
Supported Living Schemes and Floating Support for Adults with Learning Disabilities

Committee considering report:	Executive on 20 December 2018
Portfolio Member:	Councillor Graham Bridgman
Date Portfolio Member agreed report:	6 December 2018
Report Author:	Rebecca Braithwaite
Forward Plan Ref:	EX3670

1. Purpose of the Report

This paper seeks to inform Executive of the tender process and seeks delegated authority to award the contract from Executive. The existing contract is due to end 25th February 2019 and is currently made up of three separate contracts. The decision by Procurement Board was to combine the re-tender of the current service into one lot due to economies of scale indicated by providers that would be the most cost effective route to market. The tender submissions have now been received.

2. Recommendation

Executive approves the recommendation from Procurement Board to re-tender the service as one lot.

3. Implications

3.1 Financial:

The tender submissions have now been received. The new rates are higher than those originally tendered, resulting in a financial pressure. This increase is consistent with an adjustment for inflation experience over the previous 3 years.

Whilst the rates have increased compared to the original tendered rates, the new rates have reduced when compared to the interim arrangement. There has been a significant reduction in the rates that have been tendered compared to the prices that are currently being paid to the providers in the interim arrangements.

3.2 Policy: N/A

3.3 Personnel: TUPE implications for incumbent provider. It is known that there are challenges around recruitment in this sector however, there does not seem to be as many vacancies in supported living as there are in older peoples care.

3.4 Legal: Tender in line with OJEU regulations. Legal have advised that it would not be appropriate to extend the contract, as the existing providers requested

an increased hourly rate. Extending the contract on this basis could have given rise to legal challenge.

- 3.5 **Risk Management:** The existing providers were willing to extend, but requested an increase which became non-compliant with procurement legislation and WBC contracts rules and procedures. There is a risk of using one sole provider however the market has been tested and combining the three lots into one will benefit from higher economies of scale.
- 3.6 **Property:** Ongoing use of the properties at each scheme provided by registered social landlords and client tenanted properties.
- 3.7 **Other:** N/A

4. **Other options considered**

- 4.1 Do nothing – this would leave over 100 adults with learning disabilities at risk of being made homeless and or/without the necessary care and support that they need to go about their everyday life.
- 4.2 Contract extension – contract extensions for the three contracts have been considered and the existing providers were willing to extend. However, both providers requested an increase which became non-compliant with procurement legislation and WBC contracts rules and procedures. To ensure that there is sufficient time to re-tender and bring all of the contract end dates in-line, all three contracts have been extended until 25th February 2018.
- 4.3 Two-stage tender – we want to encourage as many providers in and reduce the administrative burden for the providers tendering.
- 4.4 Two lots – the decision was made at Procurement Board to re-tender the three existing contracts into one lot due to indicative savings that would be made due to larger economies of scale. Procurement Board asked Commissioning to undertake a desktop exercise with providers to understand the effects of tendering in a single lot or multiple lots. The providers response demonstrated that tendering in a single lot would be cheaper tendering in multiple lots due to the economies of scale they may achieve. No prices were given by either provider or WBC at this stage, this was an exercise in the most cost effective route to market.

Executive Summary

5. Introduction / Background

- 5.1 There are currently three contracts being delivered by two providers. The providers are providing a total of 221,004 hours for 102 Service Users. Service Users are being supported in a range of properties across West Berkshire, including supported living shared housing schemes as well as support in clients own homes. All three contracts are due to expire in February 2019 and so in order for this service to continue, the contract needs to be re-tendered.
- 5.2 This service is for people with learning disabilities and is provided at various different properties across West Berkshire. The clients living in these properties are supported with a wide range of needs, in all aspects of their daily living. This ranges from managing their homes, personal care and engaging in the community.
- 5.3 Previous tender for supported living services was in 2015. Towards the end of the 3rd year of operation WBC had contractual facility to extend the contracts by a further 2 years. All providers were approached individually to question their intention to extend by 2 years on existing rates and terms, which was rejected due to requirement for increases in rates – a number of reasons were cited, including inflation and national living wage expenses (case law at the time required an increase in the rates paid for sleeping night cover where the average rate paid for the member of staff for all their hours worked was below the national living wage. A subsequent higher court decision overturned the need to apply National Living Wage to sleeping night cover). No additional budget was created to cover this cost. This delay in negotiation with the providers around terms for continuation on existing terms necessitated an interim position with the providers.

6. Proposals

This paper seeks to inform Executive of the tender process and seek delegated authority to award the contract from Executive. The decision to re-tender the three existing contracts into one single lot was made by Procurement Board on 26 July 2018 as a result of a market engagement exercise.

7. Conclusions

The Executive resolves to award the contract for the provision of Supported Living Schemes and Floating Support for Adults with Learning Disabilities services on the form approved by the Head of Legal Services whom shall have delegated authority to enter into the contract.

The tender submissions have now been received.

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information

Appendix A

Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	This paper seeks to inform Corporate Board and Operations Board of the tender process and seek delegated authority to award the contract from Executive Board.
Summary of relevant legislation:	The Care Act 2014
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Rebecca Braithwaite
Date of assessment:	25/09/2018

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	Yes		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	This aim of the service will provide care and housing related support to adults with learning disabilities within supported living schemes and service users own tenanted homes. The provider will work co-operatively with the housing provider, with a housing management agreement where relevant.
Objectives:	<ul style="list-style-type: none"> • Provide person-centred care and support, which takes full account of diverse needs and lifestyle choice • Promote people's independence by focusing on abilities and encouraging people to be as self-directing as possible. • Encourage access to employment/education. • Support Service Users with personal care. • Reduce health inequalities by:- maximising access to health services, income, learning and work. • Support Service Users be as independent as possible and to help them avoid loneliness and isolation. • Support Service Users to maintain tenancies

	Establish and sustain effective social support.
Outcomes:	Supplier award
Benefits:	Care delivered in line with expectations

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	There is no change to the proposed service model	
Disability	There is no change to the proposed service model	
Gender Reassignment	There is no change to the proposed service model	
Marriage and Civil Partnership	There is no change to the proposed service model	
Pregnancy and Maternity	There is no change to the proposed service model	
Race	There is no change to the proposed service model	
Religion or Belief	There is no change to the proposed service model	
Sex	There is no change to the proposed service model	
Sexual Orientation	There is no change to the proposed service model	
Further Comments relating to the item:		

3 Result

Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
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Please provide an explanation for your answer:

Will the proposed decision have an adverse impact upon the lives of	No
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people, including employees and service users?	
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Rebecca Braithwaite

Date: 01/11/2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.