

Wiltshire Council

Cabinet

29 March 2022

Subject: Day opportunities transformation

Cabinet Member: Councillor Jane Davies – Cabinet Member for Adult Social Care, SEND and Transition and Inclusion

Councillor Laura Mayes – Deputy Leader and Cabinet Member for Children’s Services, Education and Skills

Key Decision: Key

Executive Summary

This report describes a proposed commissioning and procurement approach which will transform how disabled young people, adults and older people access daytime and evenings activities which meet their needs and aspirations in life.

The Council will spend approximately £2.1m in 2021/22 on commissioned and grant-funded day opportunities¹. These services are delivered to approximately 800 adults with learning disabilities, autism spectrum conditions, sensory needs, cognitive impairment, dementia and other age-related frailties².

Day opportunities should meet people’s needs as assessed under the Care Act. These needs will lie on a spectrum, from support that promotes independence and community engagement, through to more intensive personal care. Day opportunities must have a clear purpose and meet people’s goals and aspirations.

Wiltshire Council has engaged with a range of people who access day opportunities, or potentially would do if those opportunities were in line with what people want to do with their lives. People have clearly described what a good life looks like, and what support they need to live their good life: people want to be accepted and valued, attend a variety of activities, be actively involved in their community, enjoy mainstream services, have fun, learn and try new things, have positive relationships, etc. People want to meet people with similar interests, build ongoing friendships and relationships, be understood and supported to live independently. This means moving towards innovative and creative support which helps people lead meaningful lives.

The current model of commissioning day opportunities does not fully meet these objectives, and historically there has been no overarching commissioning strategy around how the Council works with providers and purchases services to meet the goals and aspirations of its local population.

¹ This does not include day opportunities funded through block contracts, nor those provided in-house.

² These figures for costs and number of customers are full-year effects based on a snapshot from 30/09/21.

This plan therefore sets out what we commission now, how we will modernise our offer, and a proposed procurement route to achieve this.

Proposal(s)

Cabinet is recommended to agree:

- To the procurement of day opportunities that are goal-oriented and outcome-focused
- To the development of a service specification that is informed by the views of disabled and older people and the people who support them
- To the procurement of an open framework arrangement under the light touch regime
- That the decision to award contracts against the framework is delegated to the Director of Procurement and Commissioning in consultation with the Corporate Director of People, the Corporate Director of Resources & Deputy Chief Executive, the Cabinet Member for Adult Social Care, SEND and Transition and Inclusion, and the Cabinet Member for Children's Services, Education and Skills.

Reason for Proposal(s)

Currently, day opportunities offer limited choice and control for customers. The offer is usually building-based and provides a traditional menu of activities. Whilst services are often valued, we have heard from customers and carers that whilst they access what is on offer, if a more diverse choice of opportunities was available, they would have higher aspirations for themselves.

Wiltshire Council has engaged with disabled and older people about what a good life looks like, and what support they would need to live that good life. The current model of spot-purchasing day opportunities does not enable the Council to shape the market, nor to have sufficient assurance of the quality and capacity of commissioned providers to deliver good outcomes to residents.

Procuring an open framework under the light touch regime will ensure that all providers are vetted to ensure they adhere to legal and quality standards and financial parameters. Successful providers will join the open framework, which will be clearly publicised to customers, carers and practitioners. People assessed under the Care Act as requiring a day opportunity will then be placed with the most appropriate service, using a combination of customer choice, geography, availability, etc – with the most cost effective option that meets need and choice being chosen. Each service user is placed with an individual service contract (rather than an overarching or block contract) which matches the needs of the individual.

Terence Herbert
Chief Executive

Wiltshire Council

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Purpose of Report

1. This report sets out what we commission now, how we will modernise our offer, and a proposed procurement route to achieve this. Cabinet is asked to approve the outcome-driven approach to commissioning day opportunities, and specifically to approve the proposed procurement approach to achieve this.

