

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 MAY 2021

REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING

RE-COMMISSIONING SPECIALIST SUPPORTED LIVING SERVICES

1. Purpose of report

1.1 The purpose of this report is to:-

- Request Cabinet approval to implement the proposed recommissioning plan for Specialist Supported Living services, for people with a learning disability, across Bridgend County Borough;
- Request Cabinet approval for Bridgend County Borough Council (the Council) to undertake a procurement exercise to invite tenders to establish a Framework Agreement of commissioned specialist service providers;
- Seek authority to vary the current contract in place at Clos Penglyn, which is a supported living service commissioned for people with a learning disability and complex challenging behaviour, including autistic spectrum conditions, by extending the existing terms for a further 7 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 Since 2015, in collaboration with colleagues in health, the Council has procured three specialist supported living services for people with learning disabilities. These services are based in houses named Clos Penglyn, Condors Rest and Viesther, known collectively as the Closer to Home project, and are occupied by eleven individuals.

- 3.2 The aim of the Closer to Home project is to provide local, specialist supported living services for people who have a learning disability and a high level of health and social care needs, and who would otherwise live outside of their local area in more specialist residential provision.
- 3.3 The Closer to Home project is designed to meet the needs of people with a learning disability and complex health and social care needs. The people who live in the existing projects require high levels of specialist staff support which is over and above that available in the learning disability supported living service. The support for people in these projects comes from the multidisciplinary team in the Community Learning Disability team and from specialist health teams. All the people who live in these schemes have their own tenancy and bespoke support arrangements designed around their individual needs.
- 3.4 In commissioning these schemes the voice of the individual, their family, advocates and key workers in the Community Learning Disability Team are taken into account. Because of the ways in which the people who live in these schemes communicate, special attention is given to understanding what they say and how support services can respond effectively to their individual circumstances.
- 3.5 There are also operational and strategic groups which oversee the day to day management of the schemes and the strategic direction of the Closer to Home project. These groups are made up of representatives of the Council, Cwm Taf Morgannwg University Health Board, Swansea Bay University Health Board, Registered Social Landlords and support providers.
- 3.6 In addition to the three specialist services described above, the Council has also procured a number of more generic supported living schemes across the borough for individuals with a learning disability.
- 3.7 Following an in-depth review of the generic schemes in 2018-19 conducted by the Council's Adult Social Care Transformation and Review team on the effectiveness of service delivery and outcomes, it was concluded that three of the schemes reviewed at 19 Glyn Y Mel, Pencoed; Tregroes Bungalow, Pencoed and 107 Cwrt Coed Parc, Maesteg would be more suitable for inclusion within a specialist service arrangement due to the needs of the seven individuals living in them. It was decided to group all six schemes together under the Closer to Home service category. These schemes also have a common characteristic in that there is an element of funding from Cwm Taf Morgannwg University Health Board in each of them.
- 3.8 One of the main outcomes for the people who live in these schemes is that they live in their own home, with specialist support, in a local community close to their families. People are also enabled to take part in a range of activities including the development of independent living skills, engagement in community activities and pursue educational and leisure interests. Each person has a care and support plan which sets out their goals and aspirations as well as details of their support arrangements. These plans are regularly reviewed and updated by the multidisciplinary team, the individual and their families to ensure progress is being made and support arrangements are appropriate.
- 3.9 The six services described above are currently occupied by a total of eighteen individuals, with support services being delivered by third sector providers DRIVE,

Mirus and Dimensions. The annual costs per scheme are shown in the following table:

Scheme Name	Housing Support Grant Funding	Contribution from Health	Adult Social Care (Gross Cost)	Adult Social Care (Net Cost)
Clos Penglyn	N/A	162,019	691,845.14	529,826.14
Condors Rest	N/A	180,681.60	421,438.88	240,757.28
Viesther	N/A	145,592.35	528,960.37	383,368.02
Glyn Y Mel	17,941.56	21,058	117,060.78	96,002.78
Tregroes Bungalow	17,941.56	197,772.68	227,635.83	29,863.15
Cwrt Coed Parc	71,766.24	82,480	283,423.27	200,943.27
TOTAL	107,649.36	789,603.63	2,270,364.27	1,480,760.64

