

Report to CABINET

Extension to the Adult Social Care Service Level Agreement with Miocare Group CIC 2026

Portfolio Holder(s):

Cllr Barbara Brownridge, Lead Member for Health and Social Care

Officer Contact(s):

Jayne Ratcliffe, Director of Adult Social Care (DASS)

Report Author(s):

Claire Hooley, Assistant Director of Commissioning and Market Management

Cabinet Date – 23 March 2026

Reason for Decision

The report seeks approval to extend the Service Level Agreement with Adult Social Care and Miocare Group CIC, for a range of services provided.

The report also seeks a commitment for wider Council colleagues to work with Miocare Group CIC to develop Service Level Agreements and specifications of requirements for those corporate services that Miocare Group CIC “buys back” from the Council.

Recommendations:

Cabinet members are asked to:

- Approve the Service Level Agreement with Miocare Group CIC.
- The refreshed SLA updates the provisions governing the relationship and service delivery between the Council and Miocare Group CIC. The provisions allow for variation as the future focus of the Miocare Group becomes clearer through the implementation of the Adult Social Care Target Operating Model.
- Endorse wider corporate services work with Miocare to develop Service Level Agreements and specifications of requirements for services Miocare buys back from the Council.

Extension to the Adult Social Care Service Level Agreement with Miocare Group CIC 2026**1. Background:**

- 1.1 On 1st October 2013, the Council entered into a Service Level Agreement with Oldham Care and Support Ltd, following the creation of the company as a local authority trading company, from what had previously been “in-house” adult social care services. This agreement was superseded in 2015 following a restructuring of the company, with the parent company Oldham Care Services Ltd, and two subsidiaries, Oldham Care and Support Ltd (the “teckal company”) and Oldham Care and Support at Home (the trading arm). In April 2016, the company name changed to Miocare Group Community Interest Company, and services were delivered via sub-contract arrangements through Oldham Care and Support Ltd (the teckal company) and Miocare Services Ltd (the trading arm).
- 1.2 It was originally envisaged that during the initial term of the agreement, decisions about company ownership would be made, which may lead to the company ultimately operating as a completely independent organisation, no longer in council ownership. However, since then there has been unprecedented levels of instability in the care sector, exacerbated in more recent times by significant workforce challenges, the covid-19 pandemic, and the national developments of significant transformation plans in respect of health and social care provision, and certain levels of uncertainty surrounding funding and charging reforms. As a result, it has felt prudent to retain Council ownership of the company.
- 1.3 Towards the end of 2021, as part of a wider review of Council resources and taking into consideration the prevailing market conditions and future vision with a focus on prevention and strength-based approaches, initial consideration was given to the potential options with regard to the future of MioCare and the services delivered by the company. The outcome of these considerations was to retain the current position in respect of MioCare, but to refresh the Service Level Agreement and specifications, to support a clearer view of future opportunities for and development of the MioCare delivered services, aligned to the emerging Target Operating Model for Adult Social Care and the widespread national reforms.
- 1.4 In 2023 the refreshed Service Level Agreement alongside a contract were put in situ, for a period of three years with the option to extend for up to two further years. This report recommends utilising the original provision to extend the SLAs, expiring 31st March 2028, or sooner should alternative developments be progressed.

2. Current Position

- 2.1 In partnership with MioCare, the Service Level Agreement and the service specifications have been reviewed and updates applied. The specifications relate solely to the services delivered through Oldham Care and Support Ltd. The services delivered through MioCare Services Ltd. are subject to separate agreements, such as for Extra Care Housing which were put in place following the tendering of services as part of the Care at Home framework approach originally contracted in 2018. To note, at the time of writing this report, the Extra Care Housing service is going through the moderation and evaluation stage of the tender, with these services due to expire Summer 2026, pending the outcome of the tender process.
- 2.2 The Service Level Agreement has been drafted for a period of 3 years with an option to extend for up to two further years. It includes all required provisions and the provision to add, remove or amend services during the life of the agreement.

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- 2.3 The services currently covered by the agreement, and reflected in the specifications include:
- General Requirements
 - Bed-Based Reablement (Medlock Court)
 - Community Enablement
 - Complex Needs Services (including supported living, shared lives, and respite provision)
 - Helpline and Response
 - Managed Services (including community equipment, adaptations and assistive technology)
 - Continuity of Care Provision (to support in relation to situations of provider failure)
- 2.5 Further work is required to put in place Service Level Agreements and specifications of requirements between MioCare and those council departments providing support services, to establish expected service levels.
- 2.6 A strategic review has been commissioned to take place, considering MioCare's Local Authority Owned company status. This review is due to conclude in 2026/27, for recommendations to be considered in an options appraisal for implementation.

3. Options Considered

- 3.1 **Option 1** - Do not extend the Service Level Agreement, and do not develop Service Level Agreements and specifications of requirements for services Miocare buys back from the council.

This would leave both the Council and MioCare Group CIC in a position where the relationship and the services to be delivered are not covered by a compliant, up to date agreement, leading to lack of clarity for all parties.

- 3.2 **Option 2** – Do not extend the Service Level Agreement until the future focus of MioCare Group is clarified (with reference to para 2.6), and do not develop Service Level Agreements and specifications of requirements for services MioCare buys back from the council until that time.

This would carry the same risks as Option 1 and as it is envisaged that the full implementation of the target operating model and adult social care reform will take a significant period of time, it would leave uncertainty and lack of clarity for both the Council and MioCare.

