

## OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

**Decision Reference No: AWC.035.2023 Novation of CCaSH Contract**

**BOX 1**

**DIRECTORATE: Adults Wellbeing and Culture**

**DATE: 26/10/2023**

**Contact Name: Carla Weighill**

**Tel. No.: 01302 737096**

**Subject Matter: Novation of contract**

**BOX 2****DECISION TAKEN**

To novate call off contracts awarded under the Council's Commissioned Care and Support at Home (CCaSH) Framework held by Allied Health Services Ltd to Cera Care Ltd.

The contracts are for delivery of approximately [REDACTED] hours of domiciliary care at a yearly cost of circa [REDACTED] per year until October 2025 (under a current 2 year contract extension)

This is further to ODR AHWB.004.2023 dated the 6<sup>th</sup> October 2022 within which prior approval was given to previously novate these call off contracts from Green Square Accord Ltd to Allied Health- Services Ltd following the sale of Green Square Accord in January 2023.

**BOX 3****REASON FOR THE DECISION**

Allied Health Services Ltd is owned by Cera Care Ltd [REDACTED]

Management from Cera Care Ltd recently contacted operational commissioning to explain that the manager of the Allied Health Services Ltd Doncaster branch was leaving for alternative employment and it has led them to further reorganise how they deliver domiciliary care across Doncaster.

Cera Care Ltd also operate a branch in Doncaster under the name Cera Care which is party to the Council's CCaSH commissioned framework. Cera Care Ltd concluded that it would be more practical to merge both the Cera Care and Allied Health Services Ltd Doncaster branches to operate as one legal entity under the name Cera Care Ltd. They are therefore requesting that the Council's Call off Contacts be further novated from Allied Health Services Ltd to Cera Care Ltd.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**BOX 4**

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

To move the packages of care to alternative providers and end contracting with Allied Health Services once they close the Doncaster branch. Due to the nature of the current domiciliary care market and lack of capacity amongst other providers it could place more risk on the existing clients and result in care not being delivered to those who need it – **This option was rejected**

**BOX 5**

**LEGAL IMPLICATIONS**

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do.

Section 111 of the Local Government Act 1972 gives the Council the power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The novation of a procured provider to a new provider must be compliant with the Council's Contract Procedure Rules and if applicable, the Public contract Regulations 2015 (the Regulations)

CPR 23.0 requires that transfer, assignment and novation of contracts can only be agreed by the Assistant Director of Legal & democratic Services.

The Regulations prescribe that such succession of initial provider is permitted following corporate restructuring including take-over or merger provided that the new economic operator fulfils the criteria for qualitative selection initially established and that there are no other substantial modifications to the contract and the modification is not aimed at circumventing the application of the Regulations (Regulation 72 1(d)ii). It is understood that Cera Care Ltd fulfil such criteria, there are to be no changes to the Call off Contracts and this change is occurring due to commercial /operational reasons and therefore is permitted under the Regulations.

Legal services to assist with drafting the novation documentation.

**Name: Paula Coleman  
November 2023**

**Signature: by e-mail**

**Date: 1<sup>st</sup>**

Signature of Assistant Director of Legal and Democratic Services (or representative)

#### **BOX 6**

##### **FINANCIAL IMPLICATIONS:**

There are no direct financial implications arising from this decision.

Allied Health Services Ltd are currently delivering care to approximately [REDACTED] clients across Doncaster, at an estimated annual cost of circa [REDACTED]. The overall number of clients supported and care hours delivered will not change as a result of this decision, nor will the hourly rate paid to the provider.

The existing care costs forecast to be paid to Allied Health Services Ltd and already included in AW&C revenue monitoring estimates will transfer to Cera Care Ltd but will otherwise remain unchanged.

**Name: Ella Postill    Signature: E Postill/FM-AW&C    Date: 30/10/23**

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

#### **BOX 7**

##### **OTHER RELEVANT IMPLICATIONS**

N/A

**Name: \_\_\_\_\_    Signature: \_\_\_\_\_    Date: \_\_\_\_\_**

Signature of Assistant Director (or representative)

**ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.**

**BOX 8**

**EQUALITY IMPLICATIONS:** (To be completed by the author).

This service does not discriminate against any of the protected characteristics other than individuals will be aged 18+. The service will be required to not tolerate behaviours that are prohibited by the Equality Act 2010.

**BOX 9**

**RISK IMPLICATIONS:** (To be completed by the author)

Failure to approve this ODR could result in a significant number of vulnerable adults being without a support service as due to the current care market, other providers on the contract would be unable to deliver these packages of care.

**BOX 10**

**CONSULTATION**

**BOX 11**

**INFORMATION NOT FOR PUBLICATION**

**Under the Freedom of Information Act 2000, any commercially sensitive content, as well as all signatures, to be redacted prior to publication.**

**Name: Gillian Parker Signature by email Date: 26/10/2023\_**

Signature of FOI Lead Officer for service area where ODR originates

**BOX 12**

**BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR No

(If YES please list and submit these with this form)

**BOX 13  
AUTHORISATION**

Name: Phil Holmes Signature: 

Date: 07/12/2023

Director of Adults Wellbeing and C

**Does this decision require authorisation by the Chief Financial Officer or other Officer**

**YES/NO**

**If yes please authorise below:**

Name: Scott Fawcus Signature: 

Date: 14.12.23

Assistant Director of Legal and Democratic Services

**Consultation with Relevant Member(s)**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Designation \_\_\_\_\_

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

**Declaration of Interest YES/NO**

**If YES please give details below:**

**PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.**

**Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at [Democratic.Services@doncaster.gov.uk](mailto:Democratic.Services@doncaster.gov.uk) who will arrange publication.**

**It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.**