
Decision Maker: Executive

With pre-decision scrutiny from Adult Care & Health Policy Development and Scrutiny Committee

Date: 29 June 2022

Decision Type: Non-Urgent Executive Key

Title: Learning Disability Short Breaks Gateway Report

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Ward: All

1. REASON FOR REPORT

- 1.1 The Council currently has a contract in place with Ambient Support to provide a bed-based short breaks (formerly referred to as respite) service for adults with a learning disability. The contract was awarded for a two-year period from 01/04/2021 to 31/03/2023 and, as the contract was awarded following a direct negotiated contract award process, there is no opportunity to extend. The current short breaks contract provides for 6 beds under a block arrangement at 118 Widmore Road at the cost detailed in the Part Two report, with up to 4 additional beds available for spot purchase.
- 1.2 Within the Gateway Report approved by the Leader in November 2020, members were advised that the future provision of short breaks for people with learning disabilities would be considered over the lifespan of the current contract and would include consultation in relation to any proposals made.
- 1.3 This report advises members on the outcomes of the consultation work to determine the future model for adult learning disability short break provision and seeks agreement to commence a tender process for the bed-based short breaks service and a day service at the same location.

2. RECOMMENDATION(S)

2.1 Adult Care and Health PDS is asked to note and comment on the contents of this report.

2.2 Executive is recommended to:

- i) Note the proposed changes to the provision of learning disability short breaks which will provide greater service user choice and control in regard to short breaks options.**
- ii) Agree the commencement of a tender process for the contract of a bed-based short breaks service for an initial period of 5 years, from 01/04/2023 to 31/03/2028, with the option to extend for a further period of 3 years from 1/4/2028 to 31/3/2031 at an estimated contract value as detailed in the Part Two report.**
- iii) Agree for the successful bidder to also provide day activities / short term short breaks at 118 Widmore Road on a spot purchase / direct payment basis whilst contracted to provide bed-based short breaks.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: To ensure the continued development and provision of statutory services to adults with learning disabilities living in Bromley.
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Corporate Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority:
(2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices. (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents
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Financial

1. Cost of proposal: Estimated Cost Please refer to the Part Two report.
 2. Ongoing costs: Recurring Cost Please refer to the Part Two report.
 3. Budget head/performance centre: Learning Disabilities
 4. Total current budget for this head: Please refer to the Part Two report.
 5. Source of funding: 2022/23 Existing Revenue Budget
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Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
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Procurement

1. Summary of Procurement Implications:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 70 - 100
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 In accordance with the Gateway Report approved by the Leader in November 2020, members were advised that the future provision of short breaks for people with learning disabilities would be reviewed over the lifespan of the current contract and this would include co-production with stakeholders prior to any proposals made. The review has now been completed with the outcomes and proposed changes to future short breaks provision detailed below.
- 3.2 It is proposed that the Council will continue to offer a bed-based service for emergency and planned short breaks provision. In addition, a menu of short breaks services will be developed which will allow service users, parents and carers more choice to reflect their needs.
- 3.3 The Council currently has a contract in place with Ambient Support to provide a bed-based short breaks service for adults with a learning disability at 118 Widmore Road. The contract was awarded for a two-year period from 01/04/2021 to 31/03/2023 via a direct negotiated contract award process and no extension is possible.
- 3.4 This report seeks Executive agreement to commence a tender process for a bed-based short breaks service and for the provision of a day service / short term short breaks service on the same site.
- 3.5 The recommendations in relation to short breaks are in alignment with the change outcomes approved by Executive in 2019 and reflect the vision set out in the Learning Disability Strategy:

“To enable people with Learning Disabilities to live the lives they want, as part of the community, with the right support, at the right time and from the right people”

- 3.6 The recommissioning of the bed based service at 118 Widmore Road will form part of the wider short break service change.

