

Report seeking approval to implement an Approved Provider List for Working Age Adults Care & Support Services

Date: 10 May 2022

Report of: Deputy Director Integrated Commissioning

Report to: Director of Adults and Health

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Wards Affected: All

Have ward members been consulted? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report seeks approval to develop an Approved Provider List (APL) for Working Age Adult (WAA) Care and Support Services.
- WAA have issued Contract Documentation (overarching Terms and Conditions, Service Specification and Individual/Care Home Service Agreements) to all commissioned accommodation-based services as per the framework since 2014.
- This report seeks approval to also issue the Contract to 'spot' purchased domiciliary care, outreach support and day opportunities, to ensure oversight and more effective contract management ('spot' purchasing occurs when there is an immediate requirement and a purchase must be made, quite literally, "on the spot").
- These services contribute to a number of the priorities specified in the 2020-2025 Best Council Plan: Tackling poverty and reducing inequalities, including:
 - Inclusive Growth: helping people into paid employment,
 - Health & Wellbeing: supporting self-care, with more people managing their own health conditions in the community; supporting healthy, physically active lifestyles; working as a system to ensure people get the right care, from the right people in the right place,
 - Safe, Strong Communities: keeping people safe from harm, protecting the most vulnerable; Being responsive to local needs, building thriving, resilient communities.
- Working Age Adults Care and Support Services make significant contributions to a range of the City Priority Plans, but particularly the Health and Wellbeing Plan and its priority to make

Leeds the best City for Health and Wellbeing by 2030. This is achieved through supporting people to make healthy lifestyle choices and to live safely.

Recommendations

The Director of Adults and Health is recommended to approve:

- a) The development of an Approved Provider List (APL) for Working Age Adults Services for 10 years commencing October 2022:

Nursing and Residential Care Homes	£79M per annum
Supported Living/Housing	
Domiciliary and Outreach Support	£9.5M per annum
Day Opportunities	£10.25M per annum

- b) To approve the issuing of the standard overarching contract documentation containing Overarching Terms and Conditions, Individual Service Agreements and Service Specification to currently used working age adult domiciliary, outreach and day opportunity services, that are presently spot purchased.
- c) Permit access to the Approved Provider List (APL) for Working Age Adults, to the presently spot purchased providers who accept the overarching contract documentation, subject to them passing due diligence checks.

Why is the proposal being put forward?

- 1 A request to approve the development of a Working Age Adults Approved Provider List and issue overarching contract documentation to Working Age Adult services including domiciliary, outreach and day opportunities.
- 2 Currently there is no standard approach to WAA contractual arrangements for the above services which has resulted in some providers having contractual agreements from 2014, some having more recent contractual agreements and some having no contractual agreements in place. This report seeks approval to standardise the arrangements across the WAA care and support services ensuring that current and prospective providers have a clear process for applying to the APL, standardised contractual agreements and clearer accountability through the robust Terms and Conditions and Service Specification.
- 3 The development of the WAA Approved Provider List will support the local authority's duties under The Care Act 2014, whereby the Care Act statutory guidance is clear that the Local Authority should facilitate the personalisation of Care and Support/Support services. People receiving services should have choice and control over how they are delivered so that this reflects their individual needs, circumstances, and wishes. The Local Authority should support people to make meaningful choices and take control of their support arrangements wherever possible.
- 4 Working Age Adults in Leeds have choice and control over which care and support provider to use to meet their needs. For accommodation with support services, a framework was developed, and providers were issued overarching contract documentation in 2014 onwards.
- 5 It is proposed that individuals continue to have choice and control over their care and support provider from an approved list of contracted providers where due diligence has

been completed and contract management oversight is in place, and that we include non-accommodation services such as domiciliary, outreach and day opportunities.

