



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

**NEATH PORT TALBOT COUNCIL
NEATH PORT TALBOT SOCIAL SERVICES, HOUSING AND
COMMUNITY SAFETY CABINET BOARD**

10th November 2022

**Joint Report of the Head of Adult Services – A. Thomas and
Head of Children and Young People Services – K. Warren**

Matter for Decision

Wards Affected: All Wards

**PROCUREMENT OF A SPECIALIST DOMICILIARY CARE
FRAMEWORK**

Purpose of the Report

To obtain Member approval to undertake the process to establish a Framework of domiciliary care providers ("Framework") who are able to appropriately deliver specialist domiciliary care and to use this Framework to purchase individual packages of specialist domiciliary care.

Executive Summary

This report sets out a proposal to establish a Framework for the provision of specialist domiciliary care services for adults and children with a range of specialist needs. The intention is for Neath Port Talbot Council ("the Council") and Swansea Bay University Health Board ("SB UHB") to use this Framework, where appropriate, to purchase new services.

The Council's current arrangements have been in place for a number of years and these existing arrangements are no longer sufficient to

meet our future requirements. Undertaking a procurement process also provides an opportunity for the Council to review and strengthen our current arrangements in order to further promote the delivery of high quality and value for money services.

Background

Presently the number of adults with complex needs receiving specialist domiciliary care in their own home is relatively low, with only 40 people in receipt of such services as at May 2022. The number of children and young people receiving specialist domiciliary care in their family home is also low, with only 25 individuals receiving this service in the 2021-2022 financial year.

In early 2022, the Council undertook a market stability assessment on the domiciliary care market and it identified that there was insufficient provision of specialist domiciliary care to meet future demands. This is because it is anticipated that there will be an increased demand for specialist domiciliary care in the future and because there have been challenges in attaining sufficient domiciliary care to meet current need. This assessment also identified that the current arrangements were insufficient, as we rely on a small number of providers whose capacity is currently saturated.

Historically, there has been an incremental approach to the commissioning of specialist domiciliary care with these placements being purchased when needed by the social work teams from a small range of providers. There is now an opportunity to take stock of our current commissioning arrangements and take forward a more strategic approach to how we commission these services. This will be achieved through the establishment of a Framework and by putting in place a process for all future placements to be coordinated by the Brokerage Team, which sits within the Common Commissioning Unit (CCU).

Our current contractual arrangements have been in place for a number of years and there is a need to review these contracts and the associated documentation, such as quality standards. This will help us

to strengthen quality, ensure contracts reflect best practice and legislation, as well as setting out clear expectations on both parties.

It is therefore proposed that the Council establish a Framework of experienced providers who are able to deliver high quality and sustainable services to meet current and future demand. In order for a provider to be successful in obtaining a place on the Framework, the Council will assess the providers experience and quality as part of the Framework tender process. All providers that are able to meet the Council's experience and quality expectations will be awarded a place on the Framework.

The length of the Framework contract will be for a period of four years with an option to extend this for up to a further four years. The Council will reserve the right to open up the Framework for new providers to bid for a place once every 12 months, if the Council determine that there is a need to attract new providers. This process will be undertaken using the same selection criteria and terms and conditions as the original Invitation to Tender.

This Framework will consist of four separate contracts, which are called "Lots", these different Lots will be:

- Lot 1 – Provision of domiciliary care to adults with needs relating to their learning disability and/or mental ill health.
- Lot 2 – Provision of care to adults with complex needs relating to their learning disability and/or mental ill health.
- Lot 3 – Provision of specialist domiciliary care to children and young people in their family home.
- Lot 4 – Provision of specialist domiciliary care to adults in order to support respite arrangements for their unpaid carers.

When required, the Council will purchase new specialist domiciliary

care services, which is known as a “call off”, from this Framework. As noted previously this call off will be overseen by the Brokerage Team.

The evaluation for each call off will include an assessment of the bidder’s quality and cost, with the bidder demonstrating the most economical advantageous tender winning the call off and awarded the individual service agreement for the delivery of specialist domiciliary care.

The Framework does not guarantee that the Council or SB UHB will use any of the providers for the provision of services. Instead it will guarantee that all providers on the Framework are able to apply to deliver services that the Council or SB UHB wish to purchase through the Framework. The Council and SB UHB will have the right to not use a Framework and purchase these services through other means.

Existing providers that are awarded a place on the Framework, will have their current contracts for specialist domiciliary care services superseded by the new Framework contract.

The Council will host the Framework and both the Council and SB UHB will have an ability to use this Framework as required to commission individual services through the call off process.

In light of the Council hosting the Framework, there will be a need for the Council to enter into an arrangement with SB UHB in regards to the obligations and governance of hosting the Framework. SB UHB will retain responsibility using the Framework to call off individual packages of care and for putting in place individual service agreements, they will also retain full responsibility for the placements they make, including payment of fees.

Under the Public Contract Regulations 2015 the Council is obliged to act in an open fair and transparent manner, ensuring that contract opportunities for social care and health services in excess of £615,278 is advertised to reach a wide market in order to encourage as much

competition as is possible. The value of these services mean that they are caught by the aforementioned procurement rules.