Short Breaks Service

- 3.7 The service review referenced at 3.1 above acknowledges the projected growth in the number of people with learning disabilities in Bromley and considers the impact on future service demand. Co-production has been undertaken with current and future service users to understand their views on the existing service and the service provision they would like in the future. Benchmarking with other councils identified areas of best practice and some types of service provision that had been less successful.
- 3.8 The co-production work identified several commissioning priorities in relation to the provision of short breaks:
- Developing a wider range of short break options for people to access
 - Ensuring service users are informed about what is available and providing them with choice
 - Provide greater flexibility in relation to the services provided at 118 Widmore Road
 - Continued engagement with stakeholders to inform the service model into the future so it can adapt to meet needs and latest developments
 - The continued provision of a bed – based service at 118 Widmore Road for people who benefit from and enjoy the service (Planned respite)
 - The continued provision of a bed – based service at 118 Widmore Road for emergency respite. Along with Bromley’s own experience, benchmarking with other councils identified

the importance of having locally available emergency respite in the event of a service breakdown or a family going into crisis (this type of provision can be particularly difficult to source at short notice).

- 3.9 The co-production and benchmarking work has highlighted the importance of continuing to provide the bed based short breaks facility at 118 Widmore Road in a revised form.

4 SUMMARY OF THE BUSINESS CASE

Service Profile / Data Analysis

- 4.1 The Council currently operates a 10-bed registered short breaks facility at 118 Widmore Road. It provides both planned and emergency short breaks with approximately 70 people using it for planned short breaks purposes. Carers of people with learning disabilities play a significant role in Bromley and the Council recognises the importance of supporting carers via the statutory provision of short breaks.
- 4.2 The current Ambient Support block contract provides 6 block beds at the cost detailed in the Part Two report with the option to spot procure up to 4 more.
- 4.3 In recent years the utilisation of the short breaks service at 118 Widmore Road has been low, particularly during Monday – Thursday and this has made the overall unit cost of provision more expensive; the situation has been compounded by younger service users not seeing 118 Widmore Road as somewhere they wanted to stay. As well as planned short breaks, 118 Widmore Road provides emergency short breaks in the event of service breakdown or a family carer going into crisis.
- 4.4 During the Covid-19 pandemic, 118 Widmore Road remained open for emergency short breaks but was unable to accommodate any planned short breaks. Since it fully re-opened on 15th August 2021, on average 3.9 beds have been filled. This can be broken down to 1.3 planned beds and 2.6 emergency beds per week. Pre-Pandemic, 118 Widmore Road was at capacity at the weekend and had low occupation during the week. Since 15th August 2021 demand is higher on Thursday-Saturday nights (4.2 beds filled on average) and less so on Sunday-Wednesday nights (3.7 beds filled on average). People have been cautious to return to the service since the Pandemic but usage is expected to increase.
- 4.5 In light of the utilisation of the block beds, it is proposed that 118 Widmore Road will also host a learning disability day service and a short term (meaning for a few hours) short breaks service to increase service user choice and make more efficient use of resources. The day service and short-term short breaks service will be available to adults with a learning disability on a spot basis or via direct payments. It will be open to those accessing short breaks and to adults with a learning disability in the community.
- 4.6 In accordance with the proposals detailed above, it is intended that the Council progresses to a mixed model of short breaks. Alternative short breaks options will be available on a spot contract basis or via direct payments in addition to the bed-based service.
- 4.7 Following the success of service users being able to choose their day activities from a brochure, a brochure of alternative short breaks options will be drafted to enable service users and their carers to understand the options available and decide how they will receive their short breaks, ideally using direct payments. Options would include:
- Stays with Shared Lives carers

- Care provided within the family home
- Holidays with specialised short breaks providers
- Day services elsewhere in the Borough
- Evening / weekend activities
- Out of borough short breaks providers.

4.8 The current short breaks service is registered with the Care Quality Commission and during the last inspection received a 'Good' rating. The service is also monitored by the Council's monitoring officers and Quality Checkers. The service is being delivered to the requirements stipulated in the Council's Quality Assurance Framework and commissioners hold regular contract management meetings with performance reviewed via Key Performance Indicators. The KPI's have been revised in consideration of the proposed service changes at 118 Widmore Road and are attached at Appendix 1.

