

From: Richard Smith, Corporate Director Adult Social Care and Health

To: Clair Bell, Cabinet Member for Adult Social Care and Public Health

Subject: **External Community Opportunities for People with Learning and Physical Disabilities**

Decision Number **22/00034**

Classification: Unrestricted

Past Pathway of report: Governance Directorate Management Team - 2 February 2022
Adult Social Care Cabinet Committee – 31 March 2022

Future Pathway of report: Cabinet Member decision

Electoral Division: All

Summary: The current Community Day Opportunities for Individuals with Disabilities framework contract is due to expire on 30 September 2022, new arrangements need to be in place by 1 October 2022. It is planned to develop a specification that is flexible, adaptable, and enables new providers to join as the needs of individuals change and following learning from the pandemic. It is proposed to change from the current framework arrangements and implement a dynamic purchasing system, reduced number of contract lots and locality-based focus. Following adaptations made by providers during the pandemic different levels of payment for 1:1 support, group support (tiered by numbers supported) and virtual/remote support are also being considered.

Recommendation(s): The Cabinet Member for Adult Social Care and Public Health (in consultation with the Cabinet Member for Integrated Children’s Services) is asked to:

- a) **APPROVE** the procurement for External Community Opportunities for People with Learning and Physical Disabilities; and
- b) **DELEGATE** authority to the Corporate Director Adult Social Care and Health and Corporate Director Children Young People and Education to take relevant actions, including but not limited to finalising the terms of entering into required contracts of other legal agreements, as necessary to implement the decision.

1. Introduction

- 1.1 The Community Day Opportunities for Individuals with Disabilities framework contract was due to expire on 31 March 2021. However due to the pandemic, it was not possible to commence any engagement activity to begin the re-tendering of the contract. The contract was extended under guidance issued at

the time (Procurement Policy Note, PPN 01/20) for 18 months in December 2020. The contract needs to be retendered for October 2022.

- 1.2 There are currently 47 organisations providing 72 separate day opportunities services on the framework contract. There are also a number of individuals accessing these and other providers through historical individual contracts and direct payments. Currently there are approximately 1,115 individuals supported through the Framework and approximately 1,408 individuals in total funded for day opportunities by Kent County Council.

2. Background

- 2.1 During the COVID-19 pandemic it was not possible to begin the re-tender of the Community Day Opportunities Contract for People with Learning and Physical Disabilities and therefore the contract was extended for 18 months. The contract needs to be re-tendered for a new contract to begin on the 1 October 2022.
- 2.2 The key principles of the current specification are based on Valuing People Now (2009) of: Rights, Independent Living, Control and Inclusion as well as The Equality and Human Rights Commission vision promotes strategies which are underpinned by the following three priorities:
 - To promote fairness and equality of opportunity in Great Britain's future economy
 - To promote fair access to public services, and autonomy and dignity in service delivery
 - To promote dignity and respect, and contribute to keeping people safe
- 2.3 In the current specification there are three main lots: Promoting Wellbeing, Promoting Independence, Employment Support (as well as an additional support (1:1 lot)).

3. Future Specification Development

- 3.1 Current thinking prior to provider and public engagement is that the specification will be outcome focused based on the Making a Difference Everyday (MADE) and Provider Services design principles (which have been part of a separate engagement process) and aligning with Self Directed Support approach of Adult Social Care. MADE is Adult Social Care's vision to support people to live a life based on what's important to them and that keeps them safe, with the person at the heart of everything we do, shaping the future together with the person and their families/carers.
- 3.2 Given the diverse nature of the market the specification needs to be flexible, adaptable, and evolving and enable new providers to join as the needs of individuals change following the learning from the pandemic. We are considering two main lots one for Wellbeing and one for Employment and to have locality-based contracts.

- 3.3 The current contract is a framework that was opened every six months for new applicants. Following engagement, we will be procuring a dynamic purchasing system, which will remain open to allow providers to join at any time, to ensure if a gap in provision is identified, through working with the market it can be filled.
- 3.4 Through aligning this procurement with the Micro-Enterprises project – the potential will be explored to utilise the micro-enterprises process for bringing smaller providers onto the Dynamic Purchasing System, and utilising the tools available through that project – procurement regulations permitting. The implications of potentially using a parallel evaluation route dependent on size of organisation is being assessed.
- 3.5 Following the adaptations made by providers during the pandemic it will be proposed that there are three different levels of payment for 1:1 support, group support (tiered by numbers supported) and virtual/remote support.
- 3.6 It is recognised that day opportunities in the traditional sense is reducing in demand, but they are still an important provision for some individuals and their families. So, we are proposing a flexible, adaptable and evolving model to include traditional day opportunities and wider community support outside of traditional times and settings.
- 3.7 Draft Procurement Timetable

