



Report sponsor: Andy Smith, Strategic Director
of People Services
Report author: Alice Sanghera, Lead
Commissioner

Overnight Short Breaks / Respite for Adults

Purpose

- 1.1 To request approval to commence procurement activity in respect of services for adults, and young people aged 16+ in transition to adults' services, for overnight short breaks / respite provision, to meet local Care Act 2014 duties.
- 1.2 This procurement follows on from the Adults Commissioning Transformation Programme as an identified gap in our Frameworks required to move beyond reliance on Direct Payment arranged provision. The procurement will take the form of a Dynamic Purchasing System (DPS). This procurement 'tool' will allow the Council to create a list of pre-qualified service providers for the Service requirement (if they meet the selection criteria). The 'light touch regime' means the Council can be flexible in the use of this process and it can be adapted to suit the Council's requirements. Once on the list, the pre-qualified providers can then bid on contract opportunities that become available. This is a useful tool as it has the flexibility to allow new providers onto the list during the term of the DPS, helping the Council build and shape the market, whilst ensuring Service Providers are signed up to pre-agreed terms and conditions. The DPS will open on a regular basis for new service providers to apply.
- 1.3 There is no current mechanism for commissioning this provision; therefore the market is primarily reliant on customers using Direct Payments to purchase support.
- 1.4 The DPS will allow the Council to enter into contracts with Providers, therefore assuring customers, carers and the Local Authority of contract compliance and quality monitoring. This will also help control costs as within the tendering ceiling prices may be proposed within each mini competition.

Recommendation

- 2.1 To approve the procurement of a Short Breaks/ Respite framework, using a tool known as a Dynamic Purchasing System.
- 2.2 To delegate authority to the Strategic Director of People Services to approve entering into contracts at the conclusion of the procurement with service providers successful in their applications to join the DPS, which will be a 10 year arrangement.

Reason(s)

- 3.1 The commissioning of these services is a current gap and therefore is risking the Council's ability to fully understand and manage the care market for respite and short breaks in accordance with duties defined in the Care Act 2014 regarding market shaping. Without this, the Council is relying on customers to arrange respite care themselves using a Direct Payment which does not offer resilience or choice for all individuals, especially those with complex needs.

Supporting information

- 4.1 It is a statutory requirement as detailed in the Care Act 2014 for the Council to promote individual well-being, and prevent the need for care and support¹. Local Authorities must provide care and support in a variety of ways. Having made a determination of eligibility the Council must meet a customer and carers' care and support needs.
- 4.2 Without having a procurement solution and a mechanism for the Council to arrange services on behalf of an individual, customers have to overly rely on purchasing support themselves using a Direct Payment, which is not offering the variety of mechanisms required. In addition managing services through a procured approach allows the Commissioning and Market Management Team to arrange services directly, undertake quality assurance and contract monitoring, and better assure the Council that services are delivered in accordance with the terms required to meet an individual's goals and outcomes.
- 4.3 Currently, the Council has a small in-house service which cannot support the volume of complex customers who require support (Bonsall View); therefore there is a need to commission services from the external Provider market.
- 4.4 The indicative timeline includes a pre-procurement phase of developing the specification to take into account safety and risk assessments required as a result of COVID-19, in addition to engagement with a variety of stakeholders, including market development. The DPS is likely to be advertised in September 2020, with evaluations and awards to follow, and a commencement of using the DPS to source support from January 2021.

Public/stakeholder engagement

- 5.1 Engagement with stakeholders, providers, customers and carers will be undertaken as part of completing the specification for service provision. Initial feedback gained from Carer Surveys is that Carers have been dissatisfied with support in recent years, and breaks from their role as a Carer are highly valued.
- 5.2 Soft market testing will be completed as part of the pre procurement process to gain feedback from service providers prior to publishing the tender.

¹ <https://www.legislation.gov.uk/ukpga/2014/23/enacted>

Other options

- 6.1 Continue with the current system which is a risk in terms of market oversight and inability to stimulate the market.
- 6.2 Enter into a block contract with one Service Provider to deliver provision, however this would not provide the choice and control for customers, and is a risk in terms of business continuity should there be a Provider failure.

Financial and value for money issues

- 7.1 £263,528.19 is the current annual spend on respite and short breaks in residential and nursing care. In addition, £155,000 is also spent via Direct Payments, although our recording systems cannot accurately track how much of an individual's Direct Payment is spent exclusively on respite. The amount spent is therefore likely to be higher than this.
- 7.2 Based on the current expenditure and projections of increased customers over the life of the contract – the total contract value is therefore estimated to be a maximum of £500,000 p/a if all customers needing respite had their care and support organised under the new arrangements. This amounts to spend of up to £5m over the 10 year proposed life of the Dynamic Purchasing System. This figure is already planned for in the overall budget for Adult Social Care.

Legal implications

- 8.1 Since this is a statutory provision under the Care Act 2014 the Council would need to consider other ways which we can achieve this statutory duty if it did not go down this route, as other options have been considered and discounted.
- 8.2 Failure to consider this would potentially put the council in breach of statutory duty and therefore open to potential Judicial Review, depending on what the Council did to mitigate those risks and how much consultation was undertaken with the service users.

Other significant implications

- 9.1 None noted.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Karen Griffin	4 June 2020
Finance	Janice Hadfield	6 July 2020
Service Director(s)	Kirsty McMillan	3 July 2020
Report sponsor	Andy Smith	9 July 2020
Other(s)	Laura Rose, Cath Young	2 June 2020

Background papers:
List of appendices: