



# EXECUTIVE BOARD DECISION

<b>REPORT OF:</b>	Executive Member for Adults Social Care & Health
<b>LEAD OFFICERS:</b>	Strategic Director of Adults and Health
<b>DATE:</b>	7 <sup>th</sup> February 2024

<b>PORTFOLIO/S AFFECTED:</b>	Adults Social Care & Health
<b>WARD/S AFFECTED:</b>	(All Wards);
<b>KEY DECISION:</b>	Y

**SUBJECT: Commission of Community Day Care Support Services**

## 1. EXECUTIVE SUMMARY

This paper sets out a series of recommendations and provides a summary of current and proposed arrangements for the commissioning of Community Day Care Support.

The provision of Community Day Care Support services is to be commissioned with the intention to award a contract for a term of 2 years. The current contracts will expire on the 31<sup>st</sup> March 2024. To avoid any gaps in service whilst the procurement process takes place, the proposal is to extend the current contract for a period of six months (1<sup>st</sup> April 2024 to 30<sup>th</sup> September 2024) to ensure the completion of the procurement exercise and to commence the new service arrangement from the 1<sup>st</sup> October 2024.

## 2. RECOMMENDATIONS

That the Executive Board notes and approves the following recommendations:

- Waive the Council's Contract Procurement Procedure rules to extend the current contract arrangements for 6 months to allow the procurement to take place without a gap in service.
- To procure commissioned day care services for a 2 year contract term. The proposed contract period will be 1<sup>st</sup> October 2024 until 30<sup>th</sup> September 2026. The procurement will include two Lots; one Lot for Blackburn and one Lot for Darwen. The procurement will take into account geographical location, transport arrangements and the number of day care places required to meet demand across the borough.

Members note that consideration and development is also required in the following areas:

- The current daycare commission is interdependent with the utilisation and review of community centres in Blackburn. Age UK are one of the current day care providers and the service is

delivered from Little Harwood, Accrington Road and Greenfields community centres. In the proposed new commission, the appointed provider will source their own venue/s.

- The development of a transport policy and an approach to managing non-attendance.
- The final tender will consider updated models of day support and reflect that linked transport services will be considered as part of the process.

### **3. BACKGROUND**

#### ***Current Provision***

Blackburn with Darwen Borough Council commission Day Care within a community-based service. This includes those of adult age (18 plus) who reside within Blackburn with Darwen Borough and who have an assessed need for commissioned care and support that can be met within the community-based day care support service.

Day care previously has been provided in house at Mill Hill, Tower View and Stansfeld. Mill Hill, Tower View closed leaving only Stansfeld which later transferred to Hopwood Court. Hopwood Court (in house BwD provision) provides support to those with complex learning disabilities and advanced dementia.

In 2019 a contract was awarded for lower-level day care provision for older people and those with mild learning disabilities. Age UK Blackburn with Darwen and Derwent Hall were awarded the contracts. Age UK BwD covered the Blackburn area with Derwent Hall covering Darwen.

The current day care services model was introduced in 2019 but due to covid, the model was not fully adopted or embedded until around 2020. Since 2020 the model has been embedded and strengthened further.

The criteria and model to access day care provision ensures that peoples' assessed need for daytime support is matched to the appropriate service whether it is a universal offer, a community-based offer where personal care is available from Derwent Hall or Age UK or specialist physical/learning disabilities or dementia provision at Hopwood Court.

Derwent Hall provide day care from their own building. A separate luncheon club not funded by BwD, is also offered. Age UK deliver day care from 3 of the local authority community centres at Accrington Road, Greenfields and Little Harwood. The Community Centre operating model is currently the subject of a separate review.

There is a day care panel which meets regularly to review requests. Other partners are present at the meeting to look at alternative ways of meeting people's needs rather than traditional type day support including community connectors. The criteria and model to access day care supports the process to match people to the right service. Clear communication and partnership working exists in decision making when referrals are received.

