

REPORT TO: Executive Board Sub-Committee

DATE: 11 February 2010

REPORTING OFFICER: Strategic Director, Health & Community

SUBJECT: Business Continuity Management

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 To request suspension of standing orders 3.1 – 3.7 under the exceptional circumstances set out in this report to allow the continuation of social care services during the period of an emergency. Compliance would not be practicable during an emergency period and would cause risks to vulnerable people and to the Council.
- 1.2 To obtain approval from the Board for the use of delegated powers by the Chief Executive to waive standing orders as defined in Standing Orders under Emergency Procedures 1.7

2.0 RECOMMENDED THAT:

- (1) In the exceptional circumstances detailed below, for the purpose of standing order 1.6, procurement orders 3.1-3.7 be waived on during an emergency period for contracts for the provision of care or support to vulnerable adults; and**
- (2) Delegated Powers by the Chief Executive (or in the absence of the Chief Executive the nominated deputy) to waive standing orders under Emergency Procedures 1.7 be authorised, to take such action as may be necessary to implement the recommendations set out above.**

3.0 SUPPORTING INFORMATION

- 3.1 The Civil Contingencies Act requires the Council to maintain plans to ensure that they can continue to exercise their functions in the event of an emergency so far as is reasonably practicable. The Directorate Business Continuity Plan (BCP) has been developed to support delivery of the Directorate Emergency Plan and the Cheshire, Halton and Warrington Rest Centre Plan. The aim of the BCP is to ensure that the Council is in a position to maintain critical services during and after any major, disruption and promote recovery. The BCP has recently been updated in response to the threat posed by major pandemics and to respond to current threat to services should we see a marked increase in the incidence of swine flu. Over the last few months Senior Council Officers have been working closely with

colleagues in Health to develop robust contingency plans to mitigate the effects of a potential outbreak and this report seeks approval to waive standing orders set out in recommendation (i) and to obtain delegated powers for the Chief Executive as set out in recommendation (ii), to ensure the Council has robust contingency measures in place in the event of an emergency.

- 3.2 In the unfortunate event that the Directorates BCP plan is triggered the independent care providers would face extreme pressure once the local hospitals activate their rapid hospital discharge protocol. In view of this, the Directorate would need to increase its supply of domiciliary & residential care. Under current arrangements, social care is purchased through a select list of providers. However, in the event of an emergency, such as a flu pandemic, there is a risk that contracted services will not be able to meet demand. In order to mitigate that risk, it is proposed that the Council increases its potential supply by establishing a list of emergency suppliers of Social Care. Expressions of interest will be sought from registered providers interested in delivering Social Care in Halton, at a rate in line with existing domiciliary and residential care contracts. The Quality Assurance Team will carry out a validation process and host Provider Market days in order to prepare new suppliers for any emergency or major incident. Providers selected through this process would only be used if the BCP were triggered.
- 3.3 Under existing contractual arrangements, Reed is the preferred supplier of agency staff to the Council. Again, in an emergency situation, it is possible that the contracted agency will not be able to meet demand for social care staff. In order to mitigate that risk, it is proposed that the Council increases its potential supply of agency staff by establishing a list of emergency suppliers of social care agency workers. Agencies selected through this process would only be used if the BCP were triggered.
- 3.4 During the emergency period it is anticipated that staff in the Quality Assurance Team, whose current work plan includes responsibility for the re-tendering of services, will be deployed to provide support to critical services throughout Halton. Consequently contracts, which are due to end and are timetabled for re-tendering, will need to be extended by a number of months and work on new tenders will need to be suspended. Approval to extend individual contracts beyond their expiry date is normally approved by the Exec Sub Board, however in an emergency this would not be practicable. Standing Orders does however allow for the Chief Executive to use delegated power in limited circumstances should the situation warrant it. The relevant section of the Procurement Standing Orders is Part One Section 1.7 that states:

1.7 Emergency Procedures

Where urgent action becomes necessary as a result of some unforeseen emergency, the Chief Executive (or in the

absence of the Chief Executive, the nominated deputy) may take such action and these Standing Orders shall be waived in respect of such action. Every use of this Standing Order shall be reported in writing to the next available meeting of the Executive Board Sub-Committee.

- 3.5 In the event that the Health & Communities Directorate BCP is triggered, this report seeks approval for the Chief Executive to use delegated power to extend care and support contracts as may be necessary.

4.0 POLICY IMPLICATIONS

- 4.1 The Directorate Business Continuity Plan links to the Directorate Emergency Plan and the Cheshire, Halton and Warrington Rest Centre Plan. These proposals will support the local BCP of the independent sector that provides social care services for the vulnerable people in the community.

5.0 OTHER IMPLICATIONS

- 5.1 None specific identified.

6.0 FINANCIAL IMPLICATIONS

- 6.1 In the event that social care and health BCP's are triggered, for the purposes of capacity planning, it is estimated that we could see a 15% demand for domiciliary and residential care and a 15% increase in the use of agency staff. Any potential increase in demand would only arise for a short period of time during the period of escalation. Estimated costs based on a 15% increase in demand for a period of one month are as follows:

Domiciliary Care	£42k
Residential Care	£38k
Agency Staff	£13k

- 6.2 The potential increase in costs for agency staff within social work teams and in-house provider services would be met within existing community care budgets.
- 6.3 The potential increase in costs for additional Domiciliary and Residential Care would initially be met within existing community care budgets. However, as soon as practicable following the emergency situation, costs would be recovered from the PCT.

7.0 FOR THE COUNCIL'S PRIORITIES

7.1 Children and Young People in Halton

None specific identified

7.2 Employment, Learning and Skills in Halton

None specific identified

7.3 A Healthy Halton

In ensuring that resources are appropriately directed in the event of an incident such as in the case of flu pandemic, it will ensure that there is a coordinated response and that resources are appropriately deployed thus ensuring that services either continue or are recovered within appropriate timescales.

7.4 A Safer Halton

See 6.3 above

7.5 Halton's Urban Renewal

None specific identified

8.0 RISK ANALYSIS

8.1 Failure to ensure that additional resources are appropriately Commissioned in time for the emergency period & major incidents may result in an uncoordinated response which could potentially lead to services not continuing or being recovered within timescales.

9.0 EQUALITY AND DIVERSITY ISSUES

9.1 None specific identified.