

NORTH SOMERSET COUNCIL

**DECISION OF COUNCILLOR DAWN PAYNE
THE EXECUTIVE MEMBER FOR ADULT SOCIAL SERVICES
with advice from the DIRECTOR, PEOPLE AND COMMUNITIES**



DECISION NO: P&C45

SUBJECT: Block Contract with The Brandon Trust for Day Services for Adults with a Learning Disability and/or a Physical or Sensory Impairment.

DECISION: Approval to transfer Service delivery from the above Block Contract on its end date, to a Spot purchase arrangement within the existing Community Based Care and Support Framework Contract and the Buildings Based Day Care Contract, with the same Provider, The Brandon Trust.

BACKGROUND:

The Brandon Trust are currently providing a flexible day service within a Contract, which is a reducing block with no wastage for vacancies. A baseline of individual users and their associated activities are identified at the start of each year and forms the basis of the Opening Contract Price for that year. The Service operates in 2 parts – group activities (day centres) and a block of 1:1 hours to deliver individualised activities. The current Contract Term is due to expire on 31st December 2016.

The intention is to continue to provide services for existing Service Users after the end date of this Contract by spot purchasing from other existing Contracts, for which The Brandon Trust already has a contractual arrangement in place with the Council.

The existing 119 packages within the group activities part will all transfer across to The Brandon Trust Buildings Based Day Care Spot Contract.

The 310 weekly 1:1 hours will all transfer across to the Brandon Trust Community Based Care and Support Spot Contract Framework Agreement.

REASONS:

Moving the existing packages from a Block Contract arrangement to alternative existing Spot Contracts means that the activities will remain unchanged with no impact to people using the Services. There will be some changes to consider in relation to the current transport arrangements, which the Strategy, Policy and Planning Team are leading on with support from the relevant Operational Teams.

Moving to alternative Contracts will align package notice periods so the Council will only be required to serve 28 days when a package ends rather than having to pay a retainer under a Block Contract arrangement.

The transfer will allow the Council to renegotiate the existing hourly rate for the 310 weekly 1:1 hours.

The Public Contract Regulations 2015 'Guidance on Amendments to Contracts during their Term' and Regulation 72 have been discussed and considered with the Council's Legal Team and it is deemed that there is no requirement for a new procurement procedure because the risk of challenge is low.

A binding letter is being finalised between the Council's and The Brandon Trust's Legal Teams in relation to the Council's continued liabilities for the 9 remaining LGPS Members (Avon Pension Fund) and our commitment with the Pension Protection at the end of the Block Contract. The Council's Section 151 Officer has also been engaged with this dialogue.

BANES Avon Pension Fund Team have advised that the existing Admission Agreement will remain in place and will only be applicable to the Buildings Based Day Care Spot Contract because the 9 Scheme Members will transfer to this Contract only.

OTHER ALTERNATIVES CONSIDERED:

Re-tender the current Block Contract - this is unlikely to offer any further value for money to the Council and will require a commitment of block funding across a further Contract Term.

Transfer packages to Direct Payments – during the current Contract Term some people using the Service have transferred their package to a Direct Payment. This option will continue to be offered on an individual basis through reviews of packages and changes in need.

Any risk of challenge around this decision is deemed low due to the following reasons:

1. Brandon Trust will not gain financially due to the transfer only being in relation to existing packages;
2. Should people using the Service wish to choose another Provider and/or Services then they can continue to do this in the usual way;
3. There will be a continuity of Services for people receiving them because the activity and staff support arrangements will remain unchanged;
4. Other Providers will have an opportunity to apply for a separate tender in relation to the Buildings Based Day Care Contract in 2017 so all new packages would be offered to all Providers within that new Framework Agreement.

FINANCIAL IMPLICATIONS:

The transfer to alternative Spot Contract arrangements will offer financial savings to the Council. Confirmation from the Corporate Accountancy Team is that the transfer of 310 1:1 weekly hours to the Community Based Care and Support hourly rate will offer approximately 40k savings for financial year 2016/17 (1st January to 31st March 2017). This will also produce a saving of 170k full year effect for financial year 2017/18 (based on 310 hours continuing to be commissioned for the full year).

The group activities transfer to the Buildings Based Day Care Spot Contract will continue at their same sessional rates from 1st January 2017 so cost neutral, however, they will be reviewed again as part of a separate activity when this Spot Contract is recommissioned as a Framework Agreement during 2017.

IMPLICATIONS FOR FUTURE YEARS:

None.

Signed:
Councillor Dawn Payne
Executive Member for Adult Social Services

Dated:

Reviewed:

Signed:
Gerald Hunt
Head of Commissioning, People and Communities

Dated:

Confirmation of advice given:

Signed:
Sheila Smith
Director, People and Communities

Dated: