

North Tyneside Council

Report to Cabinet

Date: 24 January 2022

Title: Care Home Fees and Procurement Arrangements

Portfolio(s):	Adult Social Care Finance and Resources	Cabinet Member(s):	Cllr A McMullen Cllr M Rankin
Report from Service Area:	Health Education Care and Safeguarding		
Responsible Officer:	Jacqui Old, Director of Children's and Adult Services	(Tel: (0191) 643 7317	
Wards affected:	All		

PART 1

1.1 Executive Summary:

At its meeting on 29 June 2020, Cabinet received a report on the Adult Social Care Action Plan which set out an approach to working with the social care market to secure greater market stability within a programme of work to consider service redesign and market reshaping taking account of the impacts of COVID-19 and the changing nature of demand for social care services. Work on this has been progressing with different social care sectors and with regards to care home provision.

A further report was presented to Cabinet on 22 February 2021 to finalise the procurement arrangements and to undertake a procurement exercise leading to the award of contracts to preferred bidders. Cabinet will know that this is a complicated and sensitive national issue. That situation has meant it has proven complex to work with care providers and resolve some historic issues and make progress which is acceptable to all.

This report provides an update on this and requests Cabinet to agree the weekly rate for 2019 with fee increases in April 2020 and April 2021, and for Cabinet to consider the weekly price and updates to the commercial arrangements to be included in a proposed procurement exercise.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) Agree the fee levels for older person's care homes from April 2019, together with the associated fee increases in April 2020 and April 2021, as set out in paragraph 1.5.4 of this report; and
- (2) Agree the commencement of a procurement exercise with all in borough older person's care homes in line with the requirements set out in paragraph 1.5.7 of this report.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 29 October 2021.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2021 - 2025 Our North Tyneside Plan. The plan features five themes that reflect priorities aimed at creating a North Tyneside that is thriving, family-friendly, caring, secure and green. The caring policy priorities include:

- Providing great care to all who need it, with extra support available all the way through to the end of the pandemic;
- Working with the care provision sector to improve the working conditions of care workers;
- People will be cared for, protected and supported if they become vulnerable.

1.5 Information:

1.5.1 Background

The Authority commissions a range of social care services to provide care and support for vulnerable adults. This includes, but is not limited to:

- Residential care
- Home care
- Extra care
- Day services and day opportunities
- Supported living / outreach support
- Carers' support

This includes a range of client groups over the age of 18, including

- Older people, general physical needs, and mental health needs, i.e., dementia
- Learning disability
- Mental health – working age adults
- Physical disability – working age adults
- Autism

Access and eligibility to receive a personal budget and care / support under these arrangements comes from the Care Act 2014, and the assessment is undertaken and completed by the Adult Social care Service.

The Adult Social Care strategy is to support people to continue to live as independently as possible and to stay living in their own home for as long as possible. However, for

some people this is no longer possible and a care home placement in a Care Quality Commission registered care home is needed. This could include a placement into a care home in North Tyneside or a placement in a care home outside of North Tyneside where client choice indicates this is wanted.

This report relates to placements into care homes for older people operating in North Tyneside. For placements in care homes in other local authority areas the Authority would link into the fees that apply in that local authority area.

1.5.2 Care Act 2014 Responsibilities – the Market

Section 5 of the Care Act 2014 relates specifically to obligations of the local authorities in relation to market shaping and commissioning of adult social care services and support. Specifically, it includes:

- the principles which should underpin market-shaping and commissioning activity:
 - focusing on outcomes and wellbeing
 - promoting quality services, including through workforce development and remuneration and ensuring appropriately resourced care and support
 - supporting sustainability
 - ensuring choice
 - co-production with partners
- the steps which local authorities should take to develop and implement local approaches to market-shaping and commissioning:
 - designing strategies that meet local needs
 - engaging with providers and local communities
 - understanding the market
 - facilitating the development of the market
 - integrating their approach with local partners
 - securing supply in the market and assuring its quality through contracting

Importantly the duty includes the promotion of an efficient and effective market for adult social care as a whole and this specifically relates to people who are outside of the local authority arrangements and fund their own care. This would include ensuring there is sufficiency of provision that is sustainable and offers a diverse range of support that is of high and improving quality, offers choice and delivers better, innovative, and cost-effective outcomes for individuals.