Scrutiny is applied to requests for arranged transport but there is no transport policy in place to support decisions made. A charge of £2 per trip is made for transport as well as a standard charge for meals and refreshments. Hopwood Court rely on the LA in-house fleet whilst Derwent Hall have a contract with Travel Assist and Age UK arrange their own transport. Charges relating to distance travelled have not applied.

#### ***Expectations for proposed commission***

There is an expectation that the relevant provider will adopt and further enhance the current philosophy and approach held by the Council whereby partner organisations work together to provide

person centred, flexible, strength-based opportunities and services to people who have a range of needs, abilities, and aspirations.

This partnership has promoted and supported service delivery, sharing good practice, resources, and involvement in local networks. The aim being to provide an effective and efficient range of opportunities to people who currently access day care and those who are likely to require day care provision now and in the future.

#### **4. KEY ISSUES & RISKS**

The contracts for Community Day Care services which have been in place since 2019 end on the 31<sup>st</sup> March 2024.

- A waiver is requested to extend the current services by 6 months whilst a procurement exercise takes place. Current timeline provides a high risk of not being able to complete in advance of 31<sup>st</sup> March 2024 and as a result risk having a gap in service.
- The current daycare commission is interdependent with the utilisation of community centres in Blackburn (Little Harwood, Accrington Road and Greenfields). Age UK BwD are one of the daycare providers and the service is delivered from Little Harwood, Accrington Road and Greenfields community centres. In the proposed new commission, the appointed provider will source their own venue.
- The number of transport runs will reduce by one however still enable transport to day care pending the wider review of costs incurred.
- Direct Payments have not been considered as part of this review and many people with eligible needs choose to take a Direct Payment to arrange their own forms of respite and day-time activity. This will be further considered during the procurement period.

#### **5. POLICY IMPLICATIONS**

The Care Act 2014 sets out when the local authority has a responsibility to meet someone's care and support needs.

The Care Act 2014 also sets out the law around market development in adult social care. In relation to this, the local authority must facilitate a diverse, sustainable high-quality market for their whole local population.

#### **6. FINANCIAL IMPLICATIONS**

As Community Day Care is already a commissioned service, the budget for this service for 2023/24 is already within planned spend and is funded from within the portfolio's commissioning budget.

There is no allocation of a fixed budget/value attached to the day care procurement. However, efficiencies have been proposed for 2024/25, subject to agreement by Finance Council as part of the Council's budget setting process. As such the aim is to identify efficiencies from the existing commissioning budget. Currently, commissioned community day care provision is costing a total of £430,073 per annum (23/24) and the total cost of daycare (external commissioned and in-house net costs) is £1,205,746 (23/24).

## 7. LEGAL IMPLICATIONS

Section 5 of the Care Act 2014 requires local authorities to promote the efficient and effective operation of a market in services for meeting care and support needs in their area. This proposal will assist the Council's efforts to ensure that there is a stable market to provide for the care needs of the local community. This includes the requirement to ensure that providers can remain viable and can attract and retain staff to provide the care to the required standard. The key aim of day services is to enable people to access the community outside of home and also support unpaid Carers.

Current contractual arrangements are in place until 31<sup>st</sup> March 2024. A six month contract to extend current arrangements would normally need an open tender process under the Council Contract Procurement Procedure Rules unless a waiver is approved. The extension of these contracts is arguably permitted by regulation 72 1 (e) of the Public Contracts Regulations 2015. Promptly conducting the proposed procurement will reduce the risk of a legal challenge to these extensions.

The procurement of the day care services contracts will be in accordance with the Public Contracts Regulations 2015.

## 8. RESOURCE IMPLICATIONS

The resource implications of implementing these proposals will be absorbed by the Strategic Commissioning – People team with regards to contractual changes.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

A consultation has taken place which included service users, carers, family members, staff, volunteers, managers, and staff across the Council.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	Elizabeth Fleming, Head of Commissioning Paula Snow, Head of Service for Intermediate Tier
<b>DATE:</b>	7 February 2024
<b>BACKGROUND PAPER:</b>	