


<p style="text-align: center;">London Borough of Hammersmith & Fulham</p> <p style="text-align: center;">CABINET</p> <p style="text-align: center;">9 MAY 2016</p>	
<p>CATALYST HOUSING GROUP CONTRACT AWARD</p>	
<p>Report of the Cabinet Member For Health and Adult Social Care: Councillor Vivienne Lukey</p>	
<p>Open Report</p>	
<p>Classification - For Decision Key Decision: YES</p>	
<p>Wards Affected: All</p>	
<p>Accountable Director: Liz Bruce, Executive Director Adult Social Care</p>	
<p>Report Author: David Goulding, Procurement & Contract Officer</p>	<p>Contact Details: Tel: 020 8753 5070 E-mail: David.Goulding@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. This report requests approval to waive the Contract Standing Orders to allow the London Borough of Hammersmith and Fulham (“The Council”) to agree to directly award a two year contract for the block provision of 30 nursing dementia beds to Catalyst Housing Group from 1 April 2016 to 31 March 2018. Councillors are asked to note that the proposed value of the contract, £2,012,400, exceeds the EU Public Contract Regulations 2015 (“the Regulations”) threshold of £159,148 for this type of service and, should the Council exercise this option, it could be perceived to be acting in direct contravention of the Regulations. However, as detailed in the report, officers recommend that a balanced approach to risk should be taken. The Council could use Regulations 32 and 76 of the Regulations to justify making this direct award. Regulation 32 provides that a contract can be awarded without prior advertisement where no reasonable alternative or substitute exists and Regulation 76 recognises that various specific considerations on certain occasions need to be taken into account when awarding health and social care contracts including the needs of vulnerable groups (in this case people with dementia) and the need to ensure continuity, accessibility, affordability and availability (in this case access to a block of 30

nursing dementia beds close to the borough that could not be sourced elsewhere at a comparable price). While the risk of possible challenge cannot be completely removed, it will be significantly reduced by the placing of a Prior Information Notice. This would both publicly signal the Council's intention to tender a long-term contract in 2018 and can be used to facilitate pre-procurement dialogue with interested organisations to help inform the Council's shaping and pricing of the new contract.

- 1.2. This award is an interim arrangement needed to secure important service continuity while a commissioning strategy is developed for meeting longer-term need and will allow the current agreement for the provision of 30 nursing dementia beds at Acton Care Centre to continue until 31 March 2018 at a price increase of 2.54% on 2014-15 costs, the price increase to be backdated to 1 April 2015. The award will allow vulnerable existing service users with dementia to stay in-situ at the Acton Care Centre and will secure future supply of available beds close to the borough for a vulnerable service group.
- 1.3. In addition, this report asks Councillors to note the continuation of the informal arrangement for preferred status for spot purchase of a further ten nursing dementia beds and 20 nursing frail elderly beds at Acton Care Centre. The arrangement to continue to 31 March 2018 at a price increase of 2.54% on 2014-15 costs. The report asks Councillors to agree the price increase be backdated to 1 April 2015.
- 1.4. Further, this report asks Councillors to note that the Clinical Commissioning Groups (CCGs) of Hammersmith and Fulham, West London and Central London are considering the options for moving to a block contract arrangement with Acton Care Centre and that these options include joining a joint contract with the Local Authority through the Section 75 agreement from April 2016. A further report will be submitted seeking permission to enter into such an agreement should the CCGs wish to pursue this option.
- 1.5. The report asks Councillors to note the future potential of entering into a section 75 Agreement under the National Health Service Act 2006 for the provision of 10 block beds which are presently purchased under "spot" purchasing arrangements.
- 1.6. The report asks Councillors to note that Catalyst Housing Group is looking to sell Acton Care Centre. It is not known whether a sale will result in a change of use. However, the Council has Business Continuity Plans in place to deal with urgent home closures.

2. RECOMMENDATIONS

- 2.1 To waive the Contract Standing Orders that require a minimum of five tenders to be sought for contracts of £172,514 or greater total estimated value to allow the Council to directly award a contract to Catalyst Housing Group from 1 April 2016 to 31 March 2018.