- 6 This will provide greater oversight for the local authority as contract management ensures that the services continue to be delivered according to the standards agreed, and offer greater choice, control and accessible information on what is available to the citizens of Leeds.
- 7 An Approved Provider List will support the local authority's duty under the Care Act 2014, to ensure that "any person requiring Care and Support/Support services: Has sufficient information to make an informed decision about how to meet the needs in question", by providing transparent information on the services available and their quality.
- 8 The domiciliary, outreach and day opportunities services for Working Age Adults in Leeds are commissioned in an individualised way providing service user choice and control but on a spot basis. This report seeks the approval to issue the Overarching Terms & Conditions, Specification and Individual Service Agreements to these organisations to bring them in line with the Working Age Adults accommodation-based services and to provide parity to the rest of the Leeds Working Age Adult Market.
- 9 This will ensure more consistency across the market and ensure that prices for service users' care and support packages are fully individualised in a person-centred way.
- 10 The WAA accommodation with support, domiciliary/outreach and day opportunities are already in place and funded by Adults and Health. There is not an additional cost for the APL or to issue the contract documentation to spot providers.
- 11 The APL will support the promotion of good quality services in Leeds by ensuring that all providers are working together towards the same contractual agreement, providing greater parity and opportunities for providers to work together, such as at provider forums.
- 12 The APL will promote equality for individuals and their carers, as all individuals will have access to the same information about what services are available across the city to meet their needs.

What impact will this proposal have?

- 13 These services which are covered through this decision are city wide affecting all wards in Leeds.
- 14 An Equality, Diversity, Cohesion, and Integration (EIA) Screening Assessment was completed for the Key Decision. The screening tool shows that there is likely to be a positive impact on service users, their family carers, and employees from both the issuing of the contract documentation to spot providers and the development of the APL.
- 15 The overarching contract documentation includes a robust Service Specification which details the expectations and standards around equality, diversity and inclusion for service users, family carers and the staff the providers employ. By ensuring that current spot providers are issued with this documentation, we can monitor and support the organisations performance in matters of equality, protected characteristics, access, and inclusion and hold providers to account if they fall below the standard expected.

- 16 Furthermore, it allows the opportunity for providers to demonstrate and share best practice and their ambitions on equality, diversity, and inclusion, to help develop the market through learning and development.
- 17 The APL will also allow service users, families, and potential employees to have access to which providers in the city have been approved and are on the list, have completed due diligence checks and are accountable to the standards around equality, diversity, and inclusion, within the service specification.

What consultation and engagement has taken place?

- 18 The Working Age Adults Commissioning Team has worked closely with colleagues from the following teams to review and update the overarching contract documentation:
Social workers, Procurement and Commercial Service (PACS), Legal, Finance and the wider Commissioning service.
- 19 Suggestions from providers, based on learning from experience was used to update the contract documentation as appropriate.
- 20 Consultation around the APL and the Working Age Adults Accommodation Strategy highlighted that not all services users, family carers or stakeholders were aware of the available services to meet care and support needs in Leeds. The APL will provide a list of available services, their quality ratings and useful information, to the above individuals, promoting equality, diversity and inclusion and meeting Care Act 2014 duties.
- 21 The Approved Provider List is a mechanism for LCC to be able to support both internal and external colleagues and people who use services and their families, to have access to information about providers and services that are available to them, which is something that has been requested throughout consultation.

What are the resource implications?

- 22 The services are commissioned and funded by Adults and Health.
- 23 Although this is not a new resource and there is no cost attached to developing the APL itself, the APL will cover the overarching contracts for the following services and associated cost:
Residential, Nursing and Supported living – £79M per annum
Domiciliary and Outreach – £9.5M per annum
Day Opportunities - £10.25M per annum
- 24 Resources have been identified within Commissioning and PACs for the development and upkeep of the Approved Provider List, the issuing of the contracts, due diligence and ongoing contract management.

What are the legal implications?

- 25 This is a Key Decision which is subject to call-in. This report contains confidential, market sensitive information within Appendix 2 under the Access to Information Rules.

- 26 This procurement is considered to be subject to the Light Touch Regime under the Public Contracts Regulations 2015. The Council will ensure it follows the light-touch set of procurement rules for above threshold Light Touch Regime services.
- 27 The Approved Provider List will be open for 10 years. The APL will be an open list: new applicants can apply to join during its 10-year term if they satisfy the selection requirements. The providers will be subject to due diligence checks to ensure that they are suitable to remain on the list throughout this period. If a provider is not successful, they will be notified of this, the reason why and given the opportunity to apply again. This will promote market diversity whilst maintaining quality standards and expectation.
- 28 Advice has been and will continue to be sought from PACS throughout the duration of the APL.