Relevance to the Council’s Business Plan

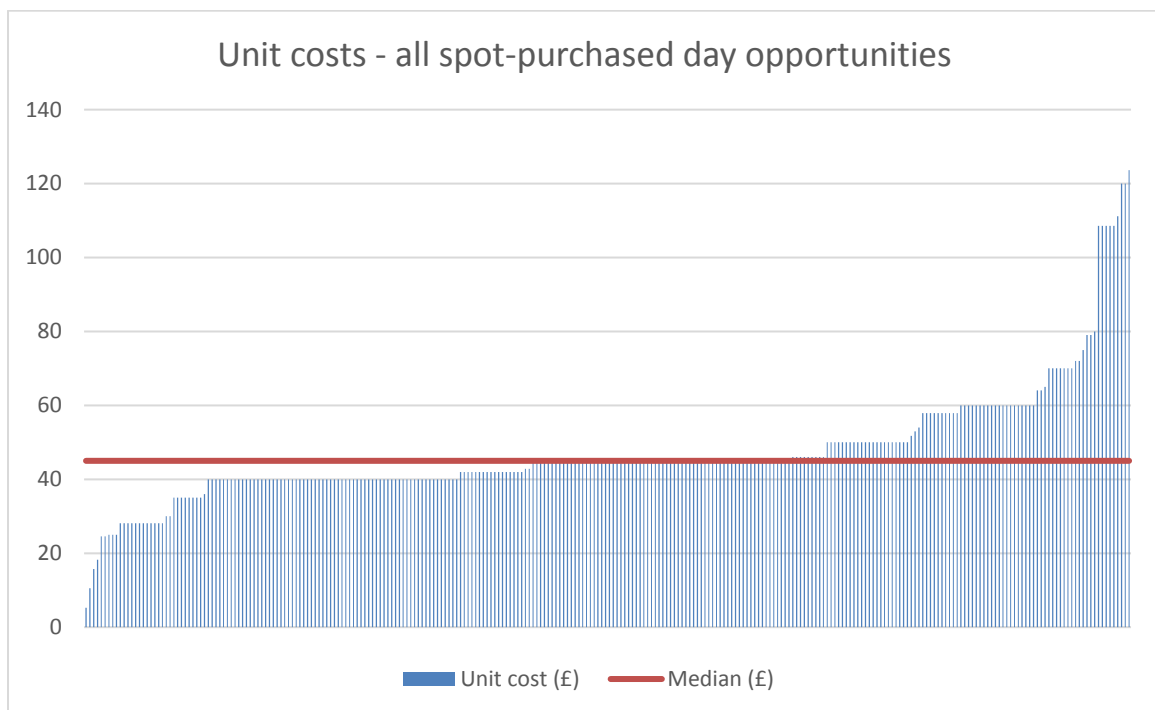
2. Wiltshire’s joint commissioning priorities for 2022/23 are to ensure services are in the right place at the right time; delivered by the right people; and that customers get the right services at the right price. Wiltshire’s Market Position Statement (MPS) for Whole Life Commissioning emphasises that people should receive the support they need at the earliest opportunity to live independently and safely within their community.
3. This proposal will ensure that day opportunities:
 - a. Focus on the strengths, assets and potential of people
 - b. Have a positive and meaningful impact on people’s lives
 - c. Increase choice and control
 - d. Develop people’s life skills

Background

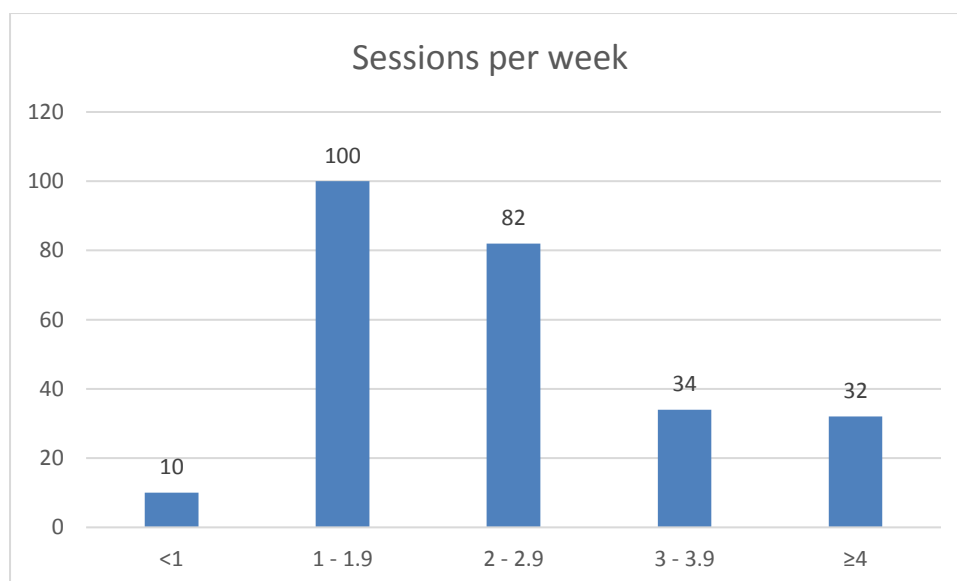
Current supply arrangements

4. Wiltshire Council currently commissions 40 organisations via spot-contracts, 32 via annual grant funding and an additional two via block contracts (Alzheimer’s Support and Order of St John). There are five organisations from which we spot-purchase 20 or more day opportunities packages.
5. 277 customers use services provided by the spot purchased organisations – the majority of these (204 people) are adults with learning disabilities.

6. These spot-purchased services vary considerably in unit cost, with day rates ranging from £5.25 up to £123.66. The graph below shows the distribution of sessional costs, with 80% of packages costing between £40 and £60 per day. The median (red line in graph below) and mode day rates are £45; the mean is £48.58.



7. The mean weekly cost per customer of day opportunities is £109.18 overall – this is broadly similar across different customer groups (£104.63 for Mental Health, £112.40 for LDAS, £96.41 for Living Well). The median day rate is £80 per week.
8. More than one third of customers who access spot-purchased day opportunities access them only one day per week. 12% of day opportunities customers access four or more days per week. On average (both median and mean), customers access 2 days per week.



9. The table below shows the breakdown of the gross weekly and gross annual spend on day opportunities currently commissioned:

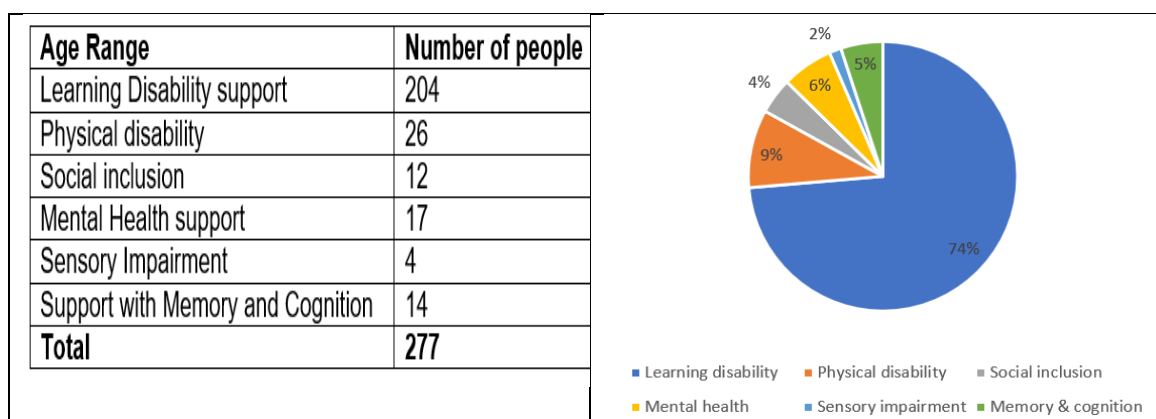
Commissioned Service / provider	Contract type	Forecast spend in 2021/22
Day opportunities for adults/older people – various providers	Spots	£1,906,744
Day centres – adults of working age	Annual grant	£90,961
Day centres – older adults	Annual grant	£117,906
Total		£2,115,611

10. The total spend on commissioned and grant-funded day opportunities has reduced slightly since November 2020, mainly due to reductions in activity following COVID-19.
11. In addition to the above, and out of the scope of this proposal, there are two block contract arrangements in place for day opportunities for older people - one with the Order of St. John and the other with Alzheimer’s Support.
12. The age range and primary need of people using day opportunities who have a support package are broken down in the pie charts below:

Breakdown by age



Breakdown by primary need



Market Position

13. In 2020, Commissioners set up a Day Opportunities Provider Forum. This was mainly to support providers during the COVID-19 pandemic – e.g. through sharing of information from Public Health about PPE, re-opening etc. It also provided an opportunity for day opportunities providers to meet and have strategic discussions both with commissioners and operational teams, and with other services such as the Wiltshire Employment Support Team (WEST). This forum will be re-launched in March 2022 to inform existing providers about the forthcoming tender, share the Council’s vision, and introduce forthcoming market engagement sessions.
14. Council officers are meeting specifically with grant-funded providers to explain the tender process. These meetings took place on 9 and 23 March.
15. Following this meeting, the council will start engaging with the market in early April. Officers will run workshops with providers to set out the vision and outcomes for day opportunities, to explain the bidding and onboarding processes, and to offer support for providers who require it. This is in recognition that tender processes can feel daunting to small organisations – although as this procurement will be under the “light touch” regime, it will be relatively straightforward. Officers will share details of the South West procurement portal (<https://www.supplyingthesouthwest.org.uk/>) so that organisations can register. The luncheon clubs and friendship groups will also be able to attend these events.

Main Considerations for the Council

16. Currently, the Council spot-purchases most day opportunities for adults of working age and older adults. Spot agreements do not include service specifications and/or outcomes, and there is a lack of transparency around what value the customer and/or the Council get from this investment. Furthermore, there are several providers from whom the Council spot-purchases 20 or more packages.
17. In addition to these spot arrangements, a number of centres have continued in 2021/22 to receive grants from the Council. It has been agreed to reduce these payments by 50% in 2022/23, and by the remaining 50% in 2023/24. These providers will have the opportunity to apply to join the Open Framework and win new business; all have been invited to meet with Council officers in March 2022.
18. Existing day opportunities offer limited choice and control for customers. The offer is usually buildings-based and provides a traditional menu of activities.
19. Current services are often designed for a specific user group – e.g. volunteering in a garden centre for adults with learning disabilities, or a day centre for older people. This means people don’t have the opportunity to access the sort of mainstream and universal options their peers who do not have a disability, condition or frailty can access. Community assets are not consistently promoted, and there is a lack of support for customers to design and develop their own groups, clubs and activities.

