



ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
7 JUNE 2021

PROCUREMENT OF COMMUNITY LIFE CHOICES SERVICES

REPORT OF DIRECTOR OF ADULTS AND COMMUNITIES

Purpose of the Report

1. The purpose of this report is to present to the Committee proposals for the future delivery of community life choices (CLC) services in Leicestershire. This includes the timescales for the procurement of commissioned CLC services and proposals for the future delivery of in-house CLC services. It is intended that these proposals will be considered by the Cabinet at its meeting on 22 June 2021.

Policy Framework and Previous Decisions

2. The proposals in this report directly link to the “Working Together for the Benefit of Everyone: Leicestershire County Council’s Strategic Plan 2018-22” and in particular, the strategic outcomes of Wellbeing and Opportunity and Keeping People Safe. The proposals are also integral to the delivery of the ambitions for Adult Social Care which are detailed in the Delivering Wellbeing and Opportunity in Leicestershire Adults and Communities Department Ambitions and Strategy for 2020–2024.
3. The Care Act 2014 gives the Council responsibility for ensuring there is a wide range of good quality care and support services available for people to choose from. Emphasis is placed on the importance of enabling adults with needs for care and support and carers with needs and support, where they wish to do so, to participate in work, education or training.
4. As part of the development of the previous Community Life Choices Framework, reports were presented to this Committee on 6 September 2016 and the Cabinet on 11 October 2016. These reports outlined the proposals for the new model to deliver CLC services and the results of a customer engagement exercise which was undertaken to inform the proposals. There was a subsequent paper to the Committee on 1 November 2016 to provide further information which addressed some concerns regarding the changes which were being proposed in the Cabinet report dated 11 October 2016.

Background

5. Leicestershire County Council operates a commissioning framework for the provision of day services known as CLC, which allows service users choice of provision from a selection of pre-approved providers. The previous change to this commissioning process was in January 2017 with the implementation of a framework agreement which reduced the pool of providers from 73 down to 24 and introduced set payment bands. This contract is due to end on 30 November 2021.

6. In addition to the Framework, there are also currently 10 building-based day services provided in-house. The Council's Direct Services function provides a mix of CLC services. These are either within a group or one-to-one setting delivered either from building-based or community services as half or full day sessions depending on the customer's assessed need. The Council's in-house CLC services currently employ 71 FTE staff across CLC locations in Leicestershire.

The Impact of the Covid-19 pandemic

7. In March 2020, the Covid-19 lockdown meant that providers had to close their building-based services, except for those at highest risk, and adapt their services to deliver support remotely.
8. The Council's CLC providers were creative and flexible in delivering support and examples of how services were adapted included:
- Supporting people to go on walks;
 - Delivering classes/sessions through Zoom, including exercise and cookery classes;
 - Sending out tailored activity packs, such as craft kits, often linked in with Zoom sessions;
 - Using Facetime or similar to keep in touch with people who use services, such as providing tours of a farm for workmates employed at an agricultural service.
9. In common with those receiving an externally provided service, all in-house CLC services were suspended as a result of the first national lockdown.
10. Since the start of the pandemic, the Council has been actively managing all users of CLC services both external and in-house to ensure that customers are receiving the support they need, and risk-assessing those cases to enable a restart of appropriate CLC support that could be delivered in line with government Covid-19 guidance.
11. People using services were given a priority rating based on the level of risk of carer breakdown, crisis or safeguarding issues. This meant people could gradually return to services, starting with those at the highest risk. This process has continued and now 80% of people have returned to services.
12. Social distancing measures mean that most providers have reduced capacity, so people may have returned for fewer sessions than in their original support plan. Some larger providers have invested in additional space or accommodation to enable them to accommodate most people and achieve social distancing. Since restrictions have eased, there has been a significant shift away from the delivery of distant or remote services with only a handful of providers offering this support, and only 29 service users now receiving this type of support.

The Community Life Choices Framework

13. The current CLC framework was designed to focus on promoting people's independence and ensure consistency and equity in service delivery. It is a closed framework, which means no new providers have been able to join since it started in January 2017.

