

Wiltshire Council

Cabinet

13 December 2016

Subject: Direct Payment Support Service

Cabinet Member: Councillor Jerry Wickham, Health (including Public Health) and Adult Social Care

Key Decision: Yes

Executive Summary

The direct payment support service is in place to provide customers who have a direct payment with the support they need in order to manage it effectively. Included within the activities the service delivers are some of our statutory responsibilities under the Care Act 2014, for example:

- Our duty to produce care and support plans that have been developed with full involvement of the customer
- Our role to ensure people receive relevant and timely information about direct payments, so they can make a decision about whether to take one on or not
- If they do take a direct payment, our role in ensuring customers receive the support to use and manage the payment appropriately, including the responsibilities involved in becoming an employer.

The direct payment support service is currently provided by the Wiltshire Centre for Independent Living (known as WCIL). The contract commenced in April 2012 and was extended in April 2015. It is due to expire on 31 March 2017.

A procurement exercise has commenced October 2016 to recommission the Direct Payment Support Service to allow for a seamless transition.

Delegated authority is sought from Cabinet to award this contract.

Proposal

To approve delegated authority to award a contract to the preferred provider/s identified as a result of the tender process to Associate Director for Adult Care Commissioning and Housing, following consultation with Cllr Jerry Wickham, Cabinet Member for Health (including Public Health) and Adult Social Care; the Associate Director, Finance; and the Associate Director, Legal and Governance.

Reason for Proposal

Direct payments give customers the ability to take control of social care services and commission the support they want to meet their identified eligible needs. The re procurement of a direct payment support service will provide a cost effective means to meet some of the Council's statutory responsibilities under the Care Act 2014. Giving delegated authority will ensure the timely procurement of this service.

Carolyn Godfrey
Corporate Director

Wiltshire Council

Cabinet

13 December 2016

Subject: Direct Payment Support Service

Cabinet Member: Councillor Jerry Wickham, Cabinet Member for Adult Social Care and Public Health

Key Decision: Yes

Purpose of Report

1. The current self directed support contract (DCS0462) was awarded to the Wiltshire Centre for Independent Living (known as WCIL) in April 2012. The contract was extended in April 2015 and is due to conclude on the 31st March 2017.
2. The contract is being recommissioned and agreement was given by the Commissioning and Procurement Board to commence re-procurement in October 2016. The purpose of this report is to request delegated authority process to James Cawley, Associate Director for Adult Care Commissioning and Housing, following consultation with Cllr Jerry Wickham, Cabinet Member for Adult Social Care and Public Health; the Associate Director, Finance; and the Associate Director, Legal and Governance to award a contract to the preferred provider/s identified as a result of the tender process.

Relevance to the Council's Business Plan

3.

Developing resilient communities	The service will promote resilience across communities and individual customers. Direct payments give customers the ability to take control of social care services and commission the support they want to meet their identified eligible needs. The service will be commissioned to support connections between people who need care and support and Personal Assistants who may be able to support people. The service is also required to develop community connections through the provision of information, advice and working across the sector together with other key care and support organisations.
Protecting vulnerable people in our communities	The service will be subject to robust safeguarding requirements and representatives working on behalf of the service will need to comply with Disclosure and Barring Service (DBS) regulations. In general the service will work to ensure that everyone living within a community regardless of social care need is given the opportunity to take control of their care and support

	package. This will apply both to customers who are supported by the council and individuals who are funding care services privately.
Promoting a vibrant local economy	The service will promote working as a Personal Assistant across Wiltshire's communities, providing opportunities for individuals to find employment locally supporting people who live within that community. In addition to this the brokerage function will provide customers with a single point of contact for arranging care services which will help to ensure self funding customers pay a reasonable amount for care services and also support local care organisations across the market.

- In addition to the detail described above the service is a key part of the Council and service area's strategy to promote personalisation across social care services. The service will ensure the council complies with the statutory requirements set out in the Care Act.