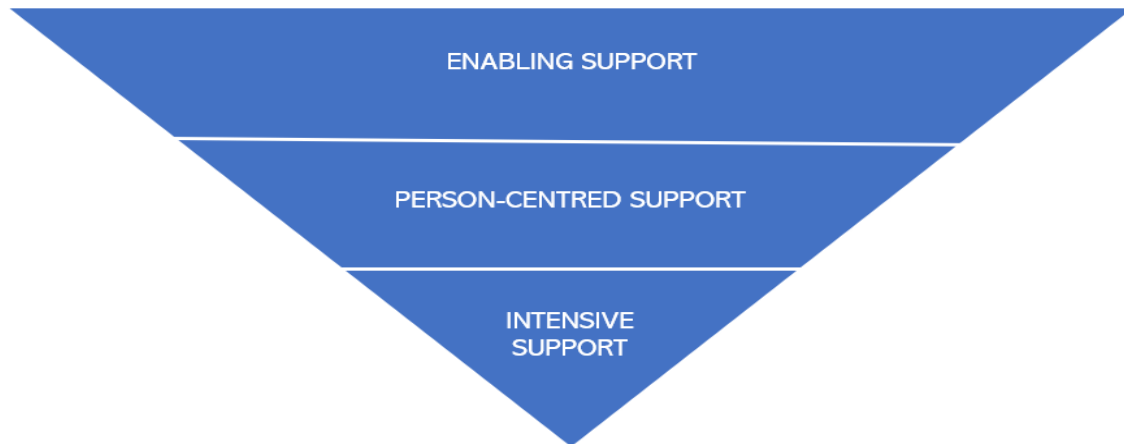
20. The Adult Social Care Outcomes Framework 2020/21 shows that 5.1% of adults with a learning disability in England were in paid employment (ASCOF measure 1E). This compared to 5.3% in the South West region and 5.0% in Wiltshire. Whilst Wiltshire performs similarly to the national and regional average, there is still room for improvement and day opportunities could become more of a stepping-stone into paid employment.

21. We want services to fit around people's wishes and goals, not the other way round. We will do this by:

- **Developing a tiered model of day opportunities**, where most customers get time-limited, personalised enablement support to promote their independence, help link them to their communities, and regain skills. This may be relatively low-level or high-level support, depending on needs, but will be time-limited. Long-term day care will still be available for people who require it – e.g. people with dementia, learning disabled people who are entering old age, etc.
- **Communicating a clear message to the market** about the way we work in Wiltshire, and the expectations we have of providers – i.e. that person-centred planning supports people to reach their aspirations and goals.
- **Reviewing existing packages** and ensuring that people receive the right service in the right place at the right level.
- **Promoting personal budgets and direct payments**, as a more personalised means by which people can access the right option for them.
- **Minimising passenger transport usage** by a) promoting independent travel training and b) ensuring that people access opportunities close to home. This will have benefits for the customer and for the environment.
- **Developing a service specification and outcomes framework** which promote the principles outlined above (and especially, for adults of working age, employability), and which providers will be expected to report on. As stated above, customers will be invited to feed into and review the service specification, to ensure we have got it right.
- **Introducing a cap on day / half-day rates** so that all providers work within a financial model that represents good value for money.
- **Procuring an open framework of day opportunities**. This will establish a menu/database of providers which have been vetted for financial sustainability, are compliant in key areas, and which demonstrate a commitment to Wiltshire's values and priorities.
- Throughout and beyond the procurement process, **engaging with the market** to bring innovative providers on board and support smaller organisations, community assets and/or micro-enterprises with the procurement process.
- **Creating a database of framework opportunities**, so that customers, families, social workers, commissioners and providers have clear information about what opportunities are available, how much they cost, where they are located.

22. **Proposed new model of day opportunities**

23. The potential for day opportunities to promote independence, connect people with others and help them learn or re-learn new skills will be emphasised in this re-commissioning. It is therefore proposed that Wiltshire commissions day opportunities which are graduated to meet different levels of need. This acknowledges that one size does not fit all and that, whilst some people will need day opportunities on an ongoing basis, most people can benefit from time-limited, goal-oriented support. It also acknowledges that people will need different levels of support at various times to “get them back on their feet” and maximise their independence.



24. **Enabling support:** When people first access a day opportunity, in the majority of cases an initial package of up to 12 weeks would be commissioned, with clear goals and outcomes around identifying and meeting personal aspirations, supporting the person to gain or regain skills (e.g. independent living skills, or skills that will enable them to get paid work), connecting the person with local groups, services and interests. This level of support would be suitable for people with less complex needs (to be defined).
25. **Personalised support:** People with more complex needs and/or frailties should still be offered goal-oriented support to help them become more independent, feel more confident and maximise their abilities. However, they may require a longer period (albeit still time-limited – e.g. six months) of reablement-focused support, where the day opportunity “does with” rather than “does for”.
26. **Intensive support:** A smaller number of customers with more complex needs will need longer-term, more specialist day opportunities which, in some cases, may provide personal and health care as well as activities to promote independence. This will often be primarily to give the person’s carer a regular break, as assessed through the carer assessment. However, the principle of supporting people to pursue their own interests and talents will often be as core to this level of support as the others.
27. Critical to the success of this model is that customers are regularly and robustly reviewed to ensure a) that each customer is accessing the most appropriate day opportunity, b) that each customer is accessing the right level of day opportunity – i.e. that they are not being under- or over-prescribed, c) that customers are not having to travel unnecessarily far to access their day

opportunity, and d) to identify if the customer could access a more personalised opportunity with a direct payment or personal budget.