- 2.2. To elect to directly award a contract to Catalyst Housing Group in accordance with Regulation 32(2)(b)(ii) of the Public Contracts Regulations 2015 (the “Regulations”), on the grounds that “the services can be supplied only by a particular economic operator” and “competition is absent for technical reasons” and Regulation 76 (8) (a)“ in relation to the award of contracts subject to this section, contracting authorities may take into account any relevant considerations, including the need to ensure, quality, continuity, accessibility, affordability, availability and comprehensiveness of the services” and 76 (8) (b) contracting authorities may take into account “the specific needs of different categories of users, including disadvantaged and vulnerable groups” and that contract to be for the provision of 30 nursing dementia beds at Acton Care Centre for two years with a maximum contract value of up to £2,012,400 during the period 1 April 2016 to 31 March 2018. This represents a price increase of 2.54% on 2014-15 costs, the price increase to be backdated to 1 April 2015.
- 2.3 To note the continuation of the informal arrangement for preferred status for spot purchase of a further ten nursing dementia beds and 20 nursing frail elderly beds at Acton Care Centre. The arrangement to continue to 31 March 2018 and to agree a price increase of 2.54% on 2014-15 costs, the price increase to be backdated to 1 April 2015.

3. REASONS FOR DECISION

- 3.1 This contract meets the Council’s statutory duty to provide nursing care to people with dementia and is an interim arrangement needed to secure important service continuity while a commissioning strategy is developed for meeting longer-term need.
- 3.2 As outlined in section 5 and 6 of this report, in order for the Council to meet its statutory duty to provide this service, the Procurement Team believes this is the only option available as no other provider in the London Borough of Hammersmith and Fulham or in neighbouring boroughs has the available capacity.
- 3.3 Regulation 32(2)(b)(ii) of the Regulations provides that a contract can be awarded without prior advertisement “where the works, supplies or services can be supplied only by a particular economic operator...[when]...competition is absent for technical reasons, but only...where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement”. Regulation 76 of the Regulations provides that “.—(1) Contracting authorities shall determine the procedures that are to be applied in connection with the award of contracts subject to this Section, and may take into account the specificities of the services in question.” and “(8) In relation to the award of contracts subject to this Section, contracting authorities may take into account any relevant considerations, including — (a) the need to ensure quality, continuity, accessibility, affordability, availability and comprehensiveness of the services; (b) the specific needs of different categories of users, including disadvantaged and vulnerable groups. The quality of provision, size and location of Acton Care Centre means this is a valuable resource. Catalyst Housing Group owns Acton Care Centre so there is no scope for putting the service out to tender; in order to make placements at the

home, the Council has to contract with Catalyst Housing Group. The block of 30 nursing dementia beds (plus a further 30 informal beds) is not readily available elsewhere. Though not in LBHF, there are good public transport links to Acton Care Centre which is an important priority for customers and their families when requiring placements, particularly given that many customers have elderly relatives who are themselves becoming frail. Furthermore, changes in environment and routine can increase confusion or sometimes distress people with dementia. Therefore, failure to secure supply would pose a significant risk to the well-being of customers currently placed at Acton Care Centre if, as a result, they were required to move to other provision.

- 3.4 Securing the supply of nursing dementia beds is of strategic importance. “[There are an estimated] 683,597 people with dementia in the UK. This represents one person in every 88 (1.1%) of the entire UK population. The total number of people with dementia in the UK is forecast to increase to 940,110 by 2021.”
Source: Dementia UK (2007) London School of Economics, King’s College London, and the Alzheimer’s Society.
- 3.5 There is no ready supply of nursing dementia beds in LBHF. The contract award will secure a supply of nursing dementia beds near to the borough. A snapshot of spot placements at 31 December 2015 shows 18 spot purchased nursing dementia beds in LBHF and 59 spot purchased nursing dementia beds out of borough in use on that day.
- 3.6 The continuation of the informal arrangements will secure supply of a further ten nursing dementia beds and 20 nursing frail elderly beds near to the borough. A snapshot of spot placements at 31 December 2015 shows 11 spot purchased nursing frail elderly beds in LBHF and 29 spot purchased nursing frail elderly beds out of borough in use on that day.
- 3.7 The current pricing structure is no longer sustainable for the provider. The proposed pricing structure provides value for money as compared with other block agreements as detailed below.
- 3.8 Feedback from the Placements Team, CCG at Joint Operational Group meetings and the Contracts and Procurement Team all point towards a good working relationship with the provider.

4. INTRODUCTION AND BACKGROUND

- 4.1 Acton Care Centre is a purpose built care home located in LB Ealing. The home can accommodate 125 people in five units: two for people with dementia and three for people with nursing needs. The home is owned by Vintage Care Limited, part of Catalyst Housing Limited. The home is currently on the market and a prospective buyer is conducting due diligence.
- 4.2 In 2003, the London Borough of Hammersmith and Fulham (“the Council”), in conjunction with Hammersmith and Fulham PCT, entered into a contract with Catalyst Housing to block book 36 nursing dementia beds. The PCT contract ended in 2008 and from this point, the Council solely contracted for 30 nursing

dementia beds and, in addition, made an informal arrangement for first use of ten further nursing dementia beds and 20 general beds. The terms of the informal arrangement are that beds will be held for the Council for 24 hours and can then be sold on the open market if a referral is not made. The Council is not liable for the void costs of informal beds.

- 4.3 The formal block bed contract ended on 31st March 2013 and the Council took up the option to extend for 12 months to 31st March 2014. The Council also continued with the informal arrangements. A two-stage price restructuring was agreed as part of the terms of the extension. From 1st April 2013 a rate of £700 per week per bed was agreed for contract beds and £629 per week per bed for informal beds. From 1st April 2014, the price of contract beds reduced to £629 per week.
- 4.4 The reduced rate was implemented from 1st April 2014 but a new contract was not signed. This is because Catalyst Housing wanted to renegotiate the bed rates and agreement could not be reached. Therefore, the Council is out of contract and working to the implied terms of the old agreement.

5. PROPOSAL AND ISSUES

- 5.1 It is proposed that Cabinet agrees to directly award a contract to Catalyst Housing Group for two years from 1 April 2016.
- 5.2 The current bed price of £629 gross per week for nursing dementia beds is not sustainable for the provider. Staffing costs comprise 60% of expenditure. There is a registered nurse in charge of each unit. There is a shortage of registered nurses available due to changes in UK entry quotas. Any gaps in the compliment of nursing staff are covered at greater cost through agency nursing staff. The proposed contract increases the bed price for nursing dementia beds to £645 gross per week. This brings the nursing dementia bed price into line with the West London Alliance rates and is cheaper than the nursing dementia bed price paid by LBHF for block contract beds at St Vincent's (£870.52) and Farm Lane (£751.61) and is also cheaper than the average spot bed price for nursing dementia beds paid by LBHF in 2014-15 (£664.34). Benchmarking against other authorities: Westminster City Council (WCC) has block bed agreements for nursing dementia beds at £879.14 (10 beds) and £644.45 (20 beds). Royal Borough Kensington and Chelsea (RBKC) has no block contracts for nursing dementia beds. Average spot purchase prices for nursing dementia beds paid by WCC and RBKC in 2014-15 were £666.93 and £658.38 respectively.
- 5.3 Councillors are asked to note the continuation of the informal arrangement for preferred status for spot purchase of a further ten nursing dementia beds and 20 nursing frail elderly beds. This arrangement will mean that the Placements Team for LBHF, RBKC and WCC will have first option on voids outside the block contract up to the point where all of the "informal" beds are occupied. This is at the rate of £645 gross per week for both nursing dementia beds and nursing frail elderly beds. Please refer to paragraph 5.2 above for nursing dementia beds benchmarking information. The bed price for nursing frail elderly placements is cheaper than the block contract rate paid by LBHF for nursing frail elderly beds at St Vincent's (£752.00) but is more expensive than the average spot bed price for

nursing frail elderly beds paid by LBHF in 2014-15 (£623.57). Benchmarking against other authorities: WCC has a block bed agreement for nursing frail elderly beds at £611.39 (20 beds). RBKC has a block bed agreement for nursing frail elderly beds at £1,028.02 (17 beds). Average spot purchase prices for nursing frail elderly beds paid by WCC and RBKC in 2014-15 were £624.89 and £683.51 respectively. The arrangement has the added advantage of mitigating against voids in the block contract as LBHF customers in informal nursing dementia beds are “transferred” (administratively, not physically) to block contract beds as they are vacated.

- 5.4 The CCGs of Hammersmith and Fulham, West London and Central London continue to work jointly with the Local Authority on the discussions and negotiations with Acton Care Centre. The CCGs place people in Acton Care Centre on a spot basis or as part of informal block arrangements and currently have 12 people placed at the home. The CCGs are considering the options for moving to a block contract arrangement with Acton Care Centre for the purchase of 10 beds across the frail elderly and dementia client groups at an agreed unit cost per week. These options would include joining a joint contract with the Local Authority through the Section 75 agreement from April 2016 or entering into a contract directly with the home. The consideration of these options is subject to the formal governance procedures of the CCGs and will be progressed during January and February 2016. The CCGs and Local Authority work together closely with Acton Care Centre through monthly joint operational group meetings covering operational and quality areas within the home.

