

Wiltshire Council

Cabinet

27 November 2018

Health Select Committee

18 December 2018

**Rapid Scrutiny Exercise:
Extension of Specialist Commissioning Contracts for Supported Living,
Floating Support and Supported Housing – report**

Purpose of the report

1. To present the findings and recommendations of the rapid scrutiny (RS) exercise, which took place on 8 November 2018, for endorsement by the Health Select Committee (the committee).
2. It should be noted that this report was presented to Cabinet on 27 November 2018 and received a response from the Cabinet Member for Adult Social Care, Public Health and Public Protection at that meeting, although the Cabinet Member may wish to provide a further answer, or update, at the December committee meeting (recommendation 4).

Background

3. Due to the scheduling of Cabinet and committee meetings, Cabinet would make a decision on the above-named report before it could be presented to the committee.
4. Following an invitation by the Cabinet Member for Adult Social Care, Public Health and Public Protection, after the committee meeting on 18 September 2018, to undertake a rapid scrutiny of the above-named report, a meeting took place on 8 November 2018.

Membership

5. The opportunity to take part in the rapid scrutiny was offered to all non-executive members of the council and all overview and scrutiny committees, the following were appointed:
 - Cllr Chuck Berry, elected as lead member for the RS
 - Diane Gooch
 - Cllr Mollie Groom
 - Cllr Pip Ridout

Evidence

6. The RS received the draft cabinet report ahead of the meeting.

Witnesses

7. The RS group would like to thank the following Cabinet Member and officers for attending the meeting on 8 November 2018, providing information and answering questions:
 - Cllr Jerry Wickham, Cabinet Member for Adult Social Care, Public Health and Public Protection,
 - Helen Jones, Director of Commissioning, and
 - Hazel Matthews, Acting Head of Service Disabilities Joint Commissioning.

Summary of deliberations

8. The RS would like to thank the Cabinet Member for his invitation to undertake this RS exercise, which provided overview and scrutiny an opportunity to be part of the decision-making process.
9. The RS focused on several issues, including:

Co-production

10. The RS was offered reassurance that co-production would indeed include carers and service users, as well as discussing specifications with providers and desk-top analysis of contracts and specifications used by other local authorities.
11. The RS was informed of the positive intention from the team to approach those that would be part of the co-production of specifications and invite them to decide how they would like to take part, rather than a prescriptive approach from the council of how the process of the co-production would be organised.

Deadlines and timeframe

12. The RS was concerned about the relatively short timeframe for the full review of accommodation, consultation, developing co-produced service specification, developing a strategy and framework for commissioning and meeting the legal deadlines of the tender process.
13. Assurance was offered that every effort would be made to ensure that the timeframe was adhered to and deadlines met.
14. The RS was concerned about the “lateness” of the request for an extension to the contracts, especially taking into account the considerable cumulative value of these contracts (recommendation 1).
15. The RS recognised that this situation (“lateness” of request for extension of contracts) may have been caused by several uncontrollable factors such as a

high turnover of Senior Officers in the Council's Adult Social Care service and Commissioning service, other pressures on the service that had to be addressed as a priority, etc. but hoped that this would be used as a "lesson learnt" and that longer-term reviews and monitoring of services would enable requests for extension of contracts to be submitted without requiring an extraordinary exemption (recommendation 1).

16. Whilst also recognising, and appreciating, the enthusiasm and dedication shown by officers who presented the report the RS remained concerned about the relatively short timeframe for the full review of accommodation and development of new contracts (recommendation 1).
17. The RS believed that the Health Select Committee, either at committee meetings or through its chair and vice-chair, should be kept informed of progress and of key milestones being reached on time for the work to be undertaken as listed in the Cabinet report (recommendation 6):
 - a. Timely and effective customer, families, professionals and provider consultation (co-production)
 - b. Accommodation review to be completed
 - c. Co-production to develop service specifications for each service – replacing existing specifications, many of which are outdated and no longer fit for purpose.
 - d. Reviewing of funding models that are both appropriate and affordable for Wiltshire Council to ensure a sustainable provider market.

Relationship with providers

18. The RS was informed of the constant efforts put into developing more mature and "partnership-based" relationships with providers; including the introduction, two years ago, of named officers "dedicated" to each provider and undertaking regular visits to providers (including in the locality) which had been part of the improvement of the council's relationship with providers.