28. The adult social care client groups covered by this paper are:

- Adults with a learning disability
- Autistic adults
- Adults with a physical disability and/or a sensory impairment
- Adults with a mental health need
- Adults with needs relating to memory loss, cognition and/or frailty
- Older adults with social isolation

29. Whilst some of these customers access day opportunities directly provided by the Council, these services are outside of the scope of this paper. However, the enablement-focused vision and outcomes of in-house and commissioned day opportunities are well-aligned.

30. The key objectives that the proposed open framework will deliver are:

- Greater choice of day opportunities available.
- All open framework providers will work to a clear service specification and will be monitored consistently on outcomes.
- The Council will be assured of the legitimacy, sustainability and capability of all providers on the open framework.
- Customers will be able to make an informed choice about the opportunities they wish to take up.
- There will be increased focus on enablement, with day opportunities being focused on a clear purpose and specific, person-centred goals.
- There will be a transparent pricing structure which will demonstrate value for money.

Overview and Scrutiny Engagement

31. This report was shared with Health Select Committee, who discussed the proposal on 16 March 2022.

Safeguarding Implications

32. The aim of this transformation is to enable disabled and older people to enjoy meaningful activities, take positive risks and stay safe. This approach aligns with Wiltshire's Safeguarding Plan, which emphasises safeguarding children and vulnerable adults from abuse and neglect, as well as increasing community resilience.

33. It also aligns with the safeguarding principles enshrined in the Care Act of:

- **Empowerment** – people will be encouraged to make their own decisions about what they want to do during the daytime or evening.
- **Prevention** – building individual and community resilience.
- **Proportionality** – day opportunities offer a non-intrusive, person-centred way of meeting a person's needs and wishes.

- **Protection** – supporting people who are in the greatest need.
- **Partnership** – through supporting community-based activities, communities themselves becomes key partners in preventing, detecting and reporting neglect and abuse.
- **Accountability** – the tender will ensure accountability and transparency in how organisations are commissioned.

34. Abuse and/or neglect can happen in any setting, including a day opportunity. As part of the tender, the Council will rigorously check that providers have in place safeguarding children and safeguarding vulnerable adults' policies and ensure that any member of staff has been checked under the Disclosure and Barring Scheme as being fit to work with vulnerable people.

Public Health Implications

35. There is a considerable body of evidence relating to the impacts of loneliness and isolation on health outcomes for the whole population. Research has shown that chronic social isolation increases the risk of mental health issues like depression, anxiety and substance misuse, as well as chronic conditions like high blood pressure, heart disease and diabetes. This is exacerbated in those already disadvantaged by age, disability and inequality of access.. Social activity and engagement are just as important as physical activity in promoting longer life and reducing the need for people spending time in care settings, or being reliant on social care services, and – most importantly – leading a good life. An important outcome that contributes to people's overall sense of wellbeing is ensuring that they are not socially isolated.

36. Currently, day opportunities offer limited choice and control for customers. The offer is usually building-based and provides a traditional menu of activities. Services are often valued, but we have heard from customers and carers that whilst they access what is on offer, if a more diverse choice of opportunities was available, they would have higher aspirations for themselves and/or their loved ones.

37. Wiltshire Council has commissioned Wiltshire Centre for Independent Living to engage with disabled and older people about what a good life looks like to them, and what support they would need to live that good life. The findings of this engagement are set out in Wiltshire CIL's report entitled *It's my life* and published in January 2022. Below are direct quotations from people who were surveyed:

My good life:

- "Being accepted and valued and using my individual strengths;"
- "I don't want people to write me off for being different;"
- "I have hopes and aspirations like everyone else;"
- "To have positive relationships and spend time with family, friends and neighbours and to have a partner;"
- "I want to be independent and have access to a car;"
- "I want affordable options for college courses which are open to adults to help with employment and computer skills;"
- "I'd like someone to help me re-train for work and get online;"

- “I want to go to music festival and the theatre with friends”.

My good support:

- “Support should be inclusive and person centred;”
- “Would be good to match people with support based in interests;”
- “Travel training for new places to build confidence (both on foot and on public transport) together with help when planning a journey;”
- “I like support staff to be experienced, consistent faces, friendly, welcoming, flexible, patient, listening to me, understanding autism, have good communication skills;”
- “I can't get my words out always so people need to be patient and not jump in;”
- “To understand me properly - understand my background and where I am coming from;”
- “I like music and technology and support when cooking with recipes if they are more complicated;”
- “I like going to the park and to do disco;”
- “I sometimes need emotional support (as there have been difficult times);”
- “I would like learning to be kinder and more enthusiastic”.

38. People of working age also often expressed a strong desire to find work. This may mean volunteering as a stepping-stone towards employment, but people also emphasised the importance of a job that pays a proper salary: “paid work gives money and you get annual leave and sick leave, [it] gives you security, helps build up a pension, [makes you] feel secure in what you do, gain confidence in yourself.” Job coaching and other support to apply for, get and keep a job would be valued by many disabled people.
39. More broadly, people want support that gives them control over how they live their lives: “Living my life is having independence, developing life skills with choice and control over my life and choice over who I want to be. Not having to ask permission.” Wiltshire Council wants to commission providers who will support disabled and older people to do the things that many people take for granted: managing money, going on holiday, having a circle of friends, getting married, practicing their faith, going clubbing or going to gigs, filling out forms and doing admin, being loved.
40. There is clear evidence that loneliness and social isolation are key determinants of physical and mental ill-health. The proposals in this report have potential to positively impact health outcomes and healthy life expectancy across a broad range of elements that contribute to the wider determinants of health for this population.

Procurement Implications

41. Procurement options identified are as follows:
42. **Option 1:** Continue with current purchasing arrangements, which has the advantage of retaining the status quo for providers. The drawback of this option would be:

- It is difficult to monitor quality of spot purchasing day opportunities without a specific service specification
- It is difficult to negotiate fair rates for services
- It is inefficient use of social worker/brokerage officer time, searching for appropriate provider services and negotiating prices
- Potential providers may see spot purchasing as offering no level of security to operating their business
- Does not consistently offer an asset-based approach with choice and personalisation

43. **Option 2:** Bundle existing services into a single contract with a number of lots – e.g. one for older people/frailty, one for learning disabilities, one for mental health etc. This may have the advantage of simplifying commissioning arrangements and, through the due diligence of a procurement exercise, would give assurance about the compliance and capacity of providers. However:

- It would establish a fixed model of provision for the duration of the contract, not allowing for new and innovative providers to enter the market
- It would disadvantage small organisations and micro-providers, which are often customer/carer-led, well established within their communities, and provide more bespoke services
- It may mean the Council pays for care that is not in fact used (as happens currently with the OSJ block contracts)

44. **Option 3:** Procure an open framework under the light touch regime. Providers would be admitted onto the framework after having been evaluated as adhering to legal and quality standards and financial parameters. Providers then sign an overarching framework Terms & Conditions which govern the way they will operate if they have anyone placed with them. Providers are onboarded onto the open framework; however, this would not be a guarantee of work. Individuals would then be placed with the most appropriate service, using a combination of customer choice, geography, availability, etc – with the most cost effective option that meets need and choice being selected. Each service user is placed with an individual service contract (rather than an overarching or block contract) which matches the needs of the individual.

45. The indicative timetable for this option is set out below:

Event	Proposed Date
Engagement with providers affected by grant reductions	March 2022
Engagement sessions with potential applicants	April 2022
Open Framework opened for applications	Early May 2022

Initial Submission Period	Early May to early June 2022
Open Framework temporarily closed whilst Initial Evaluation of Applications takes place	Early June 2022
Open Framework re-opens	Early July 2022
First direct awards are made	Early July 2022

46. The advantages of this approach would be:

- This would be a flexible procurement route which allows new providers to apply and join during the period of the framework
- The system could offer greater choice associated with attracting a wider range of providers to working locally
- As the framework would be procured under the light touch regime, there is greater flexibility and choice for the individual customer
- Formalising the commissioning arrangements around day opportunities will enhance our ability to manage price and monitor quality. It can also offer a level of security to providers as they will develop a closer working relationship with the Council
- The model could offer helpful synergy with the existing Good Lives Alliance DPS model
- The model would be outcome driven and could allow the opportunity to look at incentives
- The model would offer opportunities to small and medium sized enterprises
- The model could encourage the development of a micro-provider market

47. Potential Disadvantages:

- Providers may choose not to join the DPS. However, this could be mitigated if we allowed providers to keep existing business (so as not to disrupt existing arrangements for customers who wished to stay with their current provider) but not allow new business from going to non-framework providers (unless customers wished to purchase with a direct payment).
- The outcome of the Covid pandemic may see providers moving away from providing day opportunities. This will be mitigated by extensive market stimulation, including by targeting providers which do not currently provide day opportunities in Wiltshire, and encouraging the growth of micro-enterprises.

