

CABINET

Date of Meeting	Tuesday, 14 th July 2020
Report Subject	Supporting Living Framework and Commissioning of Services
Cabinet Member	Cabinet Member for Social Services
Report Author	Chief Officer (Social Services)
Type of Report	Operational

EXECUTIVE SUMMARY

Denbighshire County Council previously led on an electronic procurement exercise (tender) to establish a regional North Wales Agreement for Domiciliary Care Services for adults on behalf of the six North Wales Local Authority partners and Betsi Cadwaladr University Health Board (BCUHB). This agreement was adopted by all partners, including Flintshire, and commenced 1st April 2018.

Building on from this Agreement, a further electronic procurement exercise (tender) has been completed, again led by Denbighshire County Council, with the purpose of introducing a North Wales Supported Living Framework.

In February 2020 Denbighshire's Cabinet approved the North Wales Support Living Framework on behalf of all the 7 partner organisations, and agreed for it to go live from the 1st April 2020.

By adopting this Framework, it will enable Flintshire to commission its support living services, when they come up for renewal, effectively and efficiently whilst ensuring consistency and quality of provision across North Wales.

Social Services currently has 3 supported living services that require commissioning/ re-commissioning and we are proposing to utilise the new North Wales Support Living Framework (call off contract) to tender and select a new provider.

To meet Contract Procedure Rules for the Council approval from Cabinet is required to progress with the tender and award of these contracts.

RECOMMENDATIONS

1	This report seeks approval to adopt the North Wales Support Living Framework for all future supported living commissioning exercises.
2	To approve the proposal to re-commissioning the 3 supported living properties detailed in this report, as per our Contract Procedure Rules that require Cabinet approval for the award of contracts with a value over £2 million.

REPORT DETAILS

1.00	EXPLAINING THE NORTH WALES SUPPORTED LIVING FRAMEWORK
1.01	Denbighshire County Council previously led on an electronic procurement exercise (tender) to establish a regional North Wales Agreement for Domiciliary Care Services for adults on behalf of the six North Wales Local Authority partners and BCUHB. This agreement was adopted by all partners, including Flintshire, and commenced 1 st April 2018. This Agreement ensures that the partners meet their requirements of the 'Social Services & Wellbeing (Wales) Act 2014' and the 'Regulation & Inspection of Social Care (Wales) Act 2016.
1.02	Building on from this Agreement, a further electronic procurement exercise (tender) has been completed, again led by Denbighshire County Council. With the purpose of introducing a North Wales Supported Living Framework, the exercise approved a range of new providers wishing to deliver supported living services across the North Wales region and for existing approved providers of domiciliary care to also deliver supported living services under this Framework.
1.03	All of the 7 North Wales partner organisations have contributed to the evaluation of the tenders against a published procedure and criteria. To be successful on the North Wales Supported Living Framework providers have been required to pass appropriate organisational due diligence checks including financial stability, health and safety and insurance requirements, and evidence how they are working to promote the well-being of the people that they support.
1.04	A team of over 25 professionals across the 7 partner organisations have been involved in scoring the providers' tenders. The Evaluation Team has agreed the outcome of the evaluation – to accept the tenders of 35 suppliers (that have met all the published qualification and quality requirements) to form the new North Wales Supported Living Framework.