14. A pricing structure was introduced, aligned to banding criteria, which are determined by individual support needs. Spend on the Framework prior to Covid-19 averaged at £111,000 per week. At the height of the lockdown of 2020 for a few weeks, the weekly costs were lower, at £70,000 per week, and due to current Covid-19 restrictions resulting in more one-to-one support to enable access to services, costs are currently £100,000 per week as at the end of March 2021. The actual total spend in 2020/21 was £4.8m. This included an element of Covid-19 support for the market to support vaccinations and other issues. The budget allocated for 2021/22 is £5.8m.
15. The current framework is separated into five lots:

LOT 1	LD	Learning Disability
LOT 2	PD	Physical disability, sensory impairment, acquired brain injury
LOT 3	MH – aged 64 and under	Mental health and memory cognition
LOT 4	MH – aged 65 and over	Mental health and memory cognition
LOT 5	OP – aged 55 and over	Older people (all older individuals with eligible needs)

16. At present there are 535 individuals who access CLC services through the Framework. Approximately 80% of these service users are under the age of 65 and 73% have a primary support need of learning disability. Further detail on the take-up of CLC services are set out in the Appendix to this report.
17. In addition to the services procured through the Framework, an additional 422 individuals purchase day services via their Direct Payment.
18. The current framework was due to end on 30 September 2020. However, as providers were concentrating on re-shaping their service offer to individuals due to lockdown and social distancing restrictions resulting from the Covid-19 pandemic, the procurement was delayed as a supportive measure. Following appropriate consultation with the Director of Law and Governance and the Director of Corporate Resources, a 14-month extension was applied, and the current contract now ends on 30 November 2021.

Proposals for the procurement of CLC Services

19. The Council needs to procure the new CLC service to the timescale below:
- Draft Invitation to Tender (ITT) by mid-July 2021
 - Publish Invitation to Tender 1 August 2021
 - Evaluations 6 September 2021 to 4 October 2021
 - Award and mobilisation 5 October 2021 onwards
 - New service start date 29 November 2021
20. All engagement and consultation with the market and stakeholders will continue until the end of June 2021 in order for the specification to be completed by early July. This will allow the ITT to be published by 1 August 2021. As part of the production of the ITT further discussion will also take place with the market about the payment model.

21. Considerable work has already been undertaken in preparation for the re-procurement of CLC services, including engagement with customers and providers and identifying emerging gaps in the market, such as services for those with physical disabilities and for those with mental health issues. People who use services have highlighted the negative impact of social isolation during the Covid-19 pandemic and their keenness to resume contact with their friends and to return to activities they used to do.
22. Initial engagement has highlighted the need to widen the outcomes within the Framework to include Living Well and Carers and to offer greater flexibility in when services are available. It was suggested that introducing short courses to support the development of specific skills that build independence and support employment and volunteering would be beneficial. Providers expressed concern at the financial implications of the Council not paying for a service when someone is absent, when the absence is at short notice it is not possible to reorganise rotas.
23. It is proposed that the Council takes a relatively light touch approach to the procurement, prioritising any changes to the current specification to reflect key lessons learned during the Covid-19 pandemic.
24. The key changes proposed to the current framework are:
- a) **To move to an open Framework** - this will give the Council the ability to re-open the framework whenever required to address issues such as unmet need or a provider exiting the market.

The Covid-19 pandemic has helped the Council develop stronger links with providers not on the current framework. There are 19 such providers not on the framework which actively engage with the Council and many of these have expressed interest in joining a framework.

As the current framework is closed, newly established providers have not yet had an opportunity to join. An open framework would offer greater choice to people who use the Council's service and more diversity in the market. The framework will have a series of prices for the different types of services delivered (such as zoom classes, 1:1 support, group events).