Section 78(1) of the Care Act 2014 (“the Care Act”) provides that the Authority, in the exercise of its functions, must act under the general guidance of the Secretary of State. The following sections of the Guidance are of note:

- Para. 4.11 confirms that the Guidance describes (at a high level) the issues that local authorities should have regard to when carrying out duties to shape their local markets and commission services.
- Para. 4.16 and 4.17 encourages outcomes-based commissioning, including payments by outcomes, further highlighting the flexibility afforded to local authorities when commissioning services.
- Para 4.27 confirms that local authorities should commission services having regard to the cost-effectiveness and value for money that the services offer for public fund.
- Para. 4.31 provides that when commissioning services, local authorities should assure themselves and have evidence that contract terms, conditions and fee levels for care and support services are appropriate to provide the delivery of the agreed

care packages with agreed quality of care. This should support and promote the well-being of people who receive care and support and allow for the service provider to meet their statutory obligations to pay at least the national minimum wage and provide effective training and development of staff. Local authorities should have regard to guidance on the fee levels that are necessary to provide this assurance, taking account of the local economic environment.

In addition, paragraph 10.27 of the Guidance, allows the Authority to, in determining how to meet needs, to take into reasonable consideration its own finances and budgetary position, and provides that the Authority must comply with its related public law duties (which includes ensuring that the funding available to the local authority is sufficient to meet the needs of the entire local population)

1.5.3 Care home fees

The Care Act focuses on meeting the need of individuals through the implementation of personal budgets and the personal budget to support residential care costs is linked to what was previously referred to as the "usual cost". This was in relation to fee levels for meeting the needs of people in care home provision. This is also linked to choice of accommodation and how much the Authority would pay for that provision to meet assessed and eligible need.

Importantly, the Authority must take account of the providers' actual costs in determining the cost of care provision in the local area.

The choice of accommodation guidance as set out in the wider Care Act guidance continues to give the ability for providers to charge a higher amount than the Authority will pay and in North Tyneside a number of care homes already do this and will continue to do this. This may be for a number of reasons such as size and location of the rooms within the care home, view etc, or simply because the care homes' costs are higher.

The care home can also choose to charge a separate and higher fee for self-funding clients, i.e. those people with savings currently above £23,250.

There are therefore a number of factors and considerations that the individual care home can employ and put in place to cover its costs, one element of which is the funding from the Authority. It is noted that different homes will have a different mix of funding arrangements in place, that could include:

- North Tyneside Council funded;
- Other Local Authority funded;
- NHS funded, where person has continuing health care needs;
- Local Authority funded with top up in place, and
- Self-funded.

As part of the process to determine the fees / rates payable, the Authority issued its draft pricing strategy document on 15 July 2019, and this is set out as Appendix 1. This set out a proposal for the care home fees from April 2019 and how future fee increases would be dealt with.

The draft pricing strategy was in two parts:

- The first part was the consultation to the proposals. This set out a number of consultation questions regarding the proposals in the main draft pricing strategy

document relating to the calculation of the price, how the Authority would deal with future price increases, the new contract, changes to the quality monitoring process and methodology

- The second part was the draft pricing strategy document setting out the proposals

A response was received from Care North East (North Tyneside) on behalf of its member care homes, see appendices 2, 2a and 2b. This challenged the proposal and included Care North East (North Tyneside)'s own calculation of care home costs in member care homes.

In addition to this a response was received from Four Seasons Health Care, they were not members of the Care North East (North Tyneside) group, this is set out at appendix 2c.

During the period late 2019 and into 2020, work was undertaken with Care North East (North Tyneside) but was not concluded due to dealing with COVID-19 matters. The to review the figures put forward by the Authority and those put forward by Care North East (North Tyneside) was picked up again in 2021.

Following this work, Officers considered the position and a delegated decision was taken on 6 July 2021. This decision was then communicated o care homes on 6 July 2021. Subsequently, the decision was formally challenged by Care North East (North Tyneside) by way of Judicial Review proceedings. The claim raised three grounds of challenge to this decision:

- i) It was procedurally unfair to take a Fees decision based on the Pricing Strategy before the consultation on the Pricing Strategy had been completed and the Cabinet had made a decision on the Pricing Strategy;
- ii) Use of the CareCubed model to take the Fees decision was both unfair and irrational;
- iii) The Council had failed to give adequate reasons for its decision.