Financial Impacts

The projected cost of specialist domiciliary care for adults in 2022/23 is £357,000 for people with a learning disability and £147,000 for people with mental ill health.

The net budget for domiciliary care for children and young people in 2021/22 was £341,000.

Based on the available figures the anticipated value of the Framework over the four year period and the four year extension period will be £6,760,000.

The procurement process will ensure that the Council contracts with providers that are able to offer best value for money, taking into account both the quality and cost of the bidder's submissions. All new placements made through the Framework will be in line with the available directorate budget.

Integrated Impact Assessment

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016). The first stage impact assessment has indicated that a more in-depth assessment was required.

An overview of the Integrated Impact Assessment has been included below in summary form only and it is essential that Members read the Integrated Impact Assessment, which is attached to the report at Appendix 1, for the purposes of the meeting.

- Overall this proposal will have a positive impact and processes are in place to monitor the impact for any unintended consequences and to mitigate any potential negative impacts.

- The proposal does not create a change that will disadvantage a particular group and does not impact on available resources that can be deployed to support people that require support for which this service may not be appropriate for.

Valleys Communities Impacts

It is recognised that there are challenges in commissioning domiciliary care within some Valley communities. It is expected that this Framework will increase capacity and therefore have a positive impact on Valley communities by expanding the availability of services.

Having all placements overseen by the Brokerage Team will enable the collection of data to identify any particular areas, including the Valley communities, where there is insufficient capacity to meet demand. Through an analysis of this data, the CCU will be better placed to strategically plan responses in order to resolve challenges in accessing care.

Workforce Impacts

No impact on the Council workforce.

Legal Impacts

The Light Touch Regime (LTR) under the Public Contract Regulations 2015 (PCR) is applicable to the procurement of social services, which include domiciliary care services. It is anticipated that the contract value will exceed the threshold of £663,540 (inclusive of VAT) for the LTR.

The rules of procedure governing the LTR are set out in Regulations 74 to 76 of the PCR. Other parts of the PCR are also relevant to such procurement. In addition the Council must comply with its own Contract Procedure Rules which apply to the letting of contracts. Under the LTR, the Council has considerable flexibility in setting up the Framework, although it is still obliged to act in an open fair and transparent manner, ensuring that contract opportunities for such social care services are

advertised to reach a wide market in order to encourage competition and to ensure equal treatment of all bidders.

As such, the Council is required to undertake a competitive procurement exercise for the Framework. It is noted that there is the intention for SBU HB to utilise the Framework, and this is permissible so long as it is clearly identified by the call for competition as being a permitted to use the Framework. Contract terms will be drafted to govern the terms of the Framework and the call-off terms between the Council and appointed providers in relation to the provision of the services.

Risk Management Impacts

Risks with not undertaking proposal

- If the Council did not undertake a procurement exercise there would be a risk that the Council could be challenged by way of Judicial Review regarding the decision to award contracts for the provision of specialist domiciliary care.
- Without undertaking a procurement process, it will be difficult to demonstrate that the Council obtains value for money and the required level of quality and performance in all areas it has a duty over and that processes are conducted with openness, probity and accountability.

Risks with undertaking proposal

- Existing providers may not obtain a place on the new Framework, however these providers will be able to continue the delivery services to people that are currently in receipt of a package of care as long as it can be evidenced that the provider can deliver safe care to an acceptable standard. As such, people that currently receive a service are unlikely to experience any changes to their current arrangements since all current providers have been required to evidence that they deliver quality care.

Consultation

There is no requirement for external consultation on this item.

As part of the procurement process, Officers will engage with people that are, or have, used the services in order to inform the commissioning exercise.

There will also be a Market Engagement Event so that potential providers may be advised of the exercise in relation to the establishment of the Framework. The purpose of the event would be to help potential provider's further inform the model and aspects of the process, so it has the best chance for success.

Recommendations

Having had due regard to the integrated impact assessment it is recommended that Members approve:

- a. Officers to undertake any necessary consultation as part of the commissioning process.
- b. The undertaking of a procurement exercise by Officers in order to establish a multi-supplier Framework for the provision of specialist domiciliary care, which can be used by the Council and SB UHB.
- c. Following the procurement process, for the Head Adult Services and Head of Children and Young People Services to be granted delegated authority to enter into a Framework agreement with the bidder(s) evaluated as offering the most economically advantageous tender (taking into account the quality and cost of the bids), for the provision of specialist domiciliary care. This agreement being for a period of four years with an option to extend for up to a further four years.
- d. Once the Framework has been established, for the Head of Adult Services and the Head of Children and Young People Services to be given delegated authority to use this Framework, where appropriate, to purchase specialist

domiciliary care services and enter into individual service agreements.

- e. For Head Adult Services and Head of Children and Young People Services to be given delegated authority to enter into an arrangement with SB UHB to in order for the Council to host the Framework.

Reasons for Proposed Decision

Undertaking a procurement exercise for the delivery of specialist domiciliary care will ensure that the Council is legally compliant when purchasing these services. In addition, the establishment of this Framework will ensure that the Council is best placed to continue meeting the needs and demands of those that require these services.

Implementation of Decision

The decision is proposed for implementation after the three day call in period.

Appendices

Appendix 1: Integrated Impact Assessment

List of Background Papers

None.

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