

PETERBOROUGH CITY COUNCIL CABINET	AGENDA ITEM No. 7
20 JUNE 2022	PUBLIC REPORT

Report of:	Charlotte Black, Executive Director People and Communities	
Cabinet Member(s) responsible:	Councillor John Howard Cabinet Member for Adult Social Care, Health and Public Health	
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EXTENSION OF THE LEARNING DISABILITY DAY OPPORTUNITIES CONTRACTS IN PETERBOROUGH

RECOMMENDATIONS	
FROM: Executive Director People and Communities	Deadline date: 20 June 2022
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> 1. Approve the Agreements for the Provision of Day Opportunities to be extended until 31 March 2024 for the following Providers: <ul style="list-style-type: none"> • Thera East Anglia • Helping Hands Group • Sense, the National Deafblind and Rubella Association <p>The total value of the extension period is £5,199,512.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following a referral from the Corporate Leadership Team on 18 May 2022.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to gain Cabinet approval to extend the Contracts for the Provision of Day Opportunities until 31st March 2024 for the following Providers:
- Thera East Anglia
 - Sense, the National Deafblind and Rubella Association
 - Helping Hands Group

thus ensuring the continuation of the Peterborough Learning Disabilities Day Opportunities contracts.

- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, *'To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.'*

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. **BACKGROUND AND KEY ISSUES**

- 4.1 Day opportunities support many older people and those with physical and learning disabilities across Peterborough and Cambridgeshire including those are not known to Adult Social Care. These services also meet statutory need under the Care Act 2014 including promoting wellbeing and they play an important role in early intervention and prevention in reducing or delaying the need for formal care and support. In Peterborough, day opportunities are commissioned across Grants and Contract Agreements and also via Direct Payments. Day opportunities provide activities for people to meet and learn new skills, access training, develop workplace skills and gain independence and opportunity to socialise. For example, x is a 21-year woman with a mild learning disability (LD) and autistic spectrum disorder (ASD) who lives with her parents. She accesses support at Thera Trust Meeting Place in Peterborough twice a week where she learns life skills such as using public transport and job searches, as well as spending time in enjoyable activities such as gardening which could also provide skills for employment. This will allow her the opportunity to access paid employment.
- 4.2 Peterborough has separate Agreements in place to manage the commissioning of a range of day opportunities. Six providers successfully applied to deliver LD day opportunities. Currently three of these providers are active – Thera East Anglia (Thera), Helping Hands Group (Helping Hands) and Sense, National Deafblind and Rubella Association (Sense). Since April 2021 86 people have accessed these day services - 22 at Sense, 40 at Helping Hands and 24 at Thera. The providers support people with standard and more complex needs and offer an alternative to City College as the main LD day provider in Peterborough.
- 4.3 The Agreements for the Provision of Day Opportunities commenced on 1st April 2017 for a period of 3 years, up to 31 March 2020. Contracts were awarded and provided for two additional 1-year extension periods. Covid impacted substantially on day provision service delivery from March 2020 with some services closing or reducing or others operating virtually during much of 2020 and 2021. Providers were continued to be paid during this period and face to face services are now reopening. This report is to request the retrospective extension of those three Agreements. The request is retrospective owing to commissioning, contracts and operational prioritisation of governance / exemption requests during COVID where individuals' care would be immediately impacted if no decision was made. This retrospective extension will ensure that providers continue to operate under robust contractual arrangements which will ensure the interests of service users are protected and that the contracting parties follow responsibilities under clearly defined Terms and Conditions and Specifications.
- 4.4 There is much that is known about day opportunities provision in Peterborough but there needs to be significant work undertaken to support the transformation of the service delivery, commissioning mechanisms as well as outcomes and impacts achieved by individuals accessing these services. There is a day services transformation programme taking place, however, the specific decision making to the Day Opportunities Contracts in Peterborough requires authorisation within the overall programme. The transformational review of day opportunities is a joint approach with both Cambridgeshire and Peterborough, including finance and procurement from both Councils to include engagement, prototyping service models, and embedding LD Vision outcomes.
- 4.5 This Cabinet Report is requesting approval for the Agreements to be extended until 31st March 2024 to align to the timelines for the transformational work of the Adults Positive Challenge Programme. The extension period has a value of £5,199,512.

5. **CONSULTATION**

- 5.1 A significant amount of work has been undertaken to gather provider and service user perspective on the vision for day services, barriers to achieving the vision and what the Local Authority can do to support day services This continued under the comprehensive programme of engagement and co-production including work with carers, professionals, social workers.
- 5.2 The Day Opportunities workstream carried out an extensive discovery phase, including service mapping and gathering data from day service providers across both OP/PD and LD cohorts. A comprehensive survey of providers was undertaken which gave the APCP workstream access to information that was previously unknown about this provider market, including areas such as:
- Percentage of financial contribution from the Council to operational budgets
 - Level of need and complexity services are managing
 - Services carrying out regulated activity
 - Provider perspective on the vision for day services, barriers to achieving the vision and what the Local Authority can do to support day services.
- This was complemented by engagement with operational teams within the local authority, other local authorities, and Partnership Boards. A wealth of new information about day opportunity provision has been obtained through the work that has taken place during the pandemic.
- 5.3 The Day Opportunities project has also linked into other improvement and commissioning programmes including the review of social care transport for day opportunities and the LD Vision.
- 5.4 The Coronavirus pandemic disrupted the delivery of day opportunities as they closed for periods of time in line with Government and Public Health advice. There have been significant resources focused on the requirements needed to safely re-open day opportunities provision to service users, and providers have worked flexibly in order to provide alternative support during periods of closure as well as adapting their buildings-based delivery to enable them to re-open. Although much of the re-commissioning work planned over this period was not able to be delivered due to the focus on the pandemic a number of key developments were undertaken:
- Increased engagement with day opportunities providers with the introduction of a regular monthly forum for OP and LD providers
 - Service User survey about their use of day services and the alternative support required whilst services were closed
 - Review of grants with clawbacks from services closed for significant periods throughout the pandemic (and offering no alternative support) and services which decided to close on a permanent basis
 - Improved level of information provided to the Councils in relation to the support offered and numbers of people attending day services
- 5.5 The extension will enable a full contractual review to be carried out. The outcome will ensure strategic development of future services whilst ensuring local and County wide market development occurs.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 The extension period will allow time for significant work to be undertaken to support the transformation of the service delivery, commissioning mechanisms and outcomes and impacts achieved by individuals accessing these services. The work to be undertaken includes:
- A comprehensive programme of engagement and co-production to define the overall vision for the delivery of day opportunities
 - Prototyping of service interventions, models, and measurable impacts across all cohorts
 - Embedding and reviewing revised monitoring information to inform future specifications and opportunities for transformation
 - Ensuring the LD Vision outcomes are embedded in the delivery of day opportunities and link to priorities such as employment
 - Determining the most appropriate commissioning options across all provider markets