4.9 The current service specification for 118 Widmore Road has been revised to include the requirement for the provider to operate a short term, short breaks service and a day service within the building. The new service specification recognises the outcomes from the co-production work and reflects the proposed changes to short breaks provision. The tender evaluation criteria are at Appendix 2 in Part Two of this report.

5. Options Appraisal

5.1 Option 1 – Extend the contract (Not recommended)

There is no formal extension option and following the direct negotiated process for this current contract it was agreed that a full tender process would be required for awarding a new contract.

5.2 Option 2 – Decommission the service (Not Recommended)

Not recommended as the services support the Council in carrying out its statutory duties under the Care Act. The Council would still have to meet the assessed need and as explained above, 118 Widmore Road is a key element in ensuring family carers are able to continue in their caring role. 118 Widmore also provides emergency residential short breaks in a crisis situation which is difficult to secure elsewhere.

5.3 Option 3 – Undertake a full competitive tender solely for Bed based short breaks – a direct replacement for the existing service (Not Recommended)

This Option is not recommended as co-production and benchmarking has highlighted the need to develop a menu of alternative short breaks options whilst retaining bed-based short breaks provision for the reasons detailed above.

5.4 Option 4 – Mixed future provision (Preferred Option)

5.5 Future provision would continue to be based upon people's needs and would follow a carer's assessment to determine eligibility. Those eligible for short breaks will then be able to choose which short breaks service best suits their need.

5.6 For people who wish for a non-bed-based short breaks service, they will have the option to receive a range of services from different providers. The services would either be spot purchased by the Council or ideally, service users will be supported to obtain direct payments and purchase services themselves; this is a similar approach to that taken with non-

complex day activities where a brochure of options and providers has been developed for people to choose from. Commissioners are engaging with the market to scope new providers as well as discussing opportunities with existing providers to further develop the current provision to meet this demand. As the provision will be spot purchased or purchased directly by people using direct payments, no procurement process is necessary and the commissioning emphasis will be upon attracting sufficient providers and services and ensuring ongoing quality.

- 5.7 For people requiring a bed-based service and to ensure ongoing availability of emergency short breaks provision, a full tender process will be undertaken to identify a suitable provider. This will be a competitive tender process, based upon a block contract to provide a set number of beds, with a spot price for additional beds / short term short breaks (such as drop-in for a few hours) and will include a day service on site. The Council will pay its usual spot price for day activities. The tender would:
- a) Be based upon the usual 60% price / 40% quality basis
 - b) Be let on the basis that the provider operates the service at 118 Widmore Road and they will enter into a lease with the Council at no cost to them; this lease will mirror the current arrangements with the Ambient Support contract.
- 5.8 The timeline for the tender is set out below at 9.8 and would commence immediately following Executive agreement.
- 5.9 As some service users are expected to opt for new, alternative short breaks options, tenderers will be asked to provide pricing for various numbers (3,4,5 and 6) of block beds. The Council will have the flexibility to reduce the number of beds within the contract going forward dependent on demand for new service options offered via the brochure and continued demand for bed-based short breaks.

PREFERRED OPTION

- 5.10 **Option 4, Mixed future provision with a full tender process to secure a bed-based provider is the preferred option.**
- 5.11 This option is preferred because it would enable the Council to progress the modernisation of short breaks services in accordance with the proposed enhancements to the service.
- 5.12 The bed-based service will be commissioned for a 5-year period with an option to extend for a further 3 years. The value of this contract is estimated to be at the amount stated in the Part Two report over the contract term (subject to inflation and service demand). Whilst the estimated amount is based upon the existing contract of 6 block beds, it is anticipated that some service users will opt for alternative short breaks provision. The block bed contract will be reduced in alignment with demand and the freed-up budget will be used to fund new community-based short breaks services. Please be advised that some service users are currently accessing non-bed-based short breaks via direct payments and the cost of these are already contained within existing direct payment budgets.
- 5.13 Please refer to the Part Two report.
- 5.14 In addition to providing a bed-based short breaks service at 118 Widmore Road, bidders will be required to submit proposals on how they will also provide day activities at the location. These day activities will be funded at the existing spot payment rate for day activities and will

not form part of the financial evaluation of the tender but a quality question (for day activity provision) will form part of the tender evaluation.

