



CABINET - 22 JUNE 2021

PROCUREMENT OF COMMUNITY LIFE CHOICES SERVICES

REPORT OF DIRECTOR OF ADULTS AND COMMUNITIES

PART A

Purpose of the Report

1. The purpose of this report is to present the proposals for the future delivery of community life choices (CLC) services in Leicestershire. CLC services are day services and allow service users choice of provision from a selection of pre-approved providers. This report sets out the plans for the future procurement of commissioned CLC services and proposals for the future delivery of in-house CLC services.

Recommendations

2. It is recommended that:
 - a) A procurement exercise to establish a new community life choices (CLC) provider Framework, with a view to the new service being implemented by the end of November 2021, be agreed;
 - b) The Director of Adults and Communities be authorised to commence a consultation exercise on proposals to reduce the Council's in-house CLC services and help existing service users to move to appropriate alternative services;
 - c) A further report be presented to the Cabinet in November 2021 on the outcome of the consultation with regard to in-house service provision.

Reasons for Recommendations

3. The current procurement 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, 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, with the current contract due to end on 30 November 2021.
4. The County Council's market share within the CLC provider market has steadily reduced over the past several years which has led to a reduction in demand on the service. The Covid-19 pandemic has also meant that capacity to deliver in-house services has been dramatically reduced over the past 12 months, leading to a

requirement to consider alternative provision within the provider market where there is greater capacity.

5. The recommendations will enable a re-focussing of in-house provider 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. This will have the aim of meeting the Department's commitment to preventing, reducing, and delaying need through the provision of crisis support to carers to prevent carer breakdown. In doing so it will contribute to the delivery of Adults and Communities Departmental Strategy "Delivering Well-being and Opportunity in Leicestershire 2020-24".

Timetable for Decisions (including Scrutiny)

6. Subject to agreement of the proposals contained in this report, the outcome of the consultation will be reported to the Cabinet in November 2021.
7. The Adults and Communities Overview and Scrutiny Committee considered a report on the proposals at its meeting on 7 June and its comments are set out in Part B of this report below.

Policy Framework and Previous Decisions

8. 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.
9. 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.
10. As part of the development of the previous CLC Framework, reports were presented to the Adults and Communities Overview and Scrutiny Committee and the Cabinet in the autumn of 2016, outlining the proposals for the new model to deliver CLC services and the results of a customer engagement exercise to inform the proposals.

Resource Implications

11. 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, the evaluation of which will need to be adequately resourced.
12. 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.

13. 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 and potential savings; balancing the cost of in-house provision against an increase in expenditure on externally provided services.
14. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the contents of this report.

Circulation under the Local Issues Alert Procedure

15. This report will be circulated to all members.

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PART B

Background

16. The 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.
17. In addition to the Framework, there are currently 10 building-based day services provided in-house who currently employ 71 full time equivalent staff across locations in Ashby, Blaby, Coalville, Hinckley, Loughborough (2), Market Harborough, Melton Mowbray, South Wigston and Wigston. The Council provides a mix of CLC services which 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 Impact of the Covid-19 pandemic

18. In March 2020, the Covid-19 lockdown meant that providers had to close their building-based services, except for those at highest risk of poor outcomes due to no service provision, and adapt their services to deliver support remotely.
19. The Council's CLC providers were creative and flexible in continuing to deliver 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.
20. In common with those receiving an externally provided service, all in-house CLC services were suspended as a result of the first national lockdown.
21. Since the start of the pandemic, the Council has been engaging with users of CLC services, both external and in-house, to ensure that they are receiving the support they need and assessing people's level of risk to enable a restart of appropriate CLC support that could be delivered in line with the Government's Covid-19 guidance.
22. People using services were regularly assessed during the pandemic based on the level of risk of harm or carer breakdown, crisis, or safeguarding issues. This meant people could gradually return to services, starting with those in most need. This process has continued and now 80% of people have returned to services.

23. Social distancing measures mean that most providers have reduced capacity, so people may have returned for fewer sessions than were agreed in their original support plan. Some 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 as service users prefer face to face interaction and the social benefits of the service.

