

Meeting of:	Cabinet
Date of Meeting:	Monday, 19 October 2020
Relevant Scrutiny Committee:	Healthy Living and Social Care
Report Title:	Retender of a Supported Living Service for People with a Learning and/or Physical Disability
Purpose of Report:	To gain Cabinet approval to undertake a procurement process and award contracts in respect of the Council's Supported Living Service.
Report Owner:	Cabinet Member, Social Care and Health.
Responsible Officer:	Director of Social Services
Elected Member and Officer Consultation:	<p>Head of Finance / Section 151 Officer</p> <p>Operational Manager – Commissioning and Information</p> <p>Operational Managers – Locality Services</p> <p>Operational Manager – Legal Services</p> <p>Senior Lawyer- Legal Services</p> <p>Operational Manager – Accountancy</p>
Policy Framework:	This is a matter for executive decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> • This report requests permission for a procurement exercise to be undertaken in order to retender the Council's Supported Living Service for people with a learning and/or physical disability. • The report further requests that permission to award the Contract is delegated to the Director of Social Services in consultation with the Cabinet Member, Social Care and Health, the Managing Director, the Head of Finance/Section 151 Officer. • The start date for the new contract being 1st October 2021 for an initial period of 5 years, with an option to extend by a period of no more than 5 further years. 	

Recommendation

1. That Cabinet note this report and consider it in connection with the Part II report later in the Agenda.

Reason for Recommendation

1. To allow Part I and II reports to be considered together.

1. Background

- 1.1 The Welsh Assembly Government's Statement on Policy and Practice for Adults with a Learning Disability sets out the elements that need to be considered when supporting people with a learning disability. One element is the arrangement for community living, stating that 'an authority's goal should be for people with learning disabilities to have a genuine opportunity to live as others of the same age and play a full part in the society in which they live'.
- 1.2 The Social Services and Well-being (Wales) Act 2014 had 8 main parts for well-being. Two of these are:
 - Being part of the community;
 - Having a good home.
- 1.3 As part of their individual care and support plan, adults with a learning disabilities and/or physical disability, can be provided with supported accommodation that enables them to live as full members of the community and reduces the need for residential care.
- 1.4 In 2019, The Vale of Glamorgan was the lead partner in developing a regional commissioning strategy for adults with learning disabilities. This strategy has a shared vision and core principles which are that people with a learning disability should be supported to have: 'a good quality of life and to live the lives they want to lead; living locally where they feel good and well, where they are valued and included in their communities and have equal access to appropriate support that ensures independence, choice and control.'
- 1.5 There are currently 29 properties, housing 80 people with a learning disability and/or physical disability included in the supported living contract. It is envisaged that a further two properties will be added to the contract within the first 12 months of the new contract.
- 1.6 In 2007, the Council undertook the first supported living tender exercise and, as a result, 3 providers were awarded contracts. At the end of the contract period, the service was retendered in 2012 with 3 providers awarded contracts. One of these providers have previously delivered services under the contract awarded in 2007.
- 1.7 The current contract period ended in October 2017 and permission was sought to take up the option to extend the contract by a period of up to an additional two years. Due to an on-going High Court case regarding payments to sleep-in

workers, the contract period was extended to 31st March 2021 in order to allow for the judgement to be known and reflected in the contract documentation.

- 1.8** Due to the additional demands on Officers due to the Covid pandemic, the revised timescale was not achievable and a further extension to the service was granted under Section 72 for a further 6 months until 30th September 2021.