- 5.15 It will be a requirement for tenderers to provide short term short breaks of a few hours at 118 Widmore Road; this will enable carers to be able to go shopping or attend a hospital appointment etc. The short-term, short breaks will form part of the short breaks offer within the brochure and would be purchased via direct payments or the Council spot procuring on behalf of the service user.

6. MARKET CONSIDERATIONS

- 6.1 Initial market scoping suggests that there are a number of organisations who are interested in providing a bed-based short breaks service. Commissioners have also been in contact with a variety of providers who specialise in providing alternative types of short breaks to families of people with learning disabilities. These alternative short breaks options will be incorporated into a brochure (menu) of options that people may choose.

7. SOCIAL VALUE AND LOCAL / NATIONAL PRIORITIES

- 7.1 The continuation of a bed-based short breaks provision in-Borough at 118 Widmore Road provides economic and social value by employing local staff, accessing local amenities and sharing knowledge with other local learning disability services via the Learning Disability Partnership Board and Learning Disability Hub provider meetings.
- 7.2 The inclusion of a day service on site provides further choice for Bromley's adults with learning disabilities which is in line with the Learning Disability Strategy.

8. STAKEHOLDER ENGAGEMENT

- 8.1 Significant co-production went into the Learning Disability Strategy and the short breaks proposals set out in this paper. The Learning Disability Partnership Board meet once a quarter and oversee the delivery of the Learning Disability Strategy via a workgroup. The Learning Disability Partnership Board includes membership of service users and carers along with key voluntary sector providers and NHS representatives.
- 8.2 Co-production and engagement with stakeholders has informed the recommendation to progress Option 4 as detailed above.

9. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

9.1 Estimated Value of Proposed Action:

- 9.2 Based upon the existing contract value the bed-based short breaks contract is estimated to be at the amount detailed in the Part Two report over the 8-year contract period (subject to inflation, which will be stated as CPI, and service demand).
- 9.3 As part of the tender, bidders will be required to cost for a decreasing number of block beds. It is anticipated that as new alternative short breaks services are rolled out and service users

take these up, the number of block beds required will decrease and The Council will reduce the number of block beds (and associated costs) within the contract to fund the new, alternative provision.

- 9.4 Day activities and short-term short breaks at 118 Widmore Road will be funded outside of the block contract via direct payments or spot procurement arrangements.
- 9.5 A two-stage Restrictive Process will be used, with both stages running co-terminously. An indicative timetable is included below at 9.8. In order to progress to Stage 2, organisations must pass Stage 1. A minimum of 5 tenders will be taken through to Stage 2.

Other Associated Costs: None.

9.6 Proposed Contract Period:

9.7 The proposed contract period for bed-based short breaks and day service provision is 5 years with a 3-year extension option making 8 years in total. All other short breaks options will be procured on a spot basis or via direct payments.

9.8 The following table sets out the main tasks within the Project Plan:

Bed Based Short Breaks Workplan	Commencing	Completed
Specification Update	March 22	May 22
Tender Information	April 22	June 22
Obtain draft lease for tender spec.		June 22
PDS Review / Executive decision		June 22
Final sign off & review of tender documents		July 22
Tender Process	July 22	August 22
Evaluation & Provider Interviews		September 22
Moderation & Consensus		September 22
Executive decision on award		November 22
Standstill		December 22
Award		December 22
Mobilisation	January 23	March 23
Contract Start		April 23

10. IMPACT ASSESSMENTS

10.1 An Equality Impact Assessment in relation to this work has been undertaken.

11. POLICY CONSIDERATIONS

11.1 The Council's statutory duty under the Care Act 2014 includes consideration in relation to the procurement and delivery of these services.