The Community Life Choices Framework

24. 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.
25. 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. For a few weeks in 2020, at the height of the lockdown, the weekly costs fell to £70,000 per week. Current Covid-19 restrictions have resulted in more one-to-one support to enable access to services and as at the end of March 2021 costs were currently £100,000 per week. The actual total spend in 2020/21 was £4.8m. This included an element of Covid-19 support for the providers to support vaccinations and other issues. The budget allocated for 2021/22 is £5.8m.
26. 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)

27. At present there are 535 individuals who access CLC services through the Framework, approximately 80% of whom are under the age of 65 and 73% having 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.
28. In addition to the services procured through the Framework, an additional 422 individuals purchase day services via their Direct Payment.

Proposals for the Procurement of CLC Services

29. 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
30. Engagement 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 Invitation To tender (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.
31. 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.
32. Initial engagement has highlighted the need to widen the outcomes within the Framework to include Carers and to offer greater flexibility as to 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. There was some concern from providers that they would not be paid if the service user was absent at short notice as it was difficult to reorganise rotas.
33. 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.
34. The key changes proposed are:
- a) **To move to an open Framework** - giving 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 currently 19 such providers which actively engage with the Council and many of them have expressed interest in joining a Framework.

An open framework would give newly established providers an opportunity to join. It would offer greater choice to people who use the Council's service and more diversity in the market. The new Framework will have a series of prices for

the different types of services delivered (such as Zoom classes, 1:1 support, group events, and so on).

- 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 as to 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 in Market Harborough and Lutterworth. There have also been some service closures in the Melton area.
- e) **To provide greater flexibility as to 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.
35. 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

36. 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 at home;
 - 64% of people receiving weekly welfare checks by telephone.
37. 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.
38. 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.
39. 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.

Proposed Consultation on changes to in-house services

40. It is proposed that a consultation exercise is 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. It is intended that the consultation will run from August to October 2021. It will 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.
41. There are currently 112 people accessing in-house CLC services. Individual support plan reviews would need to be completed to ensure that meaningful consultation can take place. Advocacy support would be accessed as necessary for service users and their families/carers to ensure that any barriers to engagement are managed.
42. The consultation proposals for the changes to in-house CLC service provision can be summarised as follows:

- To consult with current in-house CLC service users on the movement to independent sector provision following the implementation of the new CLC Framework;
- To conduct reviews for those who currently use in-house CLC services to establish the ongoing requirements for CLC provision;
- To consult on reducing in-house CLC maintenance packages by transitioning people using them to appropriate independent sector services.

43. The outcome of the consultation will provide information which will be used to shape and develop the CLC market to ensure that it can provide innovative, customer tailored service provision where necessary and ensure that there is sufficient capacity to support the proposed transition of services.
44. Subject to service user feedback and the market being able to provide the type and range of services required, a transitional period would enable the market to develop and mobilise and help ensure 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 |
45. Consultation will also be undertaken with the existing in-house CLC staff group. 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.

Comments of the Adults and Communities Overview and Scrutiny Committee

46. The Adults and Communities Overview and Scrutiny Committee considered a report regarding the procurement of Community Life Choices services at its meeting on 7 June 2021 in which it confirmed its support for the proposed way forward and the potential for the Council to move to an approach focussed more closely on outcomes for individuals in future years was particularly welcomed.
47. Following a question that was raised regarding proposals to redesign the future service, the Committee noted the following:
- Under the current framework individuals were assessed against the services available but there was opportunity to develop a framework for future years that was more outcomes focussed for the individual.
 - The Department intended to use the initial two-year contract framework period proposed to undertake detailed work and engage with service users and providers to inform any plans to re-design the service.
 - There would be an option to extend the two year contract framework for a further two years should this be necessary.

Conclusions

48. The Cabinet is 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 34 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.
49. 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.
50. A further report be presented to the Cabinet in November 2021 on the outcome of the consultation with regard to in-house service provision.

Equality and Human Rights Implications

51. An Equality and Human Rights Impact Assessment (EHRIA) screening 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 Department's Equalities Group agreed the conclusion that the recommendations should have a neutral impact, but will need to be reviewed based on the outcome of consultation and proposed way forward.
52. An updated EHRIA will be produced following the consultation and presented alongside the Cabinet report proposals on the outcome of the consultation with regard to in-house service provision.

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>

- Report to Adults and Communities Overview and Scrutiny Committee –7 June 2021 –
Procurement of Community Life Choices Services
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=6462>

Appendix

An Analysis of Community Life Choices Provision

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