

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Adults Social Care & Health

LEAD OFFICERS: Strategic Director of Adults and Health

DATE: Thursday, 12 September 2024

PORTFOLIO/S AFFECTED: Adults Social Care & Health; Children, Young People & Education and Housing & Public Health.

WARD/S AFFECTED: (All Wards);

KEY DECISION: Y

SUBJECT: Commissioning and contracting update for People Services

1. EXECUTIVE SUMMARY

The purpose of this report is to update Executive Board on the progress to review and redesign of the commissioning function across People Services and plans in relation to contracts which are interdependent with this review. The Council is progressing a restructure of the commissioning team, and this work is now at implementation phase. Over the coming months recruitment to expand the capacity and capability within the commissioning team will be completed.

2. RECOMMENDATIONS

The intention of the report is to inform the Executive Board that:

1. A review and redesign of the commissioning function across People Services is progressing and the implementation of this new structure is underway. When implemented, this new structure will provide a significant increase in the capacity and capability of the strategic and operational commissioning functions.
2. Whilst the review of the commissioning function is completed, measures are being implemented and a work programme developed to ensure continuity of service/support provision through contracts for commissioned services being progressed.

3. BACKGROUND

Commissioning is a statutory function of the council and includes planning and purchasing the health and care services that are needed by the people who live in the area that it covers. It is a cyclical activity which involves the process of assessing needs, designing and planning, purchasing, maintaining and monitoring services. Effective commissioning ensures that services provide positive outcomes for residents, are value for money for the public pound and are sustainable for providers. Commissioning is both strategic and operational. Strategic commissioning (otherwise called macro commissioning)

involves long term planning, understanding future needs and designing services to ensure that commissioning plans are aligned with the system vision and strategies and are implemented in a sustainable and cost-effective manner. Operational commissioning (otherwise called micro commissioning) is the day-to-day management and delivery of services and includes the process of matching an individual's needs with local services. This operational process is person-centred and ensures that service user specific care and support needs are met by commissioned services.

Across the People Services portfolio (Adults & Health, Public Health, Children's & Education), there are circa 250 core contracts and circa 250 individual spot-purchase contracts. The annual gross-spend on commissioning across People Services in 2024/25 is expected to be more than £100million.

The Council is progressing a restructure of the commissioning team for People Services, and this work is now at implementation phase. The first phase of this work has involved a full review and redesign of the commissioning function of the council, a business case to expand its capacity, consultation with affected staff and an internal implementation process. The next phase of implementation includes recruitment to unfilled positions, and this will commence in September 2024. The new structure is aligned with the life-course approach of start-well, live-well and age-well and includes both strategic and operational commissioning functions. When fully implemented there will be 28WTE staff within the team. The redesign and implementation of the commissioning function provides an exciting opportunity to ensure that commissioned services maximise outcomes for residents across the borough.

4. KEY ISSUES & RISKS

Commissioning is a specialist area of work which requires specific knowledge, skills and experience. Recruitment to vacant roles will be closely monitored and a mitigation plan developed should this be required. The Council has statutory obligations (as outlined in the Care Act 2014 and Children & Families Act 2014) to proactively ensure market sustainability and stability, and quality of provision. The new commissioning function will ensure full compliance with those statutory obligations.

5. POLICY IMPLICATIONS

The council has a number of statutory requirements and the new commissioning function will ensure full compliance with these statutory responsibilities:

- Under the Care Act (2014) local authorities have a responsibility to ensure quality, choice and sufficiency of provision to meet the anticipated needs of all people in its area. This includes ensuring that there is a diverse range of care and support services to ensure that people and their carers have choice over how their needs are met and that they are able to achieve the things that are important to them. It is also about ensuring that the local care market as a whole remains vibrant and stable.
- With respect to Strategic Commissioning for Children and Young People, the Council has a Duty of Sufficiency whereby it must ensure that there are enough suitable homes for children who are looked after by the council. Additionally, Part 3 of the Children and Families Act 2014 sets out the council's duty to promote integration and ensure that joint commissioning arrangements are effective in meeting the educational, health and care needs of children and young people with special educational needs and learning disabilities for whom it is responsible, and for those with other disabilities.
- The Health and Care Act 2022 sets out further Commissioning responsibilities, including the need to work with a system wide and integrated approach, seeking opportunities to work collaboratively and commission jointly with other authorities, rather than just the Council alone.

In addition to the council statutory responsibilities, it is also of note that commissioning oversight arrangements are part of statutory assessment frameworks, including the CQC assessment framework for ASC and the Ofsted Inspection Framework for Children’s Social Care.

6. FINANCIAL IMPLICATIONS

Changes to the commissioning team establishment have been approved in accordance with the council governance processes with reports being approved by the Workforce Management Group in April and July 2024. The new commissioning team function will provide assurance that commissioned provision is value for money, efficient and cost-effective.

7. LEGAL IMPLICATIONS

The commissioned services need to be reviewed and necessary procurement processes undertaken to ensure compliance with procurement law and the Council’s Constitution.

The procurement processes will comply with the Public Contracts Regulations 2015 or the Procurement Act 2023 and the Council’s Contract and Procedure Rules. Contracts will be in a form approved by legal officers in the Legal & Procurement team.

8. RESOURCE IMPLICATIONS

Subject to successful recruitment, the future commissioning team will have the skills and expertise to deliver an effective commissioning function across People Services.

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.

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.

10. CONSULTATIONS

Consultation on this paper has included relevant Chief Officers, Heads of Service and Executive Members.

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.

VERSION:	Final
CONTACT OFFICER:	Elizabeth Fleming
DATE:	09-08-2024
BACKGROUND PAPER:	N/A