Dynamic procurement

19. The RS was also informed of the positive intention to use this as an opportunity to develop more "dynamic" forms of procurement.
20. Nonetheless, the council, as commissioner, would still carry out outcome monitoring, as well as performance monitoring for each contract, with input from the safeguarding team.
21. Some of the methodologies considered for more "dynamic" procurement included:
 - a. outcome-based specifications (as had been done with the Help To Live at Home contracts),
 - b. competitive dialogue with providers;
 - c. including service users on interview panels.

22. This was welcomed by the RS which considered this to be a positive step from the council in acknowledging that providers do know the market and service users well, sometimes even better than the council and a service commissioner may do, although the RS fully appreciated that this would always have to be balanced with the council's statutory responsibilities and its needs.
23. The RS felt that the Health Select Committee should be informed of the model for procurement that would be adopted following this review work, in terms of the "direction of travel" for the contracts, including the feedback from providers and service users and if possible highlighting the main changes from previous contracts (recommendation 5)

Risk of challenge from the market

24. The RS was reassured that the risk of challenge from the market had been fully considered and that every effort had been, and would carry on being, made to limit that risk.

Risk of current providers not tendering for new work

25. The RS was also reassured that the risk of current providers not tendering for new work had been fully considered and that the proposal to uplift the prices on the framework by 3.72% for new work only was a reasonable mitigation of this risk, based on the information within the cabinet report (paragraph 13.2 refers) that *"This will only be for the period of the extension and will merely bring prices in line with existing packages"*.

Risk to service users

26. The RS fully supported the advice within the Cabinet report's Safeguarding Implications that "contingency plans (...) be created around each services".

Potential impact from external events

27. The RS felt that external events, such as the announcement, in April 2018, that Allied Healthcare intended to apply for a Company Voluntary Arrangement to restructure its debts, could have a "ripple" effect on the council as it may affect self-funders who could become the council's responsibility quicker than could have been anticipated.
28. Reassurance was offered that the efforts in improving relationships with providers would also benefit in these cases and that council officers were actively involved with groups and organisations, such as the Wiltshire Care Partnership, which enabled the council to be proactive in addressing, or at least anticipating and planning for, the impact of situations such as this one.

Overall

29. Taking into account all the information provided, including answers to questions asked, whilst still concerned about the timing of the request and the timeframe

for completion of the work proposed, the RS could understand the reasons and logic for this request for an extension to contracts (recommendation 2).

Recommendations

Based on the information it received, the rapid scrutiny exercise recommends that the Cabinet Member for Adult Social Care, Public Health and Public Protection notes:

- 1. The concerns raised by the rapid scrutiny with regards to the timeframe for this work and the “lateness” of the extension request (paragraphs 14 to 16 refer).**
- 2. The rapid scrutiny exercise’s support of the proposal in the Cabinet report for Cabinet to (paragraph 29 refers):**
 - I. approve the extension as an exception of the contracts/services detailed at Appendix 1 until 31 August 2019.**
 - II. delegate authority to the Corporate Director with responsibility for Adult Care to approve:**
 - a) the required contracts variations to achieve the above within the approved budgets**
 - b) award of contracts within the approved budgets following required tender processes.**

The Rapid Scrutiny Exercise recommends that the Health Select Committee:

- 3. Endorse the report of the RS exercise.**
 - 4. Invite the Cabinet Member for Adult Social Care, Public Health and Public Protection to update the committee on the decision by Cabinet on 27 November and to provide any further update, or information on the implementation of the decision (paragraph 2 refers).**
 - 5. Ask that the committee be provided at its March 2019 meeting with an update on the model for procurement that would be adopted following this review work, in terms of the “direction of travel” for the contracts, including the feedback from providers and service users and if possible highlighting the main changes from previous contracts (paragraph 23 refers).**
 - 6. Ask that the committee, either at meetings or through its chair and vice-chair, be kept informed of progress in terms of key milestones being reached on time for the work to be undertaken prior to tender (paragraph 17 refers).**
-

Cllr Chuck Berry, lead member for the rapid scrutiny exercise – Extension of Specialist Commissioning Contracts for Supported Living, Floating Support and Supported Housing – report

Report author: Marie Gondlach, Senior Scrutiny Officer, 01225 713 597,
marie.gondlach@wiltshire.gov.uk

Date of report: 16 November 2018

Appendices None

Background documents Draft Cabinet report