving communication from BUPA. The Portfolio Holder was sending regular briefings to Members on the process.

It was confirmed that an inventory would be prepared to be used at the point of transfer.

Cllr J Williams left the meeting 10.55am

It was confirmed that the Welsh Language Standards that Powys are required to meet also apply to third party providers and this has formed part of the current specification.

Going forward from April 2019 there is a requirement for residential care to be commissioned jointly by local authorities and health boards. Some joint commissioning is already taking place (for example Glan Irfon) and this will continue to increase. The governance of this currently takes place at the Regional Partnership Board (at a more strategic level) and Joint Partnership Board (at a more item by item level). The RPB is where the Integrated Care Fund monies are administered and has a series of Programme Boards.

The proposed tender appeared to be for a short period this was intentional to allow for changes to the provision to meet the changing needs of society to be explored. It would be hoped that the successful provider would work with the commissioning bodies on the longer term proposals.

The timescale was acknowledged to be tight but much work had already been undertaken. BUPA had been communicating with staff and this would continue throughout the process.

The service is working on contingency plans should an alternative provider not be in a position to take over the contract on 1st June 2019.

It was confirmed that the contract includes the requirement to meet the Welsh Language Standards that apply to Powys County Council and to their third party contractors.

A condition survey has been commissioned so up to date information is available all of which will need to be taken into account when assessing the tender prices.

Observations

- **That the joint governance arrangements between Powys Teaching Health Board and Powys County Council are examined with the possibility of inviting a representative of the Powys Teaching Health Board to discuss joint governance arrangements**
- **Concern has been expressed regarding the tight timescale that this process is under. The Portfolio Holder is urged to ensure that the process does not slip and that the tender documents are prepared for publication at the earliest stage so that a final decision can be**

made as soon as possible which will give the new provider the most time to plan for a seamless transition

- **Assurance was received that**
 - **an inventory of assets was being requested from BUPA**
 - **expert legal advice had been engaged**
 - **a communications plan had been drafted (copy requested)**
 - **a contingency plan was being prepared in response to the potential risk that it would be necessary to bring the service in-house (update requested)**

7.	WORK PROGRAMME
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8th November 2018 – WAO Housing Inspection

10th December 2018 – Review of Daytime Activities
Update on Bannau/Camlas
Social Care Performance Reports

County Councillor J Charlton