- b) **To offer a framework contract length of two years with an option to extend for a further two years** - This timescale will allow for detailed work towards the design of the future service. This will ensure that the Council can incorporate lessons learned from the experience of service delivery through the pandemic, and for co-production on the shape of a new service model to be undertaken with service users and the provider market.
- c) **To focus on four key outcomes for the CLC service:**
- the development of skills and confidence for more independent living;
 - maximising health and wellbeing;
 - supporting carers' health and wellbeing including facilitating access to employment, education and training;
 - providing a choice in when and where services are delivered.

- d) **To meet current service gaps** - Opportunities have been identified to develop services for people with physical disabilities, those with profound and multiple learning disabilities, people with autism and those living with dementia. There are particular areas of the County where greater choice could be developed in service provision for working age adults, for example Market Harborough and Lutterworth. There have also been some service closures in the Melton area.
- e) **To provide greater flexibility in when and where services are delivered** - Moving to a seven day and/or evening service for some types of provision, and to reflect the delivery of virtual services where appropriate and agreed with the service user.
- f) **To develop specific short-term support geared towards enablement** - This will promote activities that will help enhance people's independence. A more flexible payment mechanism may be required to encourage providers to offer this targeted short-term support.
- g) **To increase the availability of Personal Assistants** - There will be a separate lot in the procurement to help develop and grow the market for Personal Assistants (who help people with care and support needs to live independently with personal care, household tasks etc).
- h) **To simplify and streamline the contract monitoring framework** - To ensure that the Council only monitors data which evidences key outcomes of the service and enables the voice of people who use services to be heard.
25. It is recognised that there is potential for more significant changes to be made to the CLC service than those proposed for the upcoming procurement, in particular looking at how the Council could move to an approach which focuses more closely on outcomes for individuals. However, this work will require extensive engagement with people who will use the services, their families and/or carers, and the market at large to ensure that the service is effective and capacity sufficient. It is therefore proposed that the service is comprehensively reviewed over the next two years.

In-house Provision

26. There are currently 112 people accessing in-house CLC services across 10 building-based services. Capacity to deliver in-house CLC services to their pre-pandemic level has been severely limited due to Covid-19 restrictions and social distancing requirements. Service user engagement has continued throughout this period but the number of people accessing services can be summarised as follows:
- 29% of people returning to building-based services;
 - 7% of people receiving outreach support into people's homes;
 - 63% of people receiving weekly welfare checks by telephone.
27. Over time the Council's share of the CLC market has been steadily reducing. Consideration is now being given to how best to use the resources available to the Council to deliver the right outcomes for service users.
28. To that end the Council proposes focusing its in-house services on crisis care, short term reablement and enablement, and support for carers through the delivery of a

responsive seven day a week service, and ceasing the provision of long term maintenance CLC support.

29. The pandemic and the upcoming procurement of the CLC framework have expedited the need to consider alternative delivery methods and work is planned to test the external market to establish whether capacity can be developed to meet the needs of people who attend in-house CLC services. Consultation with all current in-house CLC service users will also be needed as detailed below. It is expected that this work will not be concluded by the time the new CLC Framework is live, but flexibility to periodically open the Framework for new providers will accommodate the proposed changes if these are agreed.

Consultation on changes to in-house services

30. It is proposed that a consultation exercise will be undertaken with those who currently access in-house CLC services on the premise of reducing and refocusing the existing in-house service offer to a short term seven day responsive enablement/reablement CLC service from Short Breaks locations. The consultation will run August to October 2021 and seek to identify individual needs and outcomes and use this data to contribute to the development of the new CLC framework, ensuring that the market can offer the type and range of services required to meet needs and achieve outcomes for service users.
31. There are currently 112 people accessing in-house CLC services. Reviews would need to be completed to ensure that the Council meaningfully gains people's views and fully understands the impact of this proposed change and mitigations possible. Advocacy support would be accessed as necessary for service users and their families/carers to ensure that any barriers to engagement are managed.
32. The outcome of the consultation will provide information which will be used to shape and develop the CLC market to ensure they can provide innovative, customer tailored service provision where necessary and ensure that there is sufficient capacity to support the transition of services.
33. Subject to service user feedback and the market being able to provide the type and range of services required, a transitional period would be provided to enable the market to develop and mobilise and provide the least disruption to in-house CLC service users. An indicative timeline for this review and implementation if the proposed changes are adopted is:
- | | |
|------------------------|---------------------------|
| • Review of needs | May to August 2021 |
| • Consultation | August to October 2021 |
| • Transition | from January 2022 onwards |
| • Decommission/closure | from Spring 2022 onwards |
34. Consultation will also be undertaken with the existing staff group employed in in-house CLC services. This will be needed as the proposals seek to establish a responsive seven day service and to align working arrangements with other direct care services delivered in-house.