6. OPTIONS AND ANALYSIS OF OPTIONS

6.1 The proposed recommendation: Directly Award a Contract for Two Years (1 April 2016 to 31 March 2018).

Directly awarding a contract for two years from 1 April 2016 to 31 March 2018 will allow the Council to secure supply and stabilise cost

- 6.1.1 It should be noted that, as the maximum value of the proposed contract (£2,012,400) would exceed the EU Public Contract Regulations 2015 threshold of £589,148 for this type of service, should the Council exercise this option it could be perceived to be acting in direct contravention of the Regulations and would be at risk of challenge from other providers in the field. However, it is proposed to award the contract using Regulation 32(2)(b)(ii) of the Regulations on the grounds that “the services can be supplied only by a particular economic operator” and “competition is absent for technical reasons” and Regulation 76(8)(a) “in relation to the award of contracts subject to this section, contracting authorities may take into account any relevant considerations, including the need to ensure, quality, continuity, accessibility, affordability, availability and comprehensiveness of the services” and 76 (8) (b) contracting authorities may take into account “the specific needs of different categories of users, including disadvantaged and vulnerable groups”.
- 6.1.2 While the risk of possible challenge cannot be completely removed, it will be significantly reduced by the placing of a Prior Information Notice. This would both publicly signal the Council’s intention to tender a long-term contract in 2018 and

can be used to facilitate pre-procurement dialogue with interested organisations to help inform the Council's shaping and pricing of the new contract.

- 6.1.3 Procurement Officers have reviewed the risk of challenge and assessed the other options, and although it acknowledges the risks, it is considered the preferred course of action. This is because Acton Care Centre provides 30 beds (plus a further 30 informal beds) that could not be readily sourced from the market; it is in the Council's best interests to sign an agreement in order to secure supply; the price for dementia beds is better than the cost of other block contract dementia beds; there will be price stability for two years; existing placements for vulnerable customers will be secured; direct award will provide an interim arrangement needed to secure important service continuity while a commissioning strategy is developed for meeting longer-term need. This is the preferred option.

6.2 Convert Existing Placements to Spot Placements

- 6.2.1 The Council is working to the terms of a contract that expired on 31 March 2014. The provider adhered to the agreement regarding bed price for the financial year 2014-15 but is under no obligation to continue with this arrangement for existing or future placements. A move to spot contracts would leave the Council exposed to price hikes and would also mean that supply was not secure. This option is not recommended.

6.3 Do Nothing

The provider has indicated that the current price arrangement is no longer sustainable. Therefore, there is a risk to our clients inherent in doing nothing as placements at the home may not be able to be sustained and clients may need to be transferred to other homes. This option is not recommended.

7. CONSULTATION

- 7.1 Consultation with customers and stakeholders is not required as the proposals represent continuation of the existing provision on a formal contractual basis.

8. EQUALITY IMPLICATIONS

- 8.1 There are no negative equality implications in the proposals for any of the protected groups, as the proposals represent continuation of the existing provision on a formal contractual basis.
- 8.2 The home provides nursing and care to frail older people and people with dementia (including "end of life" care). The continuation of these contractual arrangements contained in the proposals will provide consistency in the location of nursing and care for those H & F residents already placed at Acton Care Centre, and so will have a positive effect on older and disabled people in these vulnerable care groups.

8.3 The continuation of the contractual arrangements contained in the proposals will continue to provide a resource close to the borough for residents and will provide easy access to families and carers.

9. LEGAL IMPLICATIONS

9.1 This report requests various matters to be approved namely:

- a) the waiving of the Contract Standing Orders to establish an agreement to formalise a current arrangement with some increase to the prices with Catalyst Housing Group. This Agreement is to be for a period of two years;
- b) the carrying on of 'informal' spot purchases for a period of two years.

9.2 Procurement obligations have been mentioned in this report and the risk of not complying with those obligations have been stated at paragraph 13, Therefore it is necessary to consider whether the risks associated with failing to advertise the opportunity as required by the Regulations are significant. As such it may be worth considering whether a contract for a shorter period could be awarded to a provider in compliance with the Regulations.