A copy of the judicial review claim and a witness statement from Mr Gray in support of the claim are annexed to this report for information. See appendices 2d and 2e to this report.

As a consequence of the Judicial Review application, Officers reviewed the decision agreed that it be withdrawn, and that the matter be presented to Cabinet for consideration and determination

1.5.4 Cabinet consideration on care homes fees in North Tyneside

As explained above, on 6 July 2021, the Authority under the Officer Delegation Scheme determined a fee increase for care home provision from April 2019. This followed the review of information from Care North East (North Tyneside) and the Authority's own work on care home costs that was undertaken as part of the draft pricing strategy consultation exercise.

The Authority also put in place further increases to the April 2019 base costs in line with previously determined inflationary uplifts in April 2020 of 5% and April 2021 of 2.16% to give a new set of rates to be paid for the three-year period commencing April 2019.

The outcome of this and the associated annual fee increases are set out in appendix 3a.

This decision was one of the subjects of the Judicial Review that the Authority received and it was decided to withdraw that decision pending some further work with Care North East (North Tyneside) and a report to Cabinet on the matter.

This additional work has now been concluded and has resulted in the proposed figures set out in the table below.

These proposed figures reflect careful consideration of:

- The figures set out in Care North East (North Tyneside)'s consultation response;
- The proposed figures in the draft pricing strategy;
- The figures generated by other models, including ADASS and Laing and Buisson
- Fees being paid in other local authority areas in the North East.

The figures also reflect consideration of the costs that providers are facing in delivering care, the care home market in North Tyneside generally, and the care home fees from other local authorities in the North East Region.

The Authority has sought to arrive at proposed figures that are affordable, as well as fair and transparent. There has been extensive engagement with Care North East (North Tyneside) with a view to reaching agreement on the proposed figures.

In arriving at the proposed figures we have:

- Used a figure for staffing costs of £367.00 per week, which is the same as the figure proposed by Care North East (North Tyneside) in its consultation response
- Used a figure for non-staffing costs of £137.00 per week, which is the same as the figure proposed by Care North East (North Tyneside) in its consultation response
- Increased the differential between the fees for general and dementia care

There was a significant difference between the approach taken to the return on capital and contingency costs in the draft pricing strategy and the consultation response from Care North East (North Tyneside). Notwithstanding this and as part of the overall calculation of costs in light of the matters set out above, it is proposed that this be indicatively calculated at £84.00 per week to give an overall total blended cost (taking account different grades of home and the mix of general and dementia placements) of £588.00 per week.

The rates as set out in the table below have been agreed by Care North East (North Tyneside) on behalf of its members and are recommended for agreement.

	New Baseline for 2019/20	Plus 5% for 2020/21	Plus 2.16% for 2021/22
Residential - general			
Grade 1	£599.40	£629.37	£642.96
Grade 2	£563.38	£591.55	£604.33
Grade 3	£528.41	£554.83	£566.81
Grade 4	£499.27	£524.23	£535.56
Residential - dementia			
Grade 1	£633.57	£665.25	£679.62

Grade 2	£596.22	£626.03	£639.55
Grade 3	£559.96	£587.95	£600.65
Grade 4	£529.74	£556.23	£568.24

Note:

1. The 2019 rates are increased in each of the subsequent two years to take account of inflationary uplift (national living wage increases and consumer price index increases in April 2020 and April 2021 at 5% and 2.16% respectively).
2. The financial impact of this is estimated to be £1.700m in total across the financial years 2019/20, 2020/21 and 2021/22, as follows:
 - a. 2019/2020 cost impact of £0.505m
 - b. 2020/2021 cost impact of £0.590m
 - c. 2021/2022 cost impact of £0.605m
3. This will mean a back-payment of fees payable for each placement we have made into the care homes in each of those financial years
4. The new fee levels will feed into the baseline for fee increases from April 2022 with an initial identified cost pressure of £0.604m

Appendix 4 to this report sets out a comparison of the grade 1 costs (as at grade 1 rates in 2021/22) against the other Local Authorities in the North East region.