Resource Implications

35. There will be staff-related resource implications for undertaking the consultation and review of the internal service provision. The framework will be a significant procurement, which may attract a sizeable number of bids, which means the evaluation of the bids will need to be adequately resourced.
36. The current and new CLC Framework (not including in-house provision) is expected to cost approximately £5.8m during 2021/22. It is expected that over the next two years the cost of the new framework may increase from this figure if the service expands to cover more of the services currently provided in-house.
37. The current budget for in-house CLC service provision for 2021/22 is £3m., Further analysis will need to be completed as part of the consultation process to quantify future costs, balancing the cost of inhouse provision against an increase in expenditure on externally provided services.
38. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the contents of this report.

Timetable for Decisions

39. A report will be presented to the Cabinet on 22 June 2021 setting out the proposals outlined and the Committee's views and comments will be incorporated in that report.
40. Subject to agreement of the proposals contained in this report, the outcome of the consultation will be reported back to the Cabinet in autumn 2021.

Conclusions

41. CLC form an important service by helping individuals build positive social relationships, participate in the community, and enjoy good physical and mental wellbeing. Day services also provide an opportunity for respite for carers, decreasing the potential of carer strain.
42. The Cabinet will be asked to agree that the Council goes out to procurement for the CLC Framework on 1 August 2021, to have a new service in place by the end of November 2021. As set out in paragraph 24 of this report, this re-procurement will make improvements to the specification based upon the experiences of running services during Covid-19 and utilise provider and service user feedback. The new contract will run until November 2023, with the option to extend for another two years. During the contract lifetime significant work will take place to review the current CLC service model, move towards an outcome-based approach and potentially shape the market to meet the needs of service users of the internal CLC provision.
43. The proposals for the changes to in-house CLC service provision can be summarised as follows:
 - a) Consult with current in-house CLC service users on the movement to independent sector provision following the implementation of the new CLC Framework.

- b) Conduct reviews for those who currently use in-house CLC services to establish the ongoing requirements for CLC provision.
- c) To consult on reducing in house CLC maintenance packages by transitioning people using them to appropriate independent sector services

Background papers

- Leicestershire County Council Strategic Plan 2018-22
- Delivering Wellbeing and opportunity in Leicestershire – Adults and Communities Department Ambitions and Strategy for 2020-24
- Report to Adults and Communities Overview and Scrutiny Committee: 6 September 2016 - Community Life Choices Framework 2017-20 and Consultation on Future Delivery -
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=4521&Ver=4>
- Report to the Cabinet 11 October 2016 – Community Life Choices Framework 2017-20 – Outcome of Consultation on Future Delivery
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4606&Ver=4>
- Report to Adults and Communities Overview and Scrutiny Committee – 1 November 2016 - Community Life Choices Framework 2017-20 – Outcome of Consultation on Future Delivery -
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=4936&Ver=4>

Circulation under the Local Issues Alert Procedure

44. A copy of this report has been circulated to all members.

Equality and Human Rights Implications

45. An Equality and Human Rights Impact Assessment screening exercise has been undertaken to establish what impacts the proposed changes may have on the cohort of service users currently accessing in-house CLC services. The EHRIA has yet to be commented on by the Departmental Equalities Group, however a verbal update will be provided to the Committee at the meeting. It concluded that the recommendations should have a neutral impact on the services.
45. A further EHRIA will be produced following the consultation and presented alongside the Cabinet report proposals on a proposed way forward.

Appendix

An Analysis of Community Life Choices Provision

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