9.3 It is noted that it is intended to award in accordance with Regulation 32(2)(b)(ii) of the Regulations. Regulation 32(2)(b)(ii) may only be used in the specific circumstances referred to above, and which are repeated here for the sake of convenience namely "where the works, supplies or services can be supplied only by a particular economic operator...[when]...competition is absent for technical reasons" If challenged the council would have to prove that that ground existed.

9.4 Where a reasonable alternative or substitute exists and the lack of competition is due to the artificial narrowing down of competition, the Council will not be able to claim the use of Regulation 32. However it would appear reasonable that the reasons should relate in particular to the service recipients. Procurement should be requested to consider preparing the relevant notifications in order to mitigate a finding of ineffectiveness.

9.5 Additionally where a spot purchase is formalised, a contract will come into being and its award may be subject to the Regulations. However the council would be able to argue that Regulation 32 permits the award of that contract without prior advertisement for the reasons contained in this report.

9.6 The establishment of a section 75 Agreement under the National Health Service Act 2006 will need to state the purposes for which it is to be created and those must be chosen from those stated in the relevant legislation or regulations. Alternatively if there is a commissioning arrangement already in place this could be considered as a vehicle for the provision of NHS services by the CCG.

9.7 Implications verified/completed by: Keith Simkins, Head of Division, Contracts and Employment, Shared Legal Services. Tel: 020 7361 2194

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1 The proposed contract extension covers the period 1st April to 2016 to 31st March 2018, for 30 block contracted and a maximum of 30 spot purchased beds. The maximum cost per annum is £2,012,400
- 10.2 This equates to an increase in the current contract value of 2.54%, effective from 1st April 2015. The ASC placements budgets were inflated by 2.4% as part of the annual budget setting process. The additional 0.15% increase will be met from within the ASC placements budget.
- 10.3 The table below illustrates the financial implications.

<i>Revenue Implications</i>	2015/16		2016/17	
	Confirmed budget £	Costs of proposal £	Confirmed budget £	Costs of proposal £
Current Budgets				
Council Revenue budget	1,132,400	1,132,400	1,132,400	1,132,400
External funding: Client Contributions (based on 2015/16 assessed charges)	880,000	880,000	880,000	880,000
SUB TOTAL REVENUE BUDGET	2,012,400	2,012,400	2,012,400	2,012,400
Start-up Costs				
Lifetime Costs	2,012,400	2,012,400	2,012,400	2,012,400
Close-down Costs				
TOTAL REVENUE COST	2,012,400	2,012,400	2,012,400	2,012,400
SAVINGS				

- 10.4 There are ongoing discussions between ASC, Care Commissioning Groups (CCGs) of Hammersmith and Fulham, West London and Central London considering the options to extend this contract to include 10 block contract beds. If progressed it will require a S75 agreement under the National Health Service Act 2006 with the CCGs to recover costs incurred. A further report will be submitted seeking permission to enter into such an agreement.
- 10.5 Implications verified/completed by: David Hore, Finance Manager (Community Services). Tel: 020 8753 4498.

11. IMPLICATIONS FOR BUSINESS

- 11.1 The recommended proposal has no impact on businesses in London Borough of Hammersmith and Fulham as it is essentially a continuation of business that has been in place since 2003.

12. RISK MANAGEMENT

- 12.1 The principal risks associated with the recommendations are identified on the Contracts Risk Register. Risks are regularly reviewed by a designated Contracts Officer as part of on-going contract management. The Contract Risk Register is discussed at ASC Leadership Team (ALTT) meetings and at Cabinet meetings.
- 12.2 There is a risk of legal challenge from other providers on the basis of the legal requirements contained in the Public Contract Regulation 2015 which requires all Social and Other Specific Services that have an estimated value exceeding €750,000 (i.e. £589,148) to be subject to an open, transparent and non-discriminatory procurement process.
- 12.3 The risk to continuity of service is being mitigated by the proposal. For example, as the Council no longer has an agreement with Catalyst Housing, the provider could unilaterally end the implied agreement and only accept new placements on a spot basis at a price that they determine. There is a further risk that the provider could ask for a price increase for existing placements and if there was no agreement the provider could seek Judicial Review on the grounds that the price paid for placements is not adequate to sustain the business and that customers' well-being would be at risk if they were forced to move to other provision.
- 12.4 The insurance provision is not prejudiced by the current contract having expired as the contract monitoring and management continued and, in the event of a claim, HM Courts are likely to accept that all contractual provisions and obligations remained in effect and binding on parties. - Ray Chitty (Shared Services Insurance Services Manager).
- 12.5 Catalyst Housing Group is looking to sell Acton Care Centre. The inherent risks of a sale of the business are: the new owner may seek to withdraw from the block contract; the new provider may seek to renegotiate the terms of the block contract; the new provider may terminate or seek to alter the informal arrangement; the new provider may not be able to maintain the standard of care currently provided.
- 12.6 There is a further risk in that the new owner may seek to change the use of the building. LB Ealing Legal Department has advised that the Council doesn't own this site and is not aware of any restrictions on the title for the property / land. However, the Council has a Business Continuity Plan in place to deal with the event of an urgent home closure.
- 12.7 Implications verified/completed by: Michael Sloniowski, Shared Services, Risk Manager. Tel: 020 8753 2587.