48. On 9 December 2021, Commercial Board gave its recommendation to Option 3. The mitigations for reducing the risks of introducing this model ensuring its success are as follows:

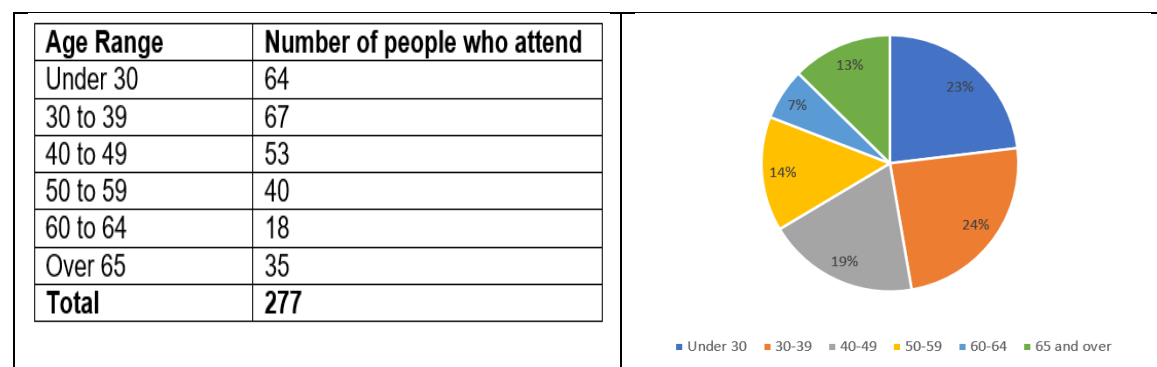
- Ensure effective communication with providers so that they can see the benefits of joining a DPS model e.g., regular forum meeting

- Co-design the service specification which will be used with providers and direct recipients of current services to secure ownership
 - Allowing creativity and innovation in meeting people’s individual outcomes. This will require a review of current support plans
49. If agreed, it will take approximately 3-4 months to engage with the market and undertake the procurement. Hampshire Procurement have been engaged and, if this option is approved, are ready to proceed. Hampshire Council have conducted a similar procurement exercise in recent years and have found it very successful in changing the culture of day opportunities and meeting the objectives detailed above. The Council has undertaken significant co-production and engagement with customers in recent months, and the views of young people, adults and older people have fed into the draft service specification.
50. The Council will continue to engage with Wiltshire residents and customers by working with Wiltshire Centre for Independent Living, Wiltshire Parent Carer Council and other groups to ensure that the feedback and recommendations made in Wiltshire CIL’s *It’s my life* report are implemented.
51. It is proposed that the Open Framework runs for an initial period not exceeding four years, with the option to extend by a further period not exceeding four years. The Open Framework would therefore have a maximum duration of eight years; however, the Council could re-commission any time before this period is up.

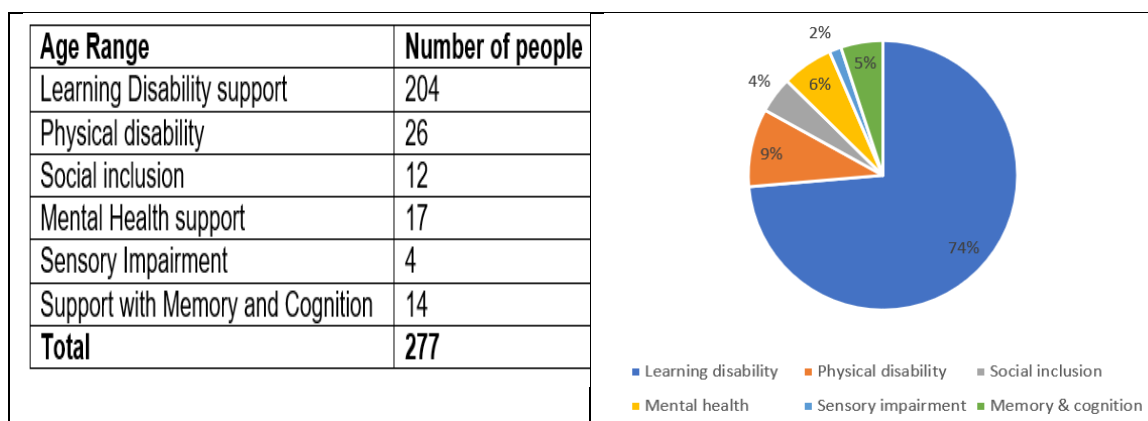
Equalities Impact of the Proposal

52. An Equality Impact Assessment was undertaken to review the potential impact on: (1) the suppliers of day opportunity service provision who currently support people referred by the Authority; and (2) to evaluate the potential impact on those people currently receiving a service.
53. As day opportunities are currently either spot-purchased or grant-funded, the Council holds very limited equalities data about customers. The tables and pie-charts below show all customers broken down by age and primary disability:

Breakdown by age



Breakdown by primary need



54. Two thirds of customers are under 50 years of age, and yet currently services are mainly buildings-based and disability-specific. Disabled people (and especially younger people) have told us they want support which enables them to be part of their communities, not separated from them. They want to access services which are meaningful, enjoyable and useful to them. It is only by procuring an Open Framework and developing our market to deliver personalised support that we will meet people's needs and aspirations.
55. Whilst we have robust data on age and primary disability (see tables & pie-charts above), we lack demographic data about sexual orientation, marital/civil partnership status, race, religion or belief etc. We therefore cannot say with confidence that existing day opportunities are tailored to meet people's protected characteristics.
56. It is likely that customers of day opportunities come from all equalities target groups. By procuring an Open Framework and engaging the market proactively, we can encourage new groups, providers and micro-enterprises to join the Wiltshire market. For example, if a group of LGBT people with learning disabilities wished to go clubbing once a month, or form a peer support or social group, we could relay this to the market and encourage a provider to plug that gap.