The Care Act (2014) guidance states that:

Local authorities should consider the contract arrangements they make with providers to deliver services, including the range of block contracts, framework agreements, spot

contracting or 'any qualified provider' approaches, to ensure that the approaches chosen do not have negative impacts on the sustainability, sufficiency, quality, diversity and value for money of the market as a whole – the pool of providers able to deliver services of appropriate quality

- 11.2 The proposed arrangements in relation to future short breaks provision are in alignment with the ambitions set out in the Making Bromley Even Better (2021 to 2031) Corporate Strategy.

12. IT AND GDPR CONSIDERATIONS

- 12.1 In consultation with the Information Assurance Officer a Data Protection Impact Assessment will be carried out through all stages of any procurement. The contract will also require full compliance with GDPR legislation.

13. STRATEGIC PROPERTY

- 13.1 Engagement with Estates has commenced in relation to the future lease arrangements at 118 Widmore Road so that the Heads of Terms can be drafted and included within the specification. The lease arrangements for a new provider at 118 Widmore Road would mirror the arrangements currently in place with Ambient Support.

14. PROCUREMENT RULES

- 14.1 This report seeks approval to proceed to procurement for a bed-based short breaks service for adults with a learning disability for a period of five years with the option to extend for a further period of three years from 1st April 2023. The estimated annual value of the Service is detailed in the Part Two report.
- 14.2 This is an above threshold contract, covered by Schedule 3 of the Public Contracts Regulation 2015. A Restricted Process will be used and a timetable is included at Section 9 above.
- 14.3 The Council's specific requirements for authorising proceeding to procurement are covered in Rules 1 and 5 of the Council's Contract Procedure Rules, with the need to obtain the formal Approval of Executive following Agreement of the Portfolio Holder, Chief Officer, Assistant Director Governance & Contracts, the Director of Finance and Director of Corporate Services for a procurement of this value.
- 14.4 In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 14.5 In compliance with the Council's Contract Procedure Rules (Rule 3.6.1), this procurement must be carried out using the Council's e-procurement system.
- 14.6 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

15. FINANCIAL CONSIDERATIONS

- 15.1 Please refer to the Part Two report.

16. PERSONNEL CONSIDERATIONS

- 16.1 There are no personnel implications arising from this report, for any employees of the London Borough of Bromley.

17. LEGAL CONSIDERATIONS

- 17.1 The Council has the power to receive and spend any Government Grant as outlined in this Report. The Council also has various legal duties and powers for the provision of a bed-based short breaks Service for adults with a learning disability. This future model for an adult learning disability short breaks provision is generally echoed in the 'Making Bromley Even Better (2021-2031) Corporate Strategy. Indeed, this statutory duty is also emphasised under the 'Care Act 2014'. In furtherance of these powers, the Council has the legal power to enter into a Contract with Ambient Support and may also provide and commission through the contract, the services outlined in this report.
- 17.2 This Report seeks approval to proceed to procurement and for the commencement of a tender process for the bed-based short breaks Service and day Service at the same location. A restricted tender process will be undertaken. The Contract was awarded for a two year period from 01.04.21 till 31.03.23. The proposed Contract period is for an initial five year period commencing from 01.04.23 till 31.03.28 with the option to extend for a further three year period commencing from 01.04.28 till 31.03.31 (i.e over an eight year total period).
- 17.3 This is a public services Contract within the meaning of the Public Contracts Regulations 2015 whereby the value of the Contract is above the relevant threshold and falls within the services outlined in Schedule 3 of the Public Contracts Regulations (PCR's) 2015.
- 17.4 Under the Council's Contract Procedure Rules, the Councils requirement for Proceeding to Procurement is in accordance with CPR 1.3 where advice should be sought from the Procurement Team, Legal Services (Contracts) and the relevant Head of Finance for any procurement with a value of £5k or over. Advice should also be sought from Human Resources, Information Technology and Strategic Property as required. In addition, the formal advice of the Assistant Director of Governance and Contracts, the Director of Corporate Services and the Director of Finance must also be sought generally for a Contract where the total value exceeds £100k.
- 17.5 Furthermore, the agreement of the Budget Holder, Chief Officer, Assistant Director of Governance & Contracts, Assistant Director of Legal Services, Director of Finance, Portfolio Holder and approval of the Executive must also be sought for a Contract of this value. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 17.6 In accordance to 3.6.1 of the Council's Contract Procedure Rules, all Officers are required to make use of the Council's eProcurement System when carrying out any Contracting activity which has an estimated value of £5,000 and above, unless otherwise agreed with the Head of Procurement.
- 17.7 The Contract can be awarded in accordance with the Council's Contract Procedure Rules and the Public Procurement Regulations 2015. Officers should ensure they comply with any Grant conditions.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	