- Review of in-house services to determine current delivery models, value and outcomes.
- Working with Strategic Property Assets teams to review current Council buildings aligned to day services to ensure they meet the requirements of future service delivery
- Carrying out an options appraisal of the current external and internally delivered provision, which is in line with political intentions to determine whether more services can effectively be delivered in-house.

6.2

The work will produce some clear benefits for the transformation of day opportunities. It will enable the Council to move services towards meeting both current social care needs but also a more clearly defined preventative agenda to support a demand management approach for Adult Social Care.

6.3

The benefits of this programme of work will be realised through the following outcomes:

- Clearly defined preventative and social care offer delivered through a process of co-production
- A thorough review and options appraisal of in-house services to determine whether this option should be expanded, better aligned to externally commissioned services or delivered/procured differently
- Be able to define how much capacity we need within each locality to manage those with Social Care needs, early intervention and prevention demand and the service requirements to meet those needs
- Conduct a successful commissioning exercise to procure services which will meet our defined requirements
- Scope potential for savings or efficiencies through better understanding of the market and our requirements
- Ensure there are appropriate contractual arrangements in place to govern the services and to monitor outcomes and impact
- Able to define, predict and manage the future demand that is coming through from Children's and Young People's and Education services for Learning Disability Day Opportunities

7. REASON FOR THE RECOMMENDATION

7.1 The reason for the recommendation is to ensure there is sufficient time to review and develop day opportunities in a timeframe aligned to the transformation work. This will also allow for a compliant procurement process to be conducted in accordance with both local contract rules and UK Legislated Public Contract Rules.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1
- Do Nothing - The contract will lapse and if services continue to be received, they will be on implied terms, which increases the contractual and reputational risk to the Council and puts service users at risk through lack of protection under implied terms.
 - Contract Termination -Ending the contracts and not completing a compliant procurement process and therefore having nothing in place . This could mean the Council is in breach of its duties under the Care Act 2014; to meet people's assessed needs, promote wellbeing and reduce or delay the need for more intensive support such as respite and residential care.
 - Tender the Requirement -: To seek to reprocure the requirements at this time would mean that meaningful engagement and co-production could not be undertaken due to the time constraints. The Council may not be commissioning services that best meet the needs of individuals or explore efficient models of delivery. Therefore, the reprocurement should be delayed until the completion of the review process to ensure that the future contractual provision is strategically aligned to the desired outcomes.

8.2 Over 80 people use day services across Peterborough and not providing services would leave people with unmet assessed needs under the Care Act 2014.

9. IMPLICATIONS

Financial Implications

- 9.1 Total value over four years of £5,199,512, equating to £1,299,878 per year.
Funding sources, risk exposure and mitigations
Sense daycare, Thera and Helping Hands are all funded from the ISP budget and are therefore spot purchased. This would mitigate the risks around funding through a block contract whereby full payment is required whether the service is delivered or not.
The funding would be flexible to accommodate demand and offer up potential efficiencies when services are not delivered.

Legal Implications

- 9.2 Section 5 of the Care Act 2014 places a general duty on the Council to promote the efficient and effective diversity and quality in the provision of services. The Council must have regard to section 5(2) Care Act 2014 and in particular, the need to ensure that the Council is aware of the current and likely future demand for services and to consider how providers might meet that demand, the importance of ensuring the sustainability of the market and have regard to the importance of promoting the well-being of adults in its area with care and support.

The Council must have regard to this general duty in its decision-making on this issue and by extending the Agreements in accordance with his report, the Council can ensure it is meeting its duty under the Care Act.

Where the Council awards a contract (either via an extension or a new contract) it must also have regard to its duty under the Public Contract Regulations 2015, ie to procure for services, lawfully. The EU threshold for this is £663,450. The Council has been advised that the procurement regime applies. However, unless the Council extends the existing contract or enters into a new contract for the services, in the interim period, pending a viable procurement exercise, there will be no contract(s) in place to deliver the essential services and meet its obligations under the Care Act.

Equalities Implications

- 9.3 Equality impact assessment has been undertaken to ensure that the service provided to people with Learning Disabilities is compliant with the Care Act 2014.

Carbon Impact Assessment

- 9.5 Neutral Impact - Extending the LD day opportunities contracts in Peterborough will have a neutral impact on carbon emissions and environment. Continuation of services so impact should remain same.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 None.

11. APPENDICES

- 11.1 None.

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