What are the key risks and how are they being managed?

- 29 There is a service in place for the Working Age Adults Service Users and this decision will not negatively affect service users in the short term.
- 30 If the contracts are not issued, the services will continue to be spot purchased by social workers without any contractual documentation in place and a lack of expectations and standards set for the provider.
- 31 It would also impact the future financial negotiations and monitoring of price with the provider, as the appropriate foundational work and contract management would not be able to be completed to the standard required.
- 32 Project risks around the ongoing development and implementation of the APL will be reviewed on a regular basis and the project team will report on these to the Integrated Commissioning Board as appropriate.
- 33 If this proposal is not approved, there is the ongoing risk of a lack of effective contract management of these services and an additional burden on social work colleagues who are required to source suitable providers to meet their clients' needs.
- 34 There is also a risk that the Local Authority would not be meeting its statutory duty around providing service users and their families with accessible and clear information on the available support and services to meet their needs.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth

Health and Wellbeing

Climate Emergency

- 35 These services contribute to a number of the priorities specified in the 2020-2025 Best Council Plan: Tackling poverty and reducing inequalities, including:
- Inclusive Growth: helping people into paid employment,
 - Health & Wellbeing: supporting self-care, with more people managing their own health conditions in the community; supporting healthy, physically active lifestyles; working as a system to ensure people get the right care, from the right people in the right place,
 - Safe, Strong Communities: keeping people safe from harm, protecting the most vulnerable; Being responsive to local needs, building thriving, resilient communities.

- 36 The services make significant contributions to a range of the City Priority Plans, but particularly the Health and Wellbeing Plan and its priority to make Leeds the best City for Health and Wellbeing by 2030. This is achieved through supporting people to make healthy lifestyle choices and to live safely.
- 37 In order to support the Council stated ambition of working towards a carbon neutral city by 2030, the impact on the climate should be considered across all officer work. By having a contract in place and through ongoing contract management, the providers and services will be encouraged to actively engage with the climate change agenda. Examples could include adhering to and working within the values of Council policy and guidance in relation to climate change, a reduction in carbon emissions through, for instance, decreasing private vehicle usage, using and/or investing in 'eco-friendly' resources.
- 38 The locality based, city wide nature of the current provision allows individuals to receive services locally, within their own communities and close to family/carers. This provision directly contributes to maintaining independence and keeping individuals out of more expensive and restrictive environments, i.e., in-patient services, residential homes. Supporting individuals at home reduces carbon emissions through less family travel time to out of area placements.

Options, timescales and measuring success

a) What other options were considered?

- 39 The other option considered was continuing with the current arrangement where the services are spot purchased by social workers without a contract being issued. As outlined in the risks section of this report, this outcome was discounted given the importance of appropriate contractual and financial control mechanisms in place to ensure a robust commissioning relationship with the providers.

b) How will success be measured?

- 40 The services will be subject to a robust service specification, including key service delivery outcomes. Contract management meetings will be held between the provider and the Working Age Adults Commissioning Team to ensure continued quality and financial governance. The meetings will cover topics such as service delivery and development, performance, finance, safeguarding, contract issues, and compliments and complaints.
- 41 Providers will also be subject to due diligence checks throughout the lifetime of the APL to ensure suitability of those remaining on the list.

c) What is the timetable for implementation?

- 42 The Head of Service – Working Age Adults Commissioning is the officer responsible and will liaise with Procurement and Commercial Services (PACS) to oversee the issuing of contract documentations and the implementation of an Approved Provider List for Working Age Adults Services.
- 43 The overarching contract documentation has been finalised and is ready to be issued to spot providers once the decision has been made, throughout June and July 2022.

44 Commissioners will need to fully develop all the processes for the APL. A proposed timescale of opening up the APL to providers on YORTender in October 2022. Providers who have been issued the overarching contract documentation and have passed the due diligence checks will be added to the APL. New providers can apply to be added to the APL throughout its lifetime.

Appendices

45 Appendix 2 - List of spot providers (confidential).

Background papers

NA