

<b>DIRECT PAYMENT SUPPORT SERVICE</b>
<b>COUNCILLOR JOHN HOWARD, CABINET MEMBER FOR ADULT SOCIAL CARE, HEALTH AND PUBLIC HEALTH</b>
<b>DECEMBER 2022</b>
<b>Deadline date: N/A</b>

Cabinet portfolio holder:	Cllr John Howard – Adult Social Care, Health and Public Health
Responsible Director:	Charlotte Black – Executive Director, People and Communities
Is this a Key Decision?	YES If yes, has it been included on the Forward Plan: YES Unique Key decision Reference from Forward Plan: KEY/12SEP22/01
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	YES
Is this a project and if so has it been registered on Verto?	NO Verto number: N/A

**RECOMMENDATIONS**

The Cabinet Member is recommended to:

1. Approve the 24-month extension of the Direct Payment Support Service (DPSS) contract to Peterborough Council for Voluntary Services (PCVS) on a 1+1 basis. The contract value for this 24-month period will be £250,984, which is an aggregated contract value of £878,444 for the period of 3+1+1 plus the extension of 1+1.
2. It is further requested that delegated authority to facilitate and award be granted to the Executive Director, People & Communities, Cambridgeshire and Peterborough.

## 1. PURPOSE OF THIS REPORT

- 1.1 This report is for the Cabinet Member for Adult Social Care, Health and Public Health to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (a)

## 2. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
---	-----------	----------------------------------	------------

## 3. BACKGROUND AND KEY ISSUES

- 3.1 The Direct Payment Support Service (DPSS) provides information and advice to people who receive a Direct Payment from the Council or fund their own care and support. The service helps people to find, recruit and pay for the types of care and support they wish to receive. This enables people with care needs to have greater choice and control over the care they receive.

- 3.2 The DPSS contract in Peterborough was awarded to Peterborough Council for Voluntary Service (PCVS) in December 2017 following a tender process held according to PCC procurement rules. The contract commenced on 1st March 2018 for 3 years with 2 possible extensions of 12 months. This contract is six months into its final extension period, which will end on 28<sup>th</sup> February 2023.

- 3.3 A plan to recommission the DPSS was approved by Joint Commissioning Board in July, with a planned Invitation to Tender (ITT) issue date of 9<sup>th</sup> September 2022. This timescale assumed a full establishment within ASC Commissioning.

- 3.4 Over the summer, several commissioning staff moved into new roles in the service area with effect from 1<sup>st</sup> September 2022, leaving several vacancies, including the Commissioning Manager responsible for the DPSS retender. Despite multiple recruitment attempts the post remains vacant. A full forward plan of commissioning activity over the next 12 months means there is no spare capacity within the service area to retender the service and so an extension to the current contract is necessary to maintain service provision.

- 3.5 It is proposed to extend the service with the current provider for 24 months on a 1+1 year basis (01/03/23-28/02/25) at a cost of £125,492 per annum. This allows sufficient time for staff recruitment and the tender of the DPSS to occur. The proposal was approved at Joint Commissioning Board on 27<sup>th</sup> September 2022

## 4. CONSULTATION

- 4.1 The following stakeholder engagement was undertaken as part of the initial work to retender the service.
- Soft Market Testing in June 2022,
  - information gathered from the Direct Payment Board colleagues and customer service surveys received from the provider during the past 12 months; and
  - responses to stakeholder questionnaires during July/August 2022.

4.2 No further consultation is considered necessary.

## **5. ANTICIPATED OUTCOMES OR IMPACT**

5.1 The anticipated impact of the extension includes:

- service provision is maintained and not disrupted
- new and existing direct payment recipients continue to have access to essential information and advice
- people with care needs continue to have more choice and control over the care they receive
- people continue their direct payment arrangements, avoiding the need for Council-arranged care provision which is likely to be at a higher cost

## **6. REASON FOR THE RECOMMENDATION**

- 6.1
- Impact listed above in section 5
  - The DPSS supports delivery of a statutory requirement. The Care Act requires local authorities offer people the option of having a personal budget paid to them as a direct payment. The DPSS provides essential information and advice to support individuals who choose a direct payment.