1.05	In February 2020 Denbighshire's Cabinet approved the North Wales Support Living Framework on behalf of all the 7 partner organisations, and agreed for it to go live from the 1 st April 2020.
1.06	By adopting this Framework, it will enable Flintshire to commission our support living services, when they come up for renewal, effectively and efficiently whilst ensuring consistency and quality of provision across North Wales. As 35 providers have already been 'approved' following quality and due diligence checks, it will enable Flintshire's Commissioners to re-commission services using a mini / 'shorten' procurement process that is agreed and outlined in Flintshire Contract Procedure Rules.
1.07	For any service contract with a total value (annual contract value times the length of the contract) of £1 million will received the necessary delegated approval and any contract over £2 million will seek Cabinet approval prior to re-commissioning, as per the Contract Procedure Rules.
1.08	In Flintshire there are 59 supported living services across the County, which are delivered by 10 different providers; Social Services delivers 15 of these supported living services in-house. Individuals and families can choose to fund their care and support via Direct Payments, with 12 supported living services being delivered by Direct Payments in Flintshire.
1.09	All supported living providers are being supported by Social Services during the current pandemic, this includes support with Personal Protective equipment (PPE), virtual training, weekly telephone conference calls and sharing of information as new guidance is released. The services are being managed well and to date there are no reported positive COVID-19 cases in any of the supported living services in Flintshire.
1.10	Social Services currently has 3 supported living services that require commissioning / re-commissioning and we are proposing to utilise the new North Wales Support Living Framework to tender and select a new provider for these.
1.11	Two of these services, which are commissioned services, require re-tendering are as a result of the existing provider serving notice on the contract as they will no longer be delivering services in North Wales. This provider also currently supports 2 further supported living services which are funded via Direct Payments (please refer to point 1.20 for further information on these). The third service is a new service enabling four individuals to move into independent living. These 3 supported living services will be commissioned under 2 service contracts.
1.12	The individuals to be supported under these contracts all have either a learning disability, mental health condition, autism as well as other health needs, some of which are complex health needs. These services will provide all individuals with community based care and support that is focused on independence, progression and achieving well-being outcomes.
1.13	The services will be delivered to all individuals as per their integrated care and support plans and via trained and experienced Support Workers. The

	Support Workers will be employed and managed by the Provider. Here is an outline of the services we intend to commission:
1.14	The first service requires specialist 24 hour support for the individuals within the property to live independently within their home and the community. The individuals all require 1:1 and 2:1 support at times, including waking night support as a result of complex health needs.
1.15	The funding of this service is primarily met by Social Services, with a contribution towards one individual's care and support package coming from BCUHB.
1.16	The second service is for flexible daytime outreach support for an individual to enable them to live independently in their property and their local community.
1.17	The third service will be a new service to give four individual's independence, requiring specialist 24 hour support that has a shared core support element.
1.18	We have been working collaboratively with the individuals (where possible), the families and professionals to develop an appropriate service specification that meets the needs of each individual. It is our intention to procure these services together with the families to select the most economically advantageous delivery organisation.
1.19	Using the current service cost for the support packages of all services these contracts will exceed the £2 million threshold even if the contract period was for a 5 year period; however it is our intention to secure a long term commitment for these contracts to provide continuity for the individuals, families and to also provide security and sustainability for the new provider. As a result of the value of these contracts, the approval of Cabinet to proceed is required.
1.20	We are also supporting and working together with the individuals and families of those services who have also been given notice by the outgoing provider, but are currently funded by Direct Payments. These families are exploring the best way forward for re-commissioning their services and the option of coming under the commissioned route is still a possibility being considered. If this is the outcome of these discussions, the services would form part of the procurement exercise completed by Social Services, working collaboratively with the families. Funding for these services have been approved and are budgeted for by Social Services, whether it be funded through a Direct Payment or commissioned service.

2.00	RESOURCE IMPLICATIONS
2.01	Funding for two of the services are currently met by Social Services; with a 50% contribution from BCUHB on the package of support for one individual. The local authority currently pays £470,627.56 per annum for these services. Under the procure exercise the authority will be looking to select the most economically advantageous provider, with the quality of

	the service provision being a most important consideration. As a result, it is not envisaged that we will secure significant savings on these services, if any. The funding for these services is currently supported by Social Services and is not additional to the existing budget.
2.02	The existing provider for the two properties is no longer going to be operating in North Wales; this coupled with the ability to transfer the knowledgeable and experienced staff using Transfer of undertakings protection of payment regulations (TUPE) will support continuity of care for the individuals, which is a key priority for everyone concerned. As long as the staff are eligible for TUPE, they will have the choice to transfer across to the new provider following the successful award. We will follow TUPE Regulations and support the transfer between the outgoing and new provider.
2.03	The third service is a new service. Two of individuals are coming from the community, currently living at home with their parents and this is a move to meet their progression and well-being outcomes to live independently; there is currently no accommodation cost to the authority. The third individual to move into this property is coming from a residential care setting, so again is a positive move in terms of his independence, and the existing cost of the support to the authority is £145,000 per annum. There is to be a four individual identified for this property, awaiting decision at accommodation panel. It is assumed, based on the current market rate and the assessed hours of support required for all individuals (the three confirmed individuals), the cost for this property will be in the region of £160,000 per annum. Therefore the authority will see a slight increase in funding towards this new service. However, the funding for this has been approved by Social Services and is budgeted for. When the fourth individual is confirmed, the funding for their care and support will also be approved by Social Services and budgeted for prior to inclusion in this contract.
2.04	The staffing resource for the new service will require the successful provider to recruit staff to deliver the service. Under the service specification we have given guidance on the skills and experience required by the staff to deliver the outcome based support and also to ensure that we get the right match of staff for the individuals concerned.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	There are two primary risks to the commissioning of these supported living services in Flintshire, which are centred on the outgoing provider and the notice that they have served on their services.
3.02	As the outgoing provider has served notice on all of their contracts, we have a set period of time in which we need to re-commission the services and secure a new provider. This coupled with the current climate has been a challenge in terms of managing anxieties and planning for a successful procurement exercise. As a result, there are key deadlines which must be achieved in order to successfully award the contracts.

