

Report to	Cabinet
Date of meeting	24 th January 2023
Lead Member / Officer	Councillor Elen Heaton / David Soley (Community Support Services)
Head of Service	David Soley
Report author	Alison Heaton, Contracts & Procurement Officer (Community Support Services)
Title	Denbighshire Learning Disability Supported Living Schemes

1. What is the report about?

1.1. This report contains recommendations for Cabinet to approve a further temporary extension of Learning Disability Supported Living contracts.

2. What is the reason for making this report?

- 2.1. A decision is required on the issuing of temporary extensions to 41 Learning Disability Supported Living contracts. In September 2021 Cabinet approved similar extensions and approved a process to undertake mini-tenders under the North Wales Regional Supported Living Framework for each of these contracts. A full list of these contacts is attached as appendix 1.
- 2.2. DCC's Contract Procedure Rules require that for the extension of contracts with a value over £2 million that they receive Cabinet approval.

3. What are the Recommendations?

- 3.1. That Cabinet approve the issuing of temporary extensions to 41 learning Disability Supported Living contracts for a maximum period to 30th September 2026. The contract details and the proposed revised timetable for the retendering of these contracts is attached as appendix 1.

4. Report details

- 4.1. In line with national guidelines, Supported Living is well established as one of Denbighshire's preferred ways 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. Supported Living contracts have been extended over the years in line with Corporate Contract Procedure Rules. However, we do need to approach the market for each of these contracts.
- 4.3. Unfortunately, due to delays with the implementation of the North Wales Regional Supported Living Framework, and then the occurrence of the COVID 19 Pandemic, work has not progressed as quickly as anticipated. The last extensions to 31st March 2023 were approved by Cabinet in September 2021.
- 4.4. Following this, we arranged to meet with providers to discuss next steps for the tendering process, which took place on the 10th of December 2021. Providers raised a number of concerns during this meeting; concerns later reiterated by Care Forum Wales. While some things were not within our gift to change, we committed to giving further consideration as to how we might be able to minimise negative impacts on providers and citizens. This particularly included considering how we could enable greater choice and control, in line with the Social Services and Wellbeing Act - and following several internal discussions, we have agreed a plan to enable a more robust exploration of the option of direct payments for citizens in supported living.
- 4.5. This piece of work around direct payments will be led by the Complex Disabilities and Financial Assessments (direct payments) Teams. It is

anticipated that this work will take up to 12 months to complete, hence the reason for the proposal that the first tenders be advertised in April 2024.

- 4.6. For the contracts where direct payments are not deemed appropriate following consultation with citizens, mini tenders will be run on a patch basis between April 2024 and July 2026. Obviously dependent on the uptake of direct payments, this may well reduce the number of contracts that will be retendered therefore reducing the total period of time that the retendering exercise will take.
- 4.7. To enable us to undertake this direct payments work, and then once concluded, to allow for the required re-tendering activity as appropriate, a further extension to the 41 contracts is required. The extensions will be for a maximum period to 30th September 2026. The tender processes will be staggered throughout this extension period, with the contract awards being made following each individual tender exercise, therefore the majority will be awarded prior to that date.

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

- 5.1. The provision of supported living for individuals with learning disabilities supports the corporate priority that vulnerable people are protected and able to live as independently as possible. It also supports people and communities to build independence and resilience. Where citizens may be able to take up direct payments, the choice and control this affords should further enhance this.

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

- 6.1. Ongoing funding for these schemes is contained within budget and projected spend, these are not new commitments. No further additional costs other than required uplifts during the course of the contract period will be required. Any additional uplifts may be required in order for providers to meet legal requirements such as The National Real Living Wage.
- 6.2. Historical and projected costings for each of these contracts are contained within appendix 1. The combined total value of these contracts from their start dates to 31/03/2023 is £59,771,380. They have a combined total annual value of £6,437,834.

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

7.1. The Well-Being Impact Assessment gave 3 out of 4 stars and a score of 31/36; having a positive impact on all of the Well-Being goals in Denbighshire.

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

8.1. In terms of the request to approve the temporary extensions, and to retender the 41 contracts, consultation has begun to take place with the individuals and their families/advocates who currently reside in the properties. Consultation has also been undertaken with DCC staff, colleagues from BCUHB, Providers and representatives from DCC Legal and Procurement departments.

8.2. Cabinet approval has previously been granted for the development and later the implementation of the North Wales Regional Framework for Supported Living. Consultation on a regional basis was undertaken during discussion around collaborating to develop the common procurement process across the six North Wales Local Authorities and BCUHB. Consultation has also been undertaken with DCC staff, representatives from Legal and Procurement, colleagues from BCUHB, Providers and Citizens (and their representatives/advocates).

8.3. Cabinet approved extensions to these contracts in September 2021 as well as the process for undertaking mini tenders under the North Wales Supported Living Framework.

8.4. As noted above, following the meeting with Providers in December 2021, and concerns raised by CFW, further consultation has been carried out which resulted in the plan for direct payments work as detailed above.

9. Chief Finance Officer Statement

9.1. The service has identified in Section 6 that there is ongoing funding for these schemes contained within budget and projected spend, and that these are not new commitments. The service is under huge financial pressures at the moment and the increase in future costs, also identified in section 6, will need to be factored into the annual finance report to the Budget Board. The recommendation is supported.

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 there being a contract in place.

10.2. Denbighshire County could potentially be challenged for not tendering these contracts. The risk associated in not going out to tender may be from other potential bidders who have not had the opportunity to compete for the service provision. Providers are aware that these extensions are time limited and the reason why they are being awarded.

10.3. There is a significant risk that when we do retender these contracts it will result in higher costs. There will also be inflationary uplifts between now and the tenders. It should also be noted that WG made a commitment in June this year to progress the implementation of payment of the National Living Wage to those working in the social care sector. Consideration is being given to benchmarking the rates at the time of tendering, tenders are evaluated on the ratio 30% price / 70% quality. Service specifications for each of the schemes will also be reviewed prior to each tender.

11. Power to make the decision

11.1. Denbighshire County Council's Contract Procedure Rules require that the awarding of contracts with a value of over £1 million, (but less than £2 million) require approval by a Lead Member Delegated Decision.

11.2. Supported Living services are supported by the Council under the Social Services and Well-being Act 2014.

11.3. Supported Living Services are regulated by the Care Inspectorate Wales under The Regulation and Inspection of Social Care (Wales) Act 2016.