## **7. ALTERNATIVE OPTIONS CONSIDERED**

7.1 a) Tender the service – It has not been possible to tender the service within the original timescales due to vacancies and recruitment challenges within the commissioning service area. Had vacancies been filled it would have been possible to issue the tender in September as planned by procurement and this matter could have been concluded compliantly. However due to the vacancies in the service area and resulting lack of resource, it would not be feasible to complete this before expiry of the current contract. To do so would create a gap in provision, resulting in service disruption and a negative impact on people who rely on the DPSS for information and support to maintain their direct payments.

b) Not extend the service – this option would result in a loss of provision and have a detrimental effect on direct payment recipients and social care practitioners recommending the direct payment option. Such an action would severely affect the Council's ability to offer personalised budgets and therefore compliance with its statutory Care Act duties.

c) Extend the service for a shorter period – this is unlikely to provide sufficient time to recruit a Commissioning Manager and fully complete a tender process. The 1+1 year proposal gives the Council flexibility to retender the service after 1 year whilst retaining the option of a further year's extension should it be required to maintain service provision.

## **8. IMPLICATIONS**

### **Financial Implications**

- 8.1 Adult Social Care Finance have been consulted on the proposed extension and a Business Case has been completed. No additional financial implications have been identified.

### **Legal Implications**

- 8.2 The Council must ensure it provides care in accordance with the Care Act 2014. The Council has been meeting its duties through the existing contract. The contract will automatically expire on 28<sup>th</sup> February 2023 unless extended by mutual agreement. Where the Council awards a contract (either via an extension or a new contract) the Council has a duty under the Public Contract Regulations 2015 to run a procurement to award the contract where the contract value exceeds the threshold. The Council has been advised that the procurement for a new contract, will exceed the expiry date of the existing contract in February 2023. Unless the Council extends the existing contract, the Council will not have a contract in place to deliver the essential services and meet its obligation under the Care Act.

The modification has been considered in accordance with Regulation 72 of the Public Contract Regulations 2015.

A VEAT notice and Modification Notice (in accordance with Regulation 51) will be published.

### **Equalities Implications**

- 8.3 A positive impact is explicitly intended and very likely.

The Direct Payment Support Service contract will positively impact people in Peterborough with care and support needs. It offers information and advice on direct payments and assistance in employing support from personal assistants.

People who would like extra administrative support by way of having their direct payment accounts managed and/or payroll service to pay for their employed carer can receive assistance from this support service for a reasonable charge.

People who pay for their own care and support needs in full or in part can also receive help from this support service.

Peterborough has rich ethnic communities and is culturally diverse. Some people and/or their relatives/carers may not be proficient speakers of English. This support service can provide accessible guidance on complex documentation and legislation, arranging for translation services when required.

The service will ensure that all prevailing legislation, including the Equality Act (2010) is applied and there is no sex discrimination such as differential rates of pay for male or female staff, in recruitment of Personal Assistants or in the quality of care for people being cared for.

### **Carbon Impact Assessment**

- 8.4 The commissioning team have reviewed the impact of carbon emissions in this project. The emissions will be minimal and will be impacted on the part of the service

provider. The service provider may choose to host staff in a specific location (building) and provide hot water, electricity and heating. Staff may need to travel via public transport or their own vehicle to the said location.

The service provider would be encouraged to continue to contact service users, social workers and other organisations via telephone or online to reduce carbon emissions.

The commissioning team are mainly based within their community and operate from their home, utilising their own amenities which are currently of no recourse to the Council.

### ***Other Relevant Implications***

8.5

This report may have implications to children living with disabilities, children in care and care leavers if they are in receipt of Direct Payments and depend on the DPSS service for information, advice, managed account services and/or payroll services for paying their care and support staff.

## **9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED**

9.1

None.

## **10. BACKGROUND DOCUMENTS**

10.1

None.

## **11. APPENDICES**

11.1

- Appendix 1 - Business Case