- 3.3 **Option 3** – Extend the Service Level Agreement for the services delivered to the Council by MioCare Group CIC, and develop Service Level Agreements and specifications of requirements for services MioCare buys back from the council.

This is the preferred option. It updates the provisions governing the relationship and service delivery between the council and MioCare Group CIC. The provisions allow for variation as the future focus of the MioCare Group becomes clearer through the implementation of the Adult Social Care Target Operating Model. It also requires wider corporate services to work with MioCare to develop Service Level Agreements and specifications of requirements for services Miocare buys back from the council.

4 Financial implications

4.1 The report is seeking to extend the Service Level Agreement with the MioCare Group CIC. The redrafted agreement is effective from 1 April 2026 and as per the provision to extend for a further two years 2026/27 and 2027/28.

4.2 Schedule 2 of the Service Level Agreement 'The Charges' outlines the basis of the charge and the mechanism for periodically reviewing the charge.

(Andy Cooper – Senior Finance Manager)

5 Legal implications

5.1 By virtue of Regulation 12(1) of the Public Contract Regulations 2015, the proposed SLA would be a public contract that falls outside the scope of Part 2 of the Public Contract Regulations 2015 because all of the following conditions are fulfilled:

- (a) the Council exercises over MioCare a control which is similar to that which it exercises over its own departments;
- (b) more than 80% of the activities of MioCare are carried out in the performance of tasks entrusted to it by the council or by other legal persons controlled by the council; and
- (c) there is no direct private capital participation in MioCare with the exception of non-controlling and non-blocking forms of private capital participation required by national legislative provisions, in conformity with anything which is retained in EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018, which do not exert a decisive influence on Miocare.

5.2 As a result, a procurement compliant direct contract award can be made by the council to MioCare in the form of the proposed SLA.

5.3 The proposed SLA has been drafted in consultation with Legal Services and is intended to be comprehensive yet balanced agreement which protects each party.

5.4 Any provision of services by the council to MioCare would be outside the scope of Part 2 of PCR 2015 by virtue of Regulation 12(2).

Sarah Orrell – Commercial & Procurement Solicitor

6. HR / People implications

6.1 Option 3 would provide clarity for MioCare management and their workforce, no other specific workforce issues identified.

Caroline Brian, Head of Operational HR

7. Links to Co-operative Values

7.1 Entering into a new Service Level Agreement with MioCare aligns to the council's Co-operative agenda as MioCare is an organisation based in Oldham delivering health and social care support to adults in Oldham. Keeping adults healthy and safe and meeting statutory commitments is a key priority for the council. The new agreement also represents partnership with an organisation that priorities outcomes for residents.

8. Strategic Links

8.1 Alignment to Corporate Plan

In 2024 the council published a new Corporate Plan – Ready for the Future 2024 – 27. The plan shows how the council will build a future where Oldham is recognised for its ambition, inclusiveness, and strength by focusing on three key goals:

- Healthier, Happier Lives
- A Great Place to Live
- Green and Growing

There are four main focus areas, or “pillars”, that will guide this plan and help us to achieve our goals:

- Efficiency and value for money – being committed to making the best use of our resources throughout the organisation.
- Capacity building – we will build strong infrastructure to meet our needs now and in the future.
- Digital – we will use digital tools to improve services and make our organisation more efficient
- Prevention and early help – we will actively work to reduce the need for our services by focusing on prevention and early support.

8.2 The redrafting of the SLA and specifications enables us to reset the base from which future service development will take place, to align to the target operating model for adult social care and to respond to national reform.

9. Communications – comments/implications

9.1 Partnership working, ongoing communication and engagement between the council and MioCare is ongoing and MioCare have been involved in the development of the refreshed SLA and specifications, through the six-weekly Partnership meetings, at least quarterly Strategy meetings and through the MioCare Board.

10. Procurement Implications

10.1 The Teckal exemption under the Procurement Act 2023 (PA23) allows public authorities to directly award contracts to "in-house" entities without competitive tender, provided strict criteria are met. This is codified in Schedule 2, paragraph 2 of the Act. This is similar to how it operated under PCR2015 and the exemption ensures that in-house, non-commercial arrangements are not subject to public procurement rules.

James England - Procurement Manager

11. Property Implications

11.1 MioCare are tenants of several council-owned buildings, occupying under Tenancy at Will documents, which have not been renewed or updated for many years. Services to the buildings, including health & safety and compliance are provided by the Technical Delivery and Facilities Management teams within Property Services to ensure servicing and repairs are managed and kept up to date. These services are not on an SLA basis, but any costs are captured as part of the Corporate Landlord model and recharged back to MioCare each year. FM and Property Services will continue to work with MioCare under these arrangements and therefore there are no specific implications at present and this arrangement will continue if the extension is agreed. However, if there are opportunities to consider how roles and responsibilities are managed through the use of SLAs, these should be considered.

(Alison Evans – Corporate Estates Manager)

12 Risk Implications

12.1 The preferred option poses the least risk to the council as providing by providing a clear agreement to govern the services delivered by MioCare. The option provides consistency and continuity whilst also retaining a level of flexibility to develop in line with the Adult Social Care Target Operating Model.

13 Key Decision Reference: HSC-04-26

14 Environmental Health and Safety Implications

14.1 None.

15 Community cohesion and crime and disorder implications

15.1 None.

16 Equality Impact Assessment

16.1 None.

17 Oldham Impact Assessment Completed?

17.1 NA.

18 Background Papers

18.1 There are no background papers to the report.

19 Appendices

Appendix one		
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