Main Considerations for the Council

- The service is being recommissioned in line with the service specification and will be commissioned for a three year term with the option to extend for an additional two years based on the agreement of the parties and good levels of performance. The service will be based on a combination of individual customer outcomes and service outcomes which will be used to determine any proposed extensions to this agreement.
- The service will continue to be based on the principles of personalised care, supporting individuals to remain in control of their lives and life choices. Outcomes will be focused on maximising and promoting independence and providing the minimum amount of support required to an individual to support themselves.
- A brokerage function has been added to the service as an opportunity for the provider to increase revenue through the provision of 'care navigation services' for customers who do not have eligible needs or have assets above the upper financial threshold. It is intended that this service will support people find the care and support services they need, which will reduce the likelihood that they will require statutory interventions in the future.
- The service will promote working as a Personal Assistant across Wiltshire's communities providing opportunities for individuals to find employment locally supporting people who live within that community

Background

- The current contract is in place to provide customers who have a direct payment with the support they need in order to manage their direct payment effectively. The contract delivers some of our statutory responsibility under the Care Act 2014, for example:

- Our duty to produce care and support plans that have been developed with full involvement of the customer
- Our role to ensure people receive relevant and timely information about direct payments, so they can make a decision about whether to take one on or not
- If they do take a direct payment, our role in ensuring customers receive the support to use and manage the payment appropriately, including the responsibilities involved in becoming an employer.

10. In addition the contract provides the following support:

- A banking service for those customers who are unable to open their own bank account
- A payroll service for direct payment recipients who employ their own personal assistants.
- A Personal Assistant (PA) register for those customers to use who are looking to employ their own PA
- Responsibility for completing (DBS) checks for personal assistants
- Support for parents of disabled children who receive a direct payment

11. A comparison of referrals within the current contract over the past 4 years is as follows:

- 2012/2013 = 489
- 2013/2014 = 552
- 2014/2015 = 513
- 2015/2016 = 695

12. A comparison of people with a Direct Payment being supported by the service with ongoing support is as follows:

- 2014/2015 = 1,660
- 2015/2016 = 1,679 (approx. 7% is children and families activity)

13. Banking service and payroll service customer numbers for 2015/2016 are:

- Banking service = 492 customers
- Payroll service = 506 customers
- 258 customers use both the banking service and the payroll service.

14. Numbers of support plans completed with customers in 2015/2016 = 625.

15. The value of the new contract will remain the same as current arrangements and the anticipated increase in demand will need to be managed within that funding, through a robust programme of contract and performance management, to ensure those increases in demand are quickly identified and mitigating actions are established. The Council does not expect to be providing additional funds.

16. In addition it is proposed that, within the current funding available, the revised service includes an additional element relating to brokering care and support services on behalf of self funding customers (this aspect will be cost neutral to the Council and will be a way in which the provider might generate additional business) and an emphasis on supporting and facilitating an

effective PA workforce ensuring that they are offered similar support and opportunities as carers working for provider organisations.

Overview and Scrutiny Engagement

17. A short summary of this report has been provided to brief the Chair and Vice Chair of the Committee.

Safeguarding Implications

18. The service will be subject to robust safeguarding requirements and representatives working on behalf of the service will need to comply with DBS regulations.
19. In addition the service will ensure that DBS checks are undertaken for PAs who could be employed by direct payment recipients.

Public Health Implications

20. There are no direct Public Health implications.

Procurement Implications

21. In order to secure the best possible value for the service it has been agreed that a full tender is undertaken. At least 30% of the employees of any bidders must be disabled or disadvantaged workers. This is in line with Article 20 of the Public Contracts Directive.
22. The current service is delivered by a User Led Organisation (ULO) (this means that the organisation is led and controlled by disabled people with a minimum membership of 75% of disabled people on their Board). It was agreed that the principle of involving disabled people in developing their own self directed support service was valuable because of:
 - enhanced peer support;
 - support is based on the authentic voice of people who use services;
 - research indicates that direct payments have been more successful in areas where there has been a ULO to support their implementation (SCIE; 2014; A commissioners guide to developing and sustaining user led organisations);
 - research indicates that more people take up Direct Payments where support planning is user-led rather than LA-led (SCIE; 2014; A commissioners guide to developing and sustaining user led organisations).
23. On the assumption that this procurement is unlikely to get responses in excess of 20 (which is a manageable quantity) and to keep the tendering timescale to a minimum, a single stage full tender process is proposed.
24. The tender is being run under most economically advantageous tender (MEAT) criterion, which enables the contracting authority to take account of

criteria that reflect qualitative, technical and sustainable aspects of the tender submission as well as price when reaching an award decision.