Environmental and Climate Change Considerations

57. This proposal aligns with the Council's draft Climate Strategy, and particularly its commitment to carbon neutrality by 2030. By ensuring a choice of service provision across Wiltshire, the proposal will support people to stay local to their place of residence and help to ensure that Wiltshire residents attend opportunities in their local community area. There will be a reduction in travel distances which will enable local transport links and other means of transport to be utilised locally.
58. The emphasis of the new service offer will be to increase use of community assets and outdoor activities. It is anticipated this will reduce carbon emissions from static sources.

59. Procuring an open framework of day opportunities will mean that providers can be vetted for compliance and their commitment to Wiltshire's values and priorities. This means that if the council develops specific environmental priorities or principles that are relevant to the service, they can be included easily in the procurement process, where appropriate to do so. Potential providers can be made aware of the council's commitments and policy on environmental issues and can build this into their offer over time. This will be part of how the social value of the contract is demonstrated.
60. There will be an expectation that suppliers reflect the Authority's commitment to carbon neutrality in how they operate and report on their carbon footprint. The tender will also include a question asking how suppliers will contribute towards the Council's Climate Strategy.

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

61. If the proposed decision and work is not taken, the Council would continue spot-purchasing day opportunities from the same limited range of suppliers. It would not get the legal, governance and financial assurances from suppliers that a tender would provide, and there would be no framework around which commissioners could stimulate the market. There would be a high risk that disabled people would continue not to be able to access the activities and opportunities they say they need to thrive in life.

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

62. Given the transformative nature of this proposal, there is a risk that the continued need for day care which is primarily aimed at giving respite to the carer and which is likely to be needed long-term will be overlooked. This will be mitigated by emphasising the need for a breadth of provision – from time-limited and outcome-focused, to longer-term and driven by carer needs.
63. This proposal also mitigates any risk which arises from the decision to cease grant payments to day centres by offering those providers affected the opportunity to apply to join the Open Framework and thereby win new business.
64. There is a risk that existing providers may choose not to apply to join the Open Framework (e.g. because they do not wish to participate in a tender). This is considered a low risk, given previous experience of procuring Open Frameworks. Existing suppliers that choose not to apply will be able to retain existing spot-purchased business (though not to gain new business), which means that customers with eligible needs, as identified through a Care Act assessment, will not see their packages disrupted. The risk of a wider failure of market stimulation will be mitigated by the market engagement described above.

Financial Implications

65. In the Invitation to Tender (ITT) documentation, the Council is obliged to publish its total aggregate budget for the duration of the contract. The Council is not committed to spending the totality of this budget; however, this figure cannot be exceeded within the terms of the contract.
66. The Council has an aggregate budget of £17,100,000, exclusive of VAT, for call-offs from this Open Framework. (This does not include transport costs.) This is calculated on the basis of the approved budget for 2022/23 and projected price inflation and demographic pressures over subsequent years.
67. As the framework proposed within this paper is a call-off contract, there are no savings or pressures directly arising from the proposals. As the contracts are call-off ones there will be an incentive for providers to be competitive in both their service offer and price if they wish to win business.

Legal Implications

68. Any procurement exercise should be conducted in accordance with the requirements set out in Part 10 of the Council's Constitution, the SPH Manual and the Public Contract Regulations (2015). Legal Services will need to be engaged throughout this process, with the relevant legal and procurement advice sought.
69. Wiltshire Council's Legal Services must draft a robust Framework Agreement, Terms of Inclusion, Individual Service Contract and legal documentation for this matter. Legal Services will need to be consulted to review the final documentation before execution.
70. Cabinet should delegate authority to enter into the Framework Agreement, Terms of Inclusion, Individual Service Contract and any other legal documentation to an appropriate individual.

Workforce Implications

71. There are no TUPE or staffing implications for existing Wiltshire Council staff should these proposals be agreed, as the proposal only impacts external partners and providers.

Recommendations

Cabinet is recommended to agree:

- To the procurement of day opportunities that have a purpose, are goal-oriented and outcome-focused
- To the development of a service specification that is informed by the views of disabled and older people and the people who support them
- To the procurement of an open framework arrangement under the light touch regime

- That the decision to award contracts against the framework is delegated to the Director of Procurement and Commissioning in consultation with the Corporate Director of People, the Corporate Director of Resources & Deputy Chief Executive, the Cabinet Member for Adult Social Care, SEND and Transition and Inclusion, and the Cabinet Member for Children's Services, Education and Skills.

Helen Jones (Director - Joint Commissioning)

Report Author: Robert Holman, Commissioning transformation lead

Date of report: 08/03/2022

Appendices

N/A

Background Papers

The following documents have been relied on in the preparation of this report:

Wiltshire Centre for Independent Living, *It's my life*, January 2022.