2. Key Issues for Consideration

- 2.1** The Council's project management methodology will be utilised to support the project throughout its various stages from initiation to contract award and management.
- 2.2** The initial contract period will be for 5 years, with an option to extend for up to a further 5 years. (as detailed in the Part 2 report). Due to the amount of the contract, the tender will be advertised on the Official Journal of the European Union, as well as the Sell2Wales website.
- 2.3** The tender process will be managed by a Project Board, which includes representatives from Social Services, Finance and Legal Services. The Board will meet frequently to allow timely discussions about issues that arise with the tender process. Informed dialogue will allow for timely decision making, ensuring the continued progress of the tender within required timescales.
- 2.4** It is envisaged that the service will be split in to 4 groups. This service model will enable the Council and providers to benefit from economies of scale and flexibility. Providers will have the option of tendering for one or more groups. It is possible that a provider will tender for all groups and, depending on submissions, one provider may be awarded all 4 groups. Groups have been designed to take in to account the specific needs of people, their locality and any specialised support they may require.
- 2.5** Bidders will be asked to complete a Pre-Qualification Questionnaire (PQQ), which will ask various due diligence questions that are either given a score or are pass/fail. Those bidders who meet the required score will progress to the Invitation To Tender (ITT) stage. The ITT will be evaluated on two parts: quality and price, with the percentage split being 70% quality, 30% price.
- 2.6** A banding system for individual support hours will be in place utilising 4 bands categorised as Enhanced, High, Medium and Low; such bands comprising a range of hours commensurate with the level of support required. Individuals will be assessed and allocated to the appropriate band dependent on requisite care and support needs. Potential providers will be required to submit their costs for each band and will be evaluated on the same.
- 2.7** Should a potential provider be interested in more than one group, there is a potential for savings as a result of economies of scale. On this basis, providers will be asked to provide prices at a single group and multi group rate. Evaluations will be based on the single group rate to ensure equality to all bidders.

- 2.8** The quality element of the submission will cover a number of areas that are weighted in terms of importance. All bidders will be asked to provide written submissions against quality questions included within the ITT document.
- 2.9** Both the PQQ and ITT submissions will be assessed by an internal evaluation panel. Additionally, bidders will be evaluated on quality issues through an interview and presentation process. The intention is that the interview process will include a panel of people currently receiving a Supported Living service or their representatives.
- 2.10** Following evaluation of the overall quality, the scores will be combined with the bidders' price scores, which will identify the preferred provider for each group. At this point, and if applicable, the multi group price will be applied with the successful provider/s to ensure that the Council achieves the most economically advantageous solution.
- 2.11** Should the service not be recommissioned, placements would need to be sought in residential settings, which is contradictory to the principles of the Social Services and Well-being (Wales) Act 2014.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** Enabling people to live in their own homes, be fully involved in family and community life and to participate actively in work, education and leisure opportunities will promote independence, social inclusion and enhanced self-esteem in the long term.
- 3.2** Supported Living prevents demand on other adult care services by enabling citizens to live independently in their own homes and promoting their empowerment, thus ensuring prevention by early intervention.
- 3.3** The definition of the service reflects the collaborative approach between the Citizen, the Provider, the Council and other partners. Co-production – encouraging individuals to become more involved in the design and delivery of their support is at the heart of the service.
- 3.4** The service has and will continue to take an integrated approach to ensuring the well-being outcome 'An Active and Healthy Vale', and in particular work being undertaken to deliver the objective 'Safeguarding those who are vulnerable and promoting independent living'.
- 3.5** Forums are being arranged to gather the views of people currently using the service. This information will feed into the development of the service specification. There will be a panel of Service Users at the evaluation stage of the procurement process, ensuring stakeholder engagement and involvement.

4. Resources and Legal Considerations

Financial

- 4.1** The funding for this service will be from within Social Services budgets; however, the costs quoted above do not include any additional wages that may need to be paid to sleep-in staff following the outcome of the current High Court Case on the matter.
- 4.2** Please refer to Part 2 report for further information.
- 4.3** The process for tendering the service will be undertaken by staff within the Directorate, making appropriate use of Corporate expertise and processes in areas such as Procurement, Finance and HR.

Employment

- 4.4** There are no employment considerations for the Council. Staff employed to deliver the service are currently and will be employed directly by the commissioned provider/s.
- 4.5** We will, however, act as a conduit for receiving/distributing information required under TUPE for potential bidders to use in their submission.

Legal (Including Equalities)

- 4.6** The Supported Living Service delivery will be in accordance with provisions of the Social and Wellbeing (Wales) Act 2014 and the community element of Welsh Assembly Government's Statement on Policy and Practice for Adults with a Learning Disability.
- 4.7** There will be a requirement to enter into a contract for the provision of this service in accordance with the Public Contract Regulations 2015.

5. Background Papers

None.