3.10 The majority of the contracts for these services have since been extended as shown in the table below:

Scheme Name	Contract End Date	Final Contract End Date
Clos Penglyn		31 August 2021*
Condors Rest	31 March 2022 with option to extend.	31 March 2023
Viesther	31 October 2022 with option to extend.	31 August 2024
Glyn Y Mel		31 March 2022
Tregroes Bungalow		31 March 2022
Cwrt Coed Parc		31 March 2022

*requesting option to extend the existing terms for a further 7 months, in accordance with Contract Procedure Rule (CPR) 3.2.9.3 to 31 March 2022 – please note section below for detail

3.11 It has been agreed with the Cwm Taf Morgannwg University Health Board that a refreshed Closer to Home Commissioning Strategy is needed and a new planning group has been developed to progress the needs analysis and develop the optimal accommodation, care and support services, (which will also include the proposal for any new schemes required in the future, the growth of which will be built into tender documentation).

4. Current situation/proposal

Establish a 2-stage framework

4.1 A market testing event took place on 19 April 2021 where attendee providers gave very positive feedback on how the Council's supported living schemes had been recommissioned in 2020. It was clear from this meeting that the preferred option for recommissioning Specialist Supported Living Services is to use a similar model for the service specification, where there will be a clear emphasis on co-production and

improved communication links between providers and commissioners of the service. As with the supported living framework, the proposal is to implement a four year Framework Agreement, which will bring both service types more in line with one another.

- 4.2 The proposal is to carry out a phased approach to recommissioning services in order to ensure minimal disruption for individuals, whilst affording commissioners the best opportunity to deliver quality services that are person-centred and appropriate for people with complex, challenging behaviours.
- 4.3 The proposal is as follows:
- a. Stage 1 – Undertake a procurement exercise in May 2021 to establish a Framework Agreement with a number of service providers who meet the quality specification who would then be considered for future delivery of the listed Specialist Supported Living Schemes (the “Specialist Service”) – the Framework Agreement to be awarded by November 2021;
 - b. Stage 2 – Undertake a series of call-off tenders under the Framework Agreement for each Specialist Service. This will be a phased procurement undertaken over a number of months following award of the Framework Agreement.
- 4.4 This proposal is intended to encourage the continuation of a specialist market within Bridgend, which enables service providers to develop their business in a sustainable and managed way. It is expected that the introduction of a Framework Agreement will bring a greater emphasis on competitiveness, whilst maintaining quality service delivery.
- 4.5 Service providers on the Framework Agreement will not be guaranteed an award of a Specialist Service, each of which will be subject to its own tender process and evaluation.
- 4.6 All Framework Providers who meet the Council’s minimum quality requirements will be required to submit a price for the provision of social care and, where applicable, housing related support services, which will act as a price ceiling for all future bids submitted as part of the Specialist Service tenders.
- 4.7 The Council is committed to working with high quality and experienced service providers, and there will be a very strong emphasis on quality as part of the Framework Agreement tender evaluation process. To enable this, the cost:quality ratio of 20:80 will be strongly weighted in favour of quality – which will be evaluated through the written responses from the providers, as well as presentations and/or interviews that are part of the tender process.
- 4.8 The table below sets out the planned Stage 1 procurement timescales, should approval be given to implement the recommissioning plan:

	Stage 1 Procurement Activity	Date
1	Finalise service model and preparation of tender documents	April 2021
2	Place tender notice for the Framework	24 May 2021

3	Tender returns	24 June 2021
4	Final tender evaluation	9 August 2021
5	Approval to award	4 October 2021
6	Contract start date for Framework	1 November 2021

- 4.9 It is further proposed that the Council carries out a (Stage 2) procurement exercise over the next 12 months in order to recommission those services listed.

Variation to one of the existing Closer to Home (Clos Penglyn) contracts in place

