

Report To: **Cabinet**

Date of Meeting: 21 November 2017

Lead Member / Officer: **Bobby Feeley / Phil Gilroy**

Report Author: **Katie Newe / Alison Heaton, Community Support Services**

Title: **DENBIGHSHIRE LEARNING DISABILITY COMMUNITY LIVING SCHEMES – Extensions to existing contracts.**

1. What is the report about?

This report provides Cabinet with information regarding the contractual arrangements for supporting individuals with learning disabilities in supported living services, including a request that current contracts can be extended pending the regional exercise to tender across North Wales.

2. What is the reason for making this report?

A decision is required on the extension of 18 Learning Disability Community Living Contracts for a period of two years as required by the Council's Financial Guidelines (Contract Procedure Rules), pending the approval of future procurement arrangements for these services. Please see appendix 1 for the detail of each contract.

3. What are the Recommendations?

That Cabinet approves 2 year extensions for each of these services,

4. Report details

- 4.1 In line with national guidelines, Community Living is well established as Denbighshire's preferred way of meeting the needs of people with a Learning Disability who are no longer able to live with their Carers. The procurement of such services must be in accordance with the Council's Contract Procedure Rules (CPRs) and compliant with the domestic and EU law, namely the Public Contracts Regulations 2015.
- 4.2 Community Support Services (CSS) have been looking at alternative ways to procure Learning Disability Community Living Support. Currently, when contracts are due to expire, the approved procedure would be to extend the contract with the current Provider in line with current CPRs and subject to satisfactory performance. If this is not an option, a full tender exercise would be undertaken in line with the Public Contracts Regulations and CPRs.
- 4.3 Future commissioning plans consist of two ongoing work streams. Locally we are looking at the option of offering Support Budgets to enable Citizens to directly procure

support from their preferred Provider and, regionally, CSS are working with the other 5 North Wales Local Authorities and Betsi Cadwaladr University Health Board (BCUHB) and are about to start the process of tendering for a Regional Framework for the provision of Domiciliary Care amongst other Services.

- 4.4 The tendering will consist of three Phases. Phase 1 will be for the provision of standard domiciliary care, Phase 2 will be for the provision of enhanced domiciliary care and Phase 3 will be the provision of services into supported living settings. The contracts referred to in this report fall within Phase 3 and will be subject to an OJEU process.
- 4.5 There is a requirement to extend the existing contracts to allow sufficient time to prepare fully to engage with the market under the procurement process as set out above. The reason for extending the current contracts rather than re-procuring at this time is based upon the cost impact of undertaking 2 different tenders for the same Service provision and the inherent possibility of confusing the market providers. The proposed Framework will create efficiencies in terms of the amount of staff time involved in tendering for services, whilst ensuring quality and value for money when awarding contracts.
- 4.6 The current estimated time frame for Phase 3 is between 18 months to 2 years and on that basis the Contracts would need to be extended for a period of 2 years to 31st March 2020. This will also allow for any unforeseen delays. Should the process be completed earlier, the contracts can be terminated earlier. We are confident that a robust and transparent process is currently being developed in the procurement of this Framework, phase 3 is due to go to the Market in mid 2019, enabling us to use the Framework, once in place, to procure these services for a period of 7 years from the date of the Framework.

5. How does the decision contribute to the Corporate Priorities?

The provision of supported living services for individuals with learning disabilities supports the current corporate priority that vulnerable people are protected and are able to live as independently as possible.

6. What will it cost and how will it affect other services?

Ongoing funding for these schemes is contained within the budget. No additional costs other than required uplifts to ensure providers can meet their legal requirements in relation to National Living Wage, etc will be incurred by agreeing to the extensions.

7. What are the main conclusions of the Well-being Impact Assessment?

A Well-being Impact Assessment is not required for this report. However attached as appendix 2 is the Assessment that was submitted with the report relating to the North Wales Regional Domiciliary Agreement for the purchasing of domiciliary (homecare) services for adults and children and families from external providers. This is the Agreement that this report refers to.

8. What consultations have been carried out with Scrutiny and others?

- 8.1 Consultation has taken place on a Regional basis, during discussion around collaborating to develop a common procurement process across the six North Wales Local Authorities and BCUHB. Consultation has also been undertaken with DCC staff, Providers, representatives from Legal and Procurement Departments, colleagues from BCHUB, Citizens and their representatives/advocates.
- 8.2 Consideration was given regionally to running a mini tender exercise alongside the procurement of phase one. However the consensus of opinion was that this could potentially duplicate work for officers and providers as well as unsettling individuals who rely on a consistent service provision.
- 8.3 As part of the procurement process, individuals who use the services will be involved in decisions about suitable providers.

9. Chief Finance Officer Statement

It seems sensible to extend these contracts to fit with the timescales for a new regional framework. The costs of the contracts are an existing financial commitment.

10. What risks are there and is there anything we can do to reduce them?

- 10.1 The Authority would be in a vulnerable position if it were to procure services from a Provider without a contract in place.
- 10.2 There are procurement risks associated with this extension but these are mitigated upon the issuing of the OJEU notice on the Sell 2 Wales website and the Proactis Portal which will include notification to the market that a competitive procurement is being undertaken. It will also show to the market the time line within which the procurement is to take place and give the market and Service providers sufficient time to respond appropriately to the invitation to tender.
- 10.3 In terms of going ahead with a tender within such a limited time frame, there are risks associated with client choice and continuity of care. Detailed and meaningful consultation will need to be carried out with all users of the services and their families/advocates.

11. Power to make the Decision

Community Living Schemes are supported by the County under the Social Services and Well-being (Wales), Act 2014.

Denbighshire County Council's Financial Regulations and Contract Procedure Rules.