13. PROCUREMENT STRATEGY IMPLICATIONS

- 13.1 Section 3 paragraph 12.3 of the Contract Standing Orders states that for contracts of £172,514 or greater total estimated value, a minimum of five tenders should be sought and Cabinet is responsible for award.

- 13.2 Approval for a waiver of the requirement to conduct a competitive exercise is being sought in order to directly award a contract to the existing service provider to ensure supply of provision. A waiver is being sought in accordance with Section 3 of the Contract Standing Orders which states that a prior written waiver to these CSOs may be agreed by the appropriate persons if they are satisfied that a waiver is justified insofar as they relate to the Council's own competition rules governing quotes and tenders.
- 13.3 However, there can be no waiver of the legal requirements contained in the Public Contract Regulation 2015 which requires all Social and Other Specific Services that have an estimated value exceeding € 750,000 (i.e. £589,148) to be subject to an open, transparent and non-discriminatory procurement process.
- 13.4 The proposal to follow the negotiated procedure without prior publication, in accordance with Regulation 32(2)(b)(ii), is only legally viable if "the works, supplies or services can be supplied only by a particular economic operator...[when]...competition is absent for technical reasons, but only...where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement". There are grounds to argue that this procurement meets the criterion set out in Regulation 32(2)(b)(ii) and Regulation 76 (8) (a) and (b) as the location of the Acton Care Centre, number of available beds, current usage by the Council, vulnerability of existing service users and risks involved in moving customers all determine that a direct award is reasonable to ensure continuity, accessibility, affordability and availability and also to meet the specific needs of different categories of users including vulnerable groups (i.e. people with dementia).
- 13.5 This award is an interim arrangement needed to secure important service continuity while a commissioning strategy is developed for meeting longer-term need. While the risk of possible challenge cannot be completely removed, it will be significantly reduced by the placing of a Prior Information Notice. This would both publicly signal the Council's intention to tender a long-term contract in 2018 and can be used to facilitate pre-procurement dialogue with interested organisations to help inform the Council's shaping and pricing of the new contract.
- 13.6 Failure to comply with the Regulations may lead to the decision being challenged. The options available to the court would be to declare the contract with Catalyst Housing Group ineffective, and may order it to be terminated. In addition the Council would have to pay damages and civil financial penalty (i.e. a fine). In defending such an action the Council would spend considerable sums.

Performance

- 13.7 The Care Quality Commission (CQC) inspected Acton Care Centre (report published 5 January 2016) and rated the service overall as "requires improvement". CQC rated the service as "good" for the categories "is the service caring?" and "is the service responsive?" but rated the service as "requires

improvement” for the categories “is the service safe?”, “is the service effective?” and “is the service well-led?”. CQC has not taken formal enforcement action but has asked the provider to send CQC a report detailing the action that the provider will take in regard to three regulations that are not being met. Representatives from Care Commissioning Groups, NHS Community Healthcare (CLCH) and ASC Contracts met the General Manager of Acton Care Centre on 28 January 2016 and have seen the report on actions that Acton Care Centre has sent to CQC. The meeting was satisfied with the actions that the management of the Acton Care Centre has taken in response to the report.

13.8 Feedback from the Placements Team is that Acton Care Centre is a home that works constructively with the Council.

13.9 Implications verified/completed by: Mike Boyle, Director of Strategic Commissioning and Enterprise, Adult Social Care and Health. Tel: 020 8753 6041.

14 IT STRATEGY IMPLICATIONS

14.1 There are no IT strategy implications as a result of the proposed direct award of this contract.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None		

LIST OF APPENDICES:

None