- 4.10 In July 2020, a report was submitted to Cabinet seeking 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 – meaning a revised end date of 31st August 2021 – as highlighted in table 3.10 above.
- 4.11 The variation was being sought due to the significant and unforeseen impact of the Covid-19 pandemic, and the subsequent ‘lockdown’ restrictions that were in place to control further infection, meaning it was not possible for officers to carry out a recommissioning exercise as had been originally intended, or to competitively tender the service in line with the required timescales.
- 4.12 It was highlighted that the recommissioning work would include market engagement with providers and also consultation with colleagues in health to inform an agreed service model during the latter part of 2020 and the early part of 2021, with a view to new contracts commencing from 1st September 2021.
- 4.13 Unfortunately, there was a significant second wave of Covid during the period this planned work was scheduled to take place, which had a severe impact right across the Bridgend County Borough. The Welsh Government restrictions put in place during this period, and the fact that key commissioning and service area officers were required in response to the pandemic has meant that the planned commissioning work could not be completed in line with the already extended timescales.
- 4.14 The necessary engagement work has now been carried out, but in order to align all of the Specialist Supported Living Schemes and to ensure compliance with the Council’s Contract Procedure Rules, it is proposed that the Council authorises the extension of the existing terms for Clos Penglyn for a further 7 months to 31 March 2022, in accordance with CPR 3.2.9.3.
- 4.15 CPR 3.2.9.3 provides that a previously procured contract can be modified 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.
- 4.16 The need for modification has been brought about by the impact of the second wave 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. The proposed variation is for a 7 month extension, meaning a total extension of 19 months in total. The proposed modification does not exceed 50% of the original contract value, which originally was a total term of 4 years. Please see the Financial Implications below for further details on the value of the proposed modification.

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.

5.2 Any tendering process will be undertaken in compliance with the Council's CPRs and the Public Contracts Regulations 2015.

6. Equality Act 2010 implications

6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

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

7.1 The commissioned Specialist Supported Living service aims to ensure that individuals living within the service schemes are able to live as independently as possible and to build their resilience with links with social networks in their own community. As such, the wellbeing goals of: a healthier Wales; a more equal Wales; and a Wales of cohesive communities are supported through these services.

7.2 The commissioning of the Specialist Supported Living service supports the five ways of working under the Wellbeing of Future Generations (Wales) Act 2015, as follows:

Long Term – the specialist service model will enable a sustainable approach to ensuring people with complex needs are better supported in maintaining their independence and wellbeing and will enable the provider to become more established in the longer-term.

Prevention – the Specialist Supported Living service aims to support the progression of individual's independent living skills and to prevent the escalation of needs by offering a stable living environment and the support of experienced and knowledgeable, high quality providers.

Integration – the service providers will need to work with a wide range of stakeholder groups to help individuals to better integrate into their local community.

Collaboration – The service model is predicated on close collaboration between the service provider, Health and the Community Learning Disabilities team in order to manage, identify and support the needs and aspirations of the Individuals they support.

Involvement – Key stakeholders have been involved to help shape and inform the service proposal and local engagement is proposed prior to Stage 2 of the tender process to ensure a co-productive approach to detailing the service specifications for each Specialist Service.

8. Financial implications

Establish a 2-stage framework

- 8.1 The financial implications of recommissioning Specialist Supported Living services will be determined once bids to enter into a new Framework Agreement are received from providers, as this will determine the ceiling at which they can subsequently bid for Specialist Services.
- 8.2 Based on the current cost per annum of the existing Specialist Services (circa £4M per annum based on costs in table 3.9), including potentially up to four new schemes, it is anticipated that a ceiling of £20M will be required for the duration of all Specialist Services contracts that fall within the proposed Framework Agreement.
- 8.3 Funding and budgets (Integrated Care Funding in respect of Viesther) are already in place for the existing schemes – as set out in table 3.9 – and funding for any additional schemes tendered under the framework will be determined and agreed prior to any call-offs being tendered, which will be undertaken in accordance with the Council CPR's. If the outcome of the tender results in costs exceeding existing budgets, then a report will be brought back to Cabinet before any contracts are awarded.

Variation to the Clos Penglyn contract

- 8.4 There are no additional cost implications for the Council in extending the contract at Clos Penglyn for a period of 7 months, the cost of which is estimated to be circa £308k from the adult social care budget based on a pro-rata contribution from Health and rates currently being paid to DRIVE Ltd in 2021/22.
- 8.5 Aggregating the sum estimated above (£308k) to the £530k for the original 12-month contract variation approved in July 2020 does not exceed £1,135,084, which is 50% of the original total contract value, and the maximum variation amount allowable under the CPR's.

9. Recommendations

9.1 Cabinet is requested to:

- Approve the recommissioning plan proposed for Specialist Supported Living services in Bridgend;
- Approve the invitation of tenders to establish a Framework Agreement of commissioned specialist providers;
- Authorise the extension of the existing terms for Clos Penglyn for a further 7 months to 31 March 2022, in accordance with CPR 3.2.9.3;
- Note that a further report will be presented to Cabinet, requesting approval to enter into a Framework Agreement for externally commissioned Supported Living services and to implement the Stage 2 procurement of Specialist Service tenders

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Background documents

None