Equalities Impact of the Proposal

25. The service ensures the full participation of people with disabilities, mental health needs and older people in the development of their own care and support plans, and enables them to have the ability to have control and choice over how those support needs are met by taking up a direct payment.
26. By restricting the service to organisations where at least 30% of their employees are disabled or disadvantaged workers, this enables adult social care customers to be involved in the delivery of this service either as employees or as peer mentors/advisors.
27. The service needs to support people with additional barriers to managing their direct payment, such as English not being a first language, or cultural barriers e.g. where women may not traditionally have been involved in looking after family finances and therefore need more support in managing a budget.

Risks that may arise if the proposed decision and related work is not taken

28. If the decision is taken not to re procure this service, the statutory activities that the service delivers will have to be provided or commissioned elsewhere in order to ensure the Council is compliant with the Care Act.
29. Without the support to manage their direct payments, customers are at risk of not meeting their responsibilities with regard to their use of public money, particularly those that employ their own staff.
30. If the decision is made not to delegate authority to award a contract to the preferred provider/s there is a risk the procurement process will be extended beyond the current contract end date.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

31. The following risks will be added to the service level risk register:

Risk	RAG	Mitigating actions	Review dates
Volumes may increase during the term of the contract.		Robust program of contract and performance management to ensure any increases in demand are quickly identified and mitigating actions can be established.	April 2017

Risk	RAG	Mitigating actions	Review dates
Legislative changes impact on the requirements of the contract. Possible legislative changes include pension reforms and the introduction of direct payments for permanent care home placements.		Regular communication at a national and regional level in order to identify risks and issues and develop mitigating actions.	April 2017
TUPE related issues		Full TUPE details will be included in tender.	September 2016
Transition to new service		Early implementation meeting will be required to ensure smooth transition appertaining to the transfer of banking service and payroll data.	January 2017
Bids are higher than current contract generating increased budget pressures		Will set maximum budget in tender documentation and work closely with finance colleagues to ensure service is within agreed budget allocation.	January 2017

Financial Implications

32. It is not anticipated that there will be any significant savings associated with the re commissioning of the self directed support service, as the anticipated increase in volume of activity is required to be met within the current contract value and the specification includes additional aspects of service to be delivered. By commissioning the service through open competition, we will test the market to ensure best value is being achieved. This competition may generate efficiencies based on the bids received

Legal Implications

33. The Council's process for undertaking a procurement is contained within Part 10 of the Council's constitution. Accordingly the commissioning service has, in consultation with the Strategic Procurement Hub, embarked upon a robust procurement exercise which is compliant with the constitution and the Public Contracts Regulations 2015. The process will accord with EU procurement rules as the value of the contract exceeds the current EU level.

Options Considered

34. Dis-aggregating aspects of the service has been considered in order to make the opportunity more attractive to community based organisations. However it has been deemed, based on consultation with customers, that the one stop nature of this service is highly valued by customers and key stakeholders and that dividing the elements into lots would not add value from a customer's perspective in terms of quality.
35. It is proposed that the possibility of restricting this opportunity to organisations that employ as a minimum 30% of staff with a disability, this restriction is permissible under the Public Contract Regulations (2015) regulations. As part of the engagement work with customers, we discussed this option and they felt this was a very positive step and that disabled people for those with care and support needs should be at the centre of delivering self directed support services.

James Cawley (Associate Director, Adult Care Commissioning and Housing)

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Appendices

None

Background Papers

None