

Clarification Questions – 19th June 2016

Question - 'I attended the meeting for the above today and returned to the office to read the Contract which was not discussed but is required to be agreed to in order to progress this. The contract has no apparent mechanism in it for The Provider (the care home) to terminate the Contract at its discretion even with a sensible notice period.

That cannot be the intention surely otherwise it is completely irrevocable unless in specified circumstances. Although we have no intention of doing so what if this or any home wanted to close to exit the market or no longer be in contract with LB Haringey because for instance in future years it becomes uneconomic? There should always be a Notice to Terminate clause with reasonable notice on both sides. This appears not to contain such a clause so the Provider could be locked in with no exit at their discretion even with a notice period

This appears to be a significant omission and I would appreciate your confirmation that neither of the above circumstances are intended or occur under this Contract and which clause(s) in your opinion cover each scenario.'

Answer – We have noted your comments and have made a revision to clause 31.1 of the Supplier Agreement to allow termination of the Service Agreement by either party under notice, the new clause reads:

31.1 Notwithstanding any other provision of a Service Agreement and/or, in the case of the Council, this Supplier Agreement, either party may terminate any Service Agreement by giving at least 28 days' written notice, or 3 months for established Service Users who have lived in the home for more than 2 years to the other. This period may, however be reduced if mutually agreed between the relevant Parties. The period of notice will run from receipt of notification (notification can be by e-mail, fax or posted). During the period of notice both parties shall co-operate to ensure that the interests of the Service User shall be met under whatever new arrangements may be proposed.

The new version of the supplier agreement will be uploaded and all those who have commenced the accreditation and enrolment process will be notified and required to reconfirm the terms and conditions