

Divisions Affected – N/A

CABINET MEMBER FOR ADULT SOCIAL CARE

30 JANUARY 2024

CONTRACT EXTENSION FOR LEARNING DISABILITY RESPITE SERVICE

Report by Corporate Director for Adult Social Care

RECOMMENDATION

The Cabinet Member is RECOMMENDED to

1. Agree the 8-month extension to contract with a value of up to £849,333, to support the robust redesign and procurement of the future provision for the learning disability respite service contract.

Executive Summary

2. Respite is planned, time-limited, or emergency care provided to support customers and caregivers with having a break from each other or a break from their caring role. Respite additionally provides the opportunity for customers to socialise with their peers in their personal time.
3. Brandon Trust, as the Council's learning disability respite provider, is a leading strategic partner in the provision of local services for Adult Social Care. The Council is committed to ensuring strong partnership working and enhanced engagement in the future delivery of this service.
4. The Council fully funds this service which was commissioned as a 5 + 5 year building based contract that commenced on 18th October 2018. The Council has the unilateral right to extend the contract on 6 months' written notice.
5. This report sets out the recommended approach available to the Council, to apply an 8-month contract extension to the existing contract, effective from August 1st, 2024.
6. This extension will fall within the existing pro-rata Adult Social Care budget of £849,333, which is inclusive of the pre-determined emergency cover budget for the 8-month period.

7. This paper additionally clarifies the current contract position and emphasises the necessity of extending to allow a thorough service redesign, whilst ensuring customer, political, and organisational needs are met for the future.

Background

8. Following the Strategic Provision Board's April 2023 decision, the Council unilaterally extended the current contract for 9 months up to 31st July 2024.
9. The existing extension was prompted by the planned service redesign. Current contractual terms stated the requirement of 6 months' notice, for any further extensions. The current cut-off date for requesting a further extension is January 31st, 2024.
10. Through thorough research, it has become clear that the current contract's structure, dividing rent, emergency cover, hourly rates, and core delivery, is overly complex.
11. Whilst negotiations on final contractual costs for the extension period remain ongoing, the Council requires further time to reach a mutual agreement. The negotiations will ensure the costs will remain the specified financial envelope above for the 8 months period.
12. While the Council holds the right to maintain the current financial contract terms during the extension period, doing so could compromise Brandon Trust (a key strategic) and their financial viability for this contract.
13. This paper proposes applying an 8-month extension being from August 1st, 2024 - March 31st, 2025, to facilitate the finalisation of a new recommissioned service to be start on April 1st, 2025. This will allow time for mixed approach model through effective benchmarking and engagement along with a robust costing analysis.

Corporate Policies and Priorities

14. Within the six principles of the Care Act 2014, it defines prevention as one of the guiding principles within the Act.
15. Section 2 of the Care Act recognises the carer's right to have their own needs assessed and supported. This includes access to respite care to maintain their own physical and mental well-being.
16. Section 18 of the Care Act states that local authorities must consider respite care when conducting a needs assessment for either the cared-for person or their carer. This means it is not automatically guaranteed, but they must actively evaluate its potential benefits and suitability.
17. Section 10 of the Care Act, requires local authorities to conduct an assessment, known as a "carer's assessment", where it identifies that a carer may have needs or requires support at that time or in the future.

18. Section 20 of the Care Act places a duty and power on local authorities to meet a carers' needs for support where they qualify through an assessment for specific support.
19. By providing respite services, it supports the principles within the Care Act by supporting carers to have a break from their caring role, to ensure that they are able to care for the people they support, for longer.
20. By practising the Council's objective of 'You said, we did,' will ensure that the people that use the service, their parents, and carers, have their voices heard through supporting the co-produced design of the new service.
21. Additionally, through the Council engaging with the local community, the Council ensures that customers are being treated as a priority, by those who support them.
22. By designing the new service, creates the potential to provide significantly more self-directed support opportunities, than currently delivered. This approach further ensures the Council continues to reduce the inequalities in accessing support and services, in Oxfordshire.
23. Through taking the engagement and redesign work out to the community will enable the Council to hear the seldom heard voices of unpaid and/or older carers.
24. By designing a person led service, will provide the opportunity to create further employment opportunities, in line with the Council's priority on building on existing community capacity.

Financial Implications

25. This extension will fall within the existing pro-rata Adult Social Care budget of £849,333, inclusive of the pre-determined £66,667 for emergency costs.
26. Whilst Commissioners continue the positive ongoing negotiations with the provider, to ensure an amicable agreement remains within the allocated financial envelope, the Council can further optimise costs, through ultimately reserving the right to continue the contract under the current financial terms.

Ratified by Stephen Rowles, Interim Finance Business Partner,
Stephen.rowles@oxfordshire.gov.uk

Legal Implications

27. The statutory power and duties of the Council to provide the services under the extended contract are set out at paragraph 4.1 above.
28. Under the terms and conditions of the existing contract the Council holds the unilateral right to extend the contract period by up to 5 years, in aggregate. The proposed extension and previous extension fall within this maximum 5-year

period and do not therefore constitute a modification to the original contract terms and conditions. The proposed extension is therefore compliant with the Public Contract Regulations 2015 (as amended).

Ratified by Jonathan Pool, Solicitor (Contracts),
Jonathan.pool@oxfordshire.gov.uk

Staff Implications

29. Approval of the recommendation will provide Brandon Trust staff with a longer period of employment security, leading to the new contract start date.
30. The successful bidder/s for the new service will then progress their responsibility for the TUPE management arrangements, through the mobilisation stage of the implementation period.
31. Further detailed exploration into the TUPE arrangements will be jointly Progressed between Procurement, Commissioners and HR, prior to publishing the tender documentation.

Equality & Inclusion Implications

32. No evidence has been identified to suggest, that by the Council approving this recommendation, will lead to a negative impact on the community, environment, or its strategic partners within Oxfordshire.
33. The benefits to the Council in approving the recommendation within this paper, are highlighted within 4.1 of this paper. It will also provide a continuity of care for individuals accessing the service eliminating any potential service gaps due to the time it may take to design a new service.

Sustainability Implications

34. Drawing upon the valuable feedback received through the stakeholder engagement and in addition from future insights from a thorough benchmarking exercise, this will result in a detailed specification being developed which will provide a better tailored service which will provide a significantly wider reach and will provide greater sustainability for the future of this provision.

Risk Management

35. By approving the recommendation within this paper, promotes more benefits than drawbacks.
36. Provides the ability to complete a robust redesign of a new Respite model with uncompromised access due to reduced financial instability.

37. A reduction in the drawbacks and better mitigation of long-term risk through following a more thoughtful process in design.
38. This will maintain key relations with a key and large strategic local partner delivering social care services in Oxford.

Consultations

39. Commissioners have gathered feedback on the Respite service redesign, through a series of engagement events.
40. Participants included individuals who access Oxfordshire Family Support Network and My Life My Choice, current staff of the Respite service, and active service users.
41. Engagement events informed existing users about future commissioning plans and offered them the opportunity to share their experiences: what worked well, what could be improved and their suggestions for a redesigned service.
42. The resulting feedback covered both positive aspects of the current service, areas requiring improvement, and innovative elements they hope to see in future provision.

Karen Fuller
Corporate Director for Adult Social Care

Annex: Nil

Background papers: Nil

[Other Documents:] Nil

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