Final Market Engagement	April 2022
Final Resident engagement	April 2022
Invitation To Tender published	27 May 2022
Invitation To Tender closes	17 June 2022
Contract award governance	13 July 2022
Contract start	1 October /2022

4. Financial Implications

- 4.1 All current external Learning Disability and Physical Disability Day Opportunities are funded through the operational teams.
- 4.2 The total forecast spend (across Adult Social Care and Children and Young People's Services) for 2021-22 is £10,065,200 for service provisions (see table below for split).

	Forecast 2021/22
People with a disability (26 and over) – includes Sensory and Autism	£7,392,400
Young People (18 – 25)	£2,672,800

- 4.3 There are associated transport costs which are also funded through the operational teams, the table below outlines the forecast for 2021-22. Again, this is likely to be lower this year due to the pandemic.

	Forecast 2021/22
People with a disability (26 and over) – includes Sensory and Autism	£1,593,900
Young People (18 – 25)	£850,200

- 4.4 Due to the COVID pandemic, the forecast spend during 2021/22 is lower than the allocated budget. This has been a result of some services being closed for periods of time. Client charging has also been suspended which impacts on this commitment.
- 4.5 Through benchmarking other neighbouring Local Authorities, Kent County Council pay lower day and half day rates. A risk of the new procurement will be providers submitting higher fees for support. It is proposed to mitigate some of this risk through the procurement, by requesting flexible fees depending on the activity/support delivered and to work with providers and people we support through utilising various methods of payment through a self-directed support approach, such as direct payments and individual service funds.
- 4.6 The Council budget was approved at County Council on 10 February 2022. It is acknowledged that there are significant pressures on the Adult Social Care and Children’s and Young People’s budgets. As such there are identified savings for these budgets. Table below sets out the identified savings.

	Savings identified
People with a disability (26 and over) – includes Sensory and Autism	£1,000,000

- 4.7 The savings will be realised through the offer of support and choice available and will be tracked through a benefits realisation group, as there is a risk the spend on this type of support could move across various budget lines.

5. Legal implications

- 5.1 The procurement of new External Community Opportunities will be undertaken in line with the Public Contract Regulations (2015) and legal advice will be sought as necessary regarding contractual terms and conditions. There will need to be resource allocated at the end point contract award for contracts to be sealed. The new contracts will be taken forward in a way which ensures the Council’s statutory responsibilities are discharged accordingly.
- 5.2 These services support an individual with an assessed care and support need and therefore fall under the guidance laid out by the Care Act (2014).

6. Equalities implications

- 6.1 An Equality Impact Assessment (EqIA) has been carried out and is attached as Appendix 1.
- 6.1 There should be no negative impact on those with protected characteristics as the aim of this tender is to improve on an existing day opportunities contract.

7. Data Protection Implications

- 7.1 It is likely that a DPIA will be required, and this will be completed once the specification is produced.

8. Other corporate implications

- 8.1 The ongoing review of provider services could potentially impact on the external day opportunities market depending on the outcome.

9. Conclusions

- 9.1 The Community Day Opportunities for Individuals with Disabilities framework contract needs to re-tendered by 1 October 2022. It is planned to develop a specification that is flexible, adaptable, and evolving and enables new providers to join as the needs of individuals change following the learning from the pandemic.
- 9.2 As part of the engagement, we are proposing a change to the current framework arrangements and implementing an approved provider list. Following the adaptations made by providers during the pandemic it will be proposed that there are 3 different levels of payment for 1:1 support, group support (tiered by numbers supported) and virtual/remote support.
- 9.3 There are savings identified within the Adult Social Care budgets for these services. The daily rate Kent County Council are currently paying for framework contract placements are below that of neighbouring local authorities. Any increase in fees through the procurement should be mitigated through the choice and options for support on offer.

10. Recommendations

10.1 Recommendation(s): The Cabinet Member for Adult Social Care and Public Health (in consultation with the Cabinet Member for Integrated Children's Services) is asked to:

- a) **APPROVE** the procurement for External Community Opportunities for People with Learning and Physical Disabilities; and
- b) **DELEGATE** authority to the Corporate Director Adult Social Care and Health and Corporate Director Children Young People and Education to take relevant actions, including but not limited to finalising the terms of entering into required contracts of other legal agreements, as necessary to implement the decision.

11. Background Documents

None

12. Report Author

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