3.03	Furthermore, the biggest risk to manage is the continuity of care for the individuals and the impact that the change in provider will have on their well-being; they have been achieving excellent outcomes with the existing provider and are happy with the current care and support. As a result we have been keen to ensure that we transfer as many of the staff as possible from the outgoing provider to the new provider; we have been supporting this in a number of ways, such as: carefully considered communication plan, accurate TUPE information and close monitoring of the situation.
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4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	In Social Services we adopt a collaborative approach to commissioning, which is not only good practice but a requirement under the Social Services and Well-being Act (Wales) 2014.
4.02	As part of the development of the North Wales Supported Living Framework a consultation event to place with the sector in November 2018 and we continued to work in collaboration with all parties.
4.03	More recently and in relation to the proposed Flintshire commissioning, we have engaged with a range of professionals, the individuals themselves (those with capacity) and their families to collectively agree the best way forward for commissioning these supported living services. Aspects that were important to the individuals and families, such as retaining the current support workers, was a strong consideration.
4.04	In addition, all stakeholders have been involved in the development of the procurement documentation, such as the service specification and the evaluation methodology. This helps to ensure the right service is being commissioned to provide person centred support to all individuals concerned.

5.00	APPENDICES
5.01	Supported living call off contract.
5.02	Supported Living service specification.
5.03	Supported living successful providers.
5.04	Denbighshire County Council, Cabinet Report – 18.02.2020.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	North Wales Domiciliary Care (Framework) Agreement – Denbighshire Cabinet Report – 27.02.2018



Award of NW Dom
Care Agreement - DC

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Dawn Holt, Commissioning Manager Telephone: 01352 702128 E-mail: dawn.holt@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	<p>Autism: Autism is a ‘hidden disability’, meaning it is not easy to recognise when someone has the condition. Autistic individuals may experience difficulties in social communication.</p> <p>Commissioning of services: The development of service provision that includes the specifying of requirements and procurement of organisations other than the Council to deliver services.</p> <p>Contract Procedure Rules: Rules and procedures that ensure that contracts are awarded based on open and transparent competition</p> <p>Direct Payment: Are as payment made by a local authority social services department to an individual who has been assessed as having care and support needs who wish to arrange their own care and support services</p> <p>North Wales Domiciliary Care (Framework) Agreement: Denbighshire County Council has led on a procurement exercise (tender) to establish a North Wales Domiciliary Care Framework Agreement for adult services on behalf of the six local authority partners and BCUHB. The Agreement replaced the existing regional contractual agreements, which did not meet the requirements of the Social Services and Well-being (Wales) Act 2014 and the Regulation of Inspection for Social Care Act 2016. This Agreement was approved by all partners (27.02.2018) and came into effect on the 1st April 2018.</p> <p>North Wales Supported Living Framework: Denbighshire County Council has led on a procurement exercise (tender) to establish a North Wales Supported Living Framework on behalf of the six local authority partners and BCUHB. The Framework builds on from the North Wales Domiciliary Care Framework Agreement. This Agreement was approved by Denbighshire County Council Cabinet on the 18.02.2020 on behalf of all partners and came into effect on the 1st April 2018.</p> <p>Supported Living: Housing and support that is built around a person, allowing them to choose where they live, with whom and how they are supported</p>

	TUPE (Transfer of Undertakings Protection of Employment)
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	Regulations: Transfer of Undertakings Protection of Employment Regulations (TUPE) – Employees transfer automatically to the new organisation with their terms and conditions of employment and continuity of service preserved.
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