

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

21 JULY 2020

REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES & WELLBEING

CONTRACT EXTENSION – CLOS PENGLYN SUPPORTED LIVING SERVICE

1. Purpose of report

- 1.1 The purpose of this report is to seek authority to vary the current contract with DRIVE Ltd in respect of the specialist supported living service at Clos Penglyn, by extending the existing term for a further 12 months, in accordance with Contract Procedure Rule (CPR) 3.2.9.3

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
 2. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 The current contract for the provision of a specialist supported living service at Clos Penglyn for individuals with complex learning disabilities and autism was commissioned in 2016, and was awarded to DRIVE Ltd following a tender exercise being undertaken. The existing contract in place with DRIVE Ltd expires on 31st August 2020, with no further extension provision.
- 3.2 Due to the significant and unforeseen impact of the Covid-19 pandemic, and the subsequent 'lockdown' restrictions in place to control further infection, it has not been possible for officers to carry out a recommissioning exercise as had been originally intended, or to competitively tender the service.
- 3.3 This recommissioning work which includes a market engagement with providers was intended to be carried out in advance of a new procurement exercise, which was to be undertaken in line with the contractual timescales set out above. i.e. Recommissioning activity during the spring and summer 2020, with a view to new contracts commencing from 1st September 2020.

4. Current situation/proposal

- 4.1 In view of uncertainty over the duration of the existing 'lockdown' measures in place, it is proposed that the existing contract in place with DRIVE Ltd for the provision of a specialist supported living service at Clos Penglyn be extended for a further 12 months, to 31st August 2021, which is the length of time necessary in order to carry out a recommissioning exercise. The recommissioning activity will involve engagement with key stakeholders, which will be reliant on easing of the restrictions imposed by the Covid-19 lockdowns in place. There are also capacity issues with Commissioning Team members focusing on Covid-related activities, all of which requires a further 12 months extension.
- 4.2 There is provision under CPR 3.2.9.3 to seek to modify an existing contract where:
- (i) the need for modification has been brought about by circumstances which the Council having been duly diligent could not have foreseen;
 - (ii) the modification does not alter the overall nature of the Contract;
 - (iii) any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement.
- 4.3 The need for modification has been brought about by the impact of the Covid-19 pandemic, circumstances which the Council could not have foreseen when entering into the original contract with Drive. The overall nature of the contract will not be altered, and all other contractual terms remain unchanged, as the proposed variation is for a 12 month extension only. The proposed modification does not exceed 50% of the original contract value. Please see the Financial Implications below for further details on the value of the proposed modification.
- 4.4 During 2019/20, the service that DRIVE Ltd provide at Clos Penglyn entered into Escalating Concerns and they were required to make some service improvements. DRIVE Ltd worked closely with BCBC and colleagues in health to develop and implement an action plan in order to resolve the issues and they have now satisfactorily worked through all the required actions. As soon as Officers are able to enter the Home (post covid) they will be officially removed from the escalating concerns. BCBC are assured that the required actions have been undertaken, and no further issues have since been presented or reported to BCBC in respect of the service provided at Clos Penglyn.

5. Effect upon policy framework and procedure rules

- 5.1 This report seeks to modify an existing contract in accordance with CPR rule 3.2.9.3. There is no direct impact on the Council's policy framework and procedure rules.

6. Equality Impact Assessment

- 6.1 An Equality Impact Assessment (EIA) was undertaken in June 2020. It was found that a full EIA is not required as there would be no changes to the level of service received by individuals supported at Clos Penglyn as a result of the contract being extended for a further 12 months.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 Variation of the existing contract for Clos Penglyn supports the five ways of working under the Wellbeing of Future Generations (Wales) Act 2015, as follows:

Long Term – extending the existing contract at Clos Penglyn will enable the provider to continue to maintain close and long-term working relationships with local community groups and agencies.

Prevention – The aim of the Closer to Home project is to avoid the need for out of County placements by providing local, specialised supported living services for people who have both health and social care needs and whose condition may be considered complex and challenging.

Integration – the service provider will continue to work with a wide range of stakeholder groups in order to help Individuals better integrate into their local community.

Collaboration – The Closer to Home project, (of which the Clos Penglyn scheme forms part), is a collaboration between Bridgend County Borough Council, the Health Board and the Learning Disability and Mental Health Delivery Board.

Involvement – Key stakeholders were involved in shaping and informing the existing service.

8. Financial implications

8.1 The cost of the proposed contract extension for a period of 12 months is estimated at £550k, which is based on the rates currently being paid to DRIVE Ltd in 2020/21, and has been accepted by the provider.

8.2 The sum estimated above does not exceed £1,135,084, which is 50% of the original contract value, and the maximum amount allowable under CPR's.

9. Recommendation(s)

9.1 Cabinet is recommended to:

- Authorise the modification of the existing contract with DRIVE Ltd in relation to Clos Penglyn by extending the existing term for a further 12 months to 31st August 2021, in accordance with CPR 3.2.9.3.

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Background documents: None