For both general care and dementia care the proposed rates place North Tyneside slightly above the regional average and fourth higher across the whole of the region.

1.5.5 The care home market in North Tyneside

In North Tyneside there are 29 care homes operated by 19 different organisations. The organisations range from large national PLC organisations to much smaller single provider owned care homes. There is therefore a varied range of types of providers operating in the market, each with their own position in relation to the operation of their home(s) in North Tyneside and regionally or nationally.

Over the last 18 months the Authority has witnessed, as is the case in other local authority areas, big challenges facing care homes as a result of the Covid pandemic. For the purpose of this report the main challenge has been around reduced occupancy levels and at the same time a range of different costs being incurred.

However, the Authority is starting to see occupancy levels increase, albeit slowly towards pre-COVID levels. During the last 18 months however, the Authority has had a relatively static number of placements and funded bed nights across all care homes. The main reason for the reduction in occupancy has been in relation to reduced number of people in care homes that are either self-funding, funded by other local authority areas or funded by the Clinical Commissioning Group (continuing health care placements).

In that time, one care home has closed, with a reduction of 25 beds in the system, albeit at the time they only had 10 people in those beds. It is likely that this closure was COVID related (tragically a significant number of residents in this home contracted Coronavirus and subsequent died) which led to reduced occupancy as opposed to any decisions taken by the Authority in relation to placements or funding levels.

Alongside this, over the last 18 months the Authority has:

- Supported care homes with occupancy and other payments.
- Passed on grant funding from the Department of Health and Social Care – infection control, rapid testing grants.
- Supported providers to access PPE, prior to the national free portal becoming available.
- Supported providers through the Prevent and Protect Team to deal with outbreaks and wider offers of support from the Authority and colleagues in the NHS

Occupancy over the period January 2020 to date is set out in the table below:

Date	Total beds	Beds Occupied	Occupancy %
January 2020	1481	1279	86%
April 2020	1481	1330	90%
July 2020	1481	1217	82%
October 2020	1506	1243	83%
January 2021	1506	1186	79%
April 2021	1506	1196	79%
July 2021	1457	1203	83%
October 2021	1457	1275	88%

These figures suggests that there is a sustainable and vibrant market in North Tyneside, as:

- There has only been one care home closure – this was a result of low occupancy following a serious Covid-19 outbreak
- There are two other care homes that are awaiting CQC registration providing a further 100 beds, and the provider is aware of current fee levels and is still seeking to operate in North Tyneside.
- The care home provider that closed its home (see bullet point above) is now considering re-opening.
- Occupancy levels are starting to increase.
- One care home (small / single ownership) has been sold and an existing North Tyneside provider has purchased it.

1.5.6 Quality monitoring and care home grades

The Authority undertakes a quality monitoring visit and produces a report and percentage score from this. The quality monitoring covers a number of different aspects of care delivery and is intended to ensure that the result gives a balanced position on the overall quality of care delivery within the care home. The outcomes percentage score then determines which grade the care home is at, and this is then linked to payments as set out below.

Assessment Criteria and Domains		Percentage of the overall score
Quality monitoring tool and on-site assessment	Is the service safe?	70%
	Is the service effective?	
	Is the service caring?	
	Is the service responsive?	
	Is the service well led?	
Physical environment, assessment on the day by the Commissioning Officer		5%

Environment score based on GLP tool	25%
Total	100%

Grading	Scoring (%)	Number of homes in each grade
Grade 1	80 – 100%	19
Grade 2	70 – 79.99%	7
Grade 3	60 – 69.99%	2
Grade 4	Less than 60%	1

It is intended that this is a positive process for the care home and the Authority is seeking to maximise the quality of provision and therefore the numbers of care homes in grade 1.

Paragraph 1.5.7 below sets out the proposed changes to the quality monitoring and banding process that will feed into the procurement exercise and futures years' costs to care homes following a new and updated process.

1.5.7 Procurement and contracting arrangements

Whilst the Authority must seek to ensure Best Value in terms of the procurement of residential and nursing care, the structure of the existing market in the Borough, the use of a pre-agreed pricing mechanism and the choice of placements afforded by the Choice of Accommodation Direction mean that it has not been previously possible to competitively procure this service.

The current contract ended in 2015 and has been extended since then due to ongoing fee negotiations. In accordance with the Public Procurement Regulations 2015 a procurement exercise must be undertaken.

Extensive engagement is currently being undertaken to ensure providers are ready to contract with the Authority.

The Authority has developed a three-year plan (see appendix 5) to set out a review of its commercial arrangements with care home providers and has set an ambition of:

- Putting new contracts in place that meets the Authority's requirements now and during the contract term.
- Put in place a new set of fee levels with care home providers and arrangements for dealing with fee increases.
- Reviewing the quality monitoring and banding levels.
- Better understanding demand and requirement to ensure there is sufficiency of the right supply to meet that need.

During August / September 2021, detailed engagement and consultation took place with care home providers individually, with Care North East (North Tyneside) and with the CCG.

The engagement looked at:

- Dealing with fee increases.
- Quality of provision and quality improvement, review of quality monitoring methodology and grading.

- Demand and capacity to deliver.
- The contract underpinning the provision of care, contract duration.
- Procurement process.

The feedback is set out in appendix 6. In summary, the following sets out the key elements for Cabinet consideration.

- Given the current pandemic and uncertainty in relation to Adult Social Care settlements, a shorter-term contract of 12 months plus a further 12 month option to extend would be appropriate.
- The Authority proposed an increase in weighting to achieve the highest banding, an increase from 80%. During the term of the contract, we will work towards an 85% banding for grade 1. This will ensure that our vulnerable residents receive the highest quality of care. Prices will continue to be increased on an annual basis but in line with a formal mechanism within the contract.
- Providers would be keen to enter into formal contracts with the Authority.
- In relation to fee increases, it was agreed there needed to be reference to areas outside of Provider and Authority control to be included, such as links to Living Wage which have recently increased above inflation over recent years as well as other cost pressures that may come through, i.e. utility costs, insurance, infection control (once grants and access to free PPE comes to an end).

1.6 Decision options:

The following decision options are available for consideration by Cabinet

Option 1

To agree the recommendations set out in paragraph 1.2 of this report.

Option 2

To not agree the recommendations set out in paragraph 1.2 of this report and request Officers to undertake further work on care home fees and commissioning / procurement arrangements and present further recommendations back to Cabinet.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

- This would enable a decision to be made on fee levels and for the procurement exercise to be commenced for new contracts / framework agreements to be put in place from April 2022.

1.8 Appendices:

Appendix 1 – North Tyneside Adult Social Care Draft Pricing Strategy Consultation Document– 15 July 2019

Appendix 2 – Response to the Consultation received from Care North East (North Tyneside)

Appendix 2a – Summary of costing methodology from Care North East (North Tyneside)

Appendix 2b – Summary costs received from Care North East (North Tyneside)

Appendix 2c – Response to the Consultation received from Four Seasons Health Care
Appendix 2d – Judicial Review claim – Statement of Facts
Appendix 2e – K Gray witness statement
Appendix 3a – Fees to be paid to care homes, published 6 July 2021
Appendix 3b – Fees to be paid to care homes, to be agreed by Cabinet
Appendix 4 – Regional comparison of care home fees
Appendix 5 – Three-year plan – care home commercial arrangements
Appendix 6 – Summary feedback from engagement on care home contracts
Appendix 7 – Equality Impact Assessment (updated December 2021)

1.9 Contact officers:

Scott Woodhouse, Strategic Commissioning Manager, Adults (0191) 643 7082
Sarah Heslop, Strategic Manager Commercial and Procurement (0191) 643 5456
Claire Emmerson, Senior Manager – Financial Planning and Strategy (0191) 643 8109

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) Department of Health and Social Care, Care Act 2014 – guidance, last updated 27 August 2021 – [Care and support statutory guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/care-and-support-statutory-guidance)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The Authority must take account of its available resources in determining the fees payable to social care providers for the delivery of a range of different services. In doing this, the Authority will take account of current budget provision, current and forecasted expenditure, and expected changes to demand requirements reflected in future commissioning intentions. Growth requirements are identified through the annual budget setting process i.e. demand growth based on increase in numbers and activity or standstill pressures such as national living wage increases, other cost pressures providers are facing.

The additional cost of the proposed additional uplift to the 2019/20 rates outlined in section 1.5.4 is estimated to be £1.700m across the financial years 2019/20, 2020/21 and 2021/22 based on actual expenditure incurred in 2019/20 and 2020/21 and on forecasted expenditure for 2021/22. The impact of the £1.700m uplift has been built into the forecasted position reported to Cabinet in the Financial Management Report to 30 November 2021, also presented on 24 January 2022.

The proposal also increases the as yet undetermined rate on which the 2022/23 increase will be based. Cabinet will be kept updated on the impact on 2022/23 through the financial governance processes in place around Budget setting and the Medium Term Financial Plan 2022-2026.

2.2 Legal

The duties and obligations on the Authority are set out in the main body of the report, and these relate specifically to the Care Act 2014 and engagement / consultation.

As detailed extensive consultation has been undertaken regarding the Pricing Strategy. The fee was therefore determined in accordance with the constitution and scheme of delegation. Subsequently, a Judicial Review Pre-Action Protocol letter was received by the Authority on 15 July 2021 on behalf of a group of affected care home providers within the borough. Notwithstanding a number of meetings with the providers, formal Judicial Review proceedings were commenced, and received by the Authority on 21 September 2021. External legal advice was sought, which confirmed that to ensure a fair and transparent process, the decision on fees should be taken by Cabinet.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Key internal engagement has taken place across the Authority with input and representation from legal, finance and commissioning services.

2.3.2 External Consultation/Engagement

External engagement has been undertaken in two phases.

Firstly, on 15 July 2019, the Authority published a draft pricing strategy for care home provision and set out a number of questions as part of the engagement exercise. The intention at this stage was to receive responses, consider the detail and prepare and present a report to Cabinet in late 2019 / early 2020 and then implement new fees from April 2020. The engagement timescale was extended a number of times to enable a full response to be received from Care North East (North Tyneside) on behalf of member homes in North Tyneside. There were then delays in dealing with the queries from this and in March 2020 this work was stood down as COVID-19 hit and the focus moved elsewhere.

However, the discussions continued later during 2020 and into 2021, with a series of meetings in place and discussions about the fees payable.

Secondly, the engagement took place with care homes on the contracting and procurement arrangements for care home provision in North Tyneside. There were links in this to the outcome of the pricing strategy but equally there was a key focus on putting in place a new three-year plan (appendix 5) to develop the commercial relationship with care home providers.

In addition to the above, the Authority has engaged and consulted with North Tyneside Clinical Commissioning Group. The Authority is responsible for commissioning residential care placements and the CCG is responsible for commissioning nursing and continuing health care placements. There is a separate s75 agreement in place between the CCG and the Authority for the Authority to commission and fund nursing and continuing healthcare placements – note there are additional costs payable for nursing care and continuing healthcare, and these are set by the CCG.

2.4 Human rights

The proposals contained in this report relate to the following human rights:

- Right to liberty and security.

- Right to respect for private and family life.
- Protection from discrimination.

The contracts and specifications in place will require Providers to meet human rights duties and statutory requirements.

2.5 Equalities and diversity

The Adult Social Care contracts stipulate that Provider(s) will ensure compliance with the 2010 Equality Act and Public Sector Equality Duty and therefore will not unlawfully discriminate against employees or service users with protected characteristics.

The contract also stipulates that the Provider(s) must ensure that its workforce receives appropriate training to understand their roles and responsibilities under the Equality Act e.g., implementing Equal Opportunity requirements, and to promote equality and prevent discrimination.

This will be monitored through the quality monitoring arrangements for each of the services.

An Equality Impact Assessment of the proposed decision on fees is at Appendix 7.

2.6 Risk management

Risks have been considered and evaluated. Actions that could be taken to mitigate identified risks have been identified. During the process of contracting, risks will be discussed, evaluated and actioned as appropriate.

Risks that are specific to service delivery will be identified and included in the service specification.

Any risks associated with the process of putting new contracts in place have been mitigated through the use of the NEPO portal as the mechanism to ensure that an open and transparent procurement process is in place.

There is the additional risk that the decision taken by Cabinet will not be accepted by Care North East (North Tyneside) or individual care home providers and this may give rise to further Judicial Review challenges being made against the Authority.

2.7 Crime and disorder

There are no crime and disorder implications arising directly from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications arising directly from this report.

PART 3 - SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X