SHORT BREAKS KEY PERFORMANCE INDICATORS & TARGETS

Building Based Short Breaks KPI's

	KPI	Target	Monitoring Method
1	Every referral will be accepted by the Provider, as per the terms of the contract.	100% mandatory	Quarterly Contract monitoring report
2	Every referral to be assessed by the Provider	100% mandatory	Quarterly Contract monitoring report
3	% of Service Users with an up-to-date Service User centred support plan reflective of current needs and outcomes which is reviewed at least quarterly or following a serious incident	100% mandatory	Quarterly Contract monitoring report / Contract Compliance Visit (snapshot)
4	Services to deliver outcomes that enable Service Users to progress, to maintain, gain or regain independence or to access community support.	100%	Quarterly Contract monitoring report / Contract Compliance Visit (snapshot)
5	% of Service Users who are being supported with activities to keep service users active and well, maintaining physical and mental health	100%	Quarterly Contract monitoring report / Contract Compliance Visit (snapshot)
6	Service Users know how they are being supported	100%	Quarterly Contract monitoring report / Contract Compliance Visit (snapshot)
7	Carers are supported so they can balance their caring roles and maintain their desired quality of life.	100%	Quarterly Contract monitoring report
8	The proportion of carers who report that they have been included or consulted in discussions about the person they care for	100%	Quarterly Contract monitoring report
9	% of staff team to be permanent	80%	Quarterly Contract monitoring report

	KPI	Target	Monitoring Method
10	% of agency staff by hours per quarter	No more than 10% of establishment hours	Quarterly Contract monitoring report
11	% staff vacancies expressed as hours	<16%	Quarterly Contract monitoring report
12	% of staff receiving mandatory refresher training	95%	Contract compliance visit
13	% of appropriately trained and assessed as competent staff available to meet the health and medication needs of the Service Users, 24/7	100% of time	Contract compliance visit
14	That KPI scores in the Quality Assessment Framework (QAF) achieve at least Level B or above	100%	Contract compliance visit
15	Ensure that all safeguarding and serious incidents are reported in accordance with national and local guidance.	100% mandatory	Quarterly Contract monitoring report
16	Ensure that all safeguarding and serious incidents are reported within 24 hours to the Contract Monitoring Team	100% mandatory	Quarterly Contract monitoring report
17	Level of Service User their family and/or their representatives' satisfaction with the service as reflected in the Annual Survey. The survey to include section on 'What Works and Even Better If' to evidence service improvement linked to feedback	>90% satisfied	Contract monitoring report – annual survey
18	Communication passport in place and reviewed	100%	Quarterly Contract monitoring report / Contract Compliance Visit (snapshot)
19	Number of complaints resolved to the satisfaction of the complainant	95%	Quarterly Contract monitoring report
20	Compliance with Deprivation of Liberty guidance & Procedures/ Liberty Protection Safeguards (LPS)	100%	Contract compliance visit
21	A breakdown of the number and type (overnight/ day) of short breaks delivered, detailed by Service User.	N/A	Monthly update sent to commissioners
22	Monthly Newsletter sent to service users detailing the activities offered for the coming month.	100%	Monthly sent to commissioners

Contract Monitoring of Day Service

	Contract Monitoring Area	Monitoring Method
1	How the Service User has benefited from attending the Centre	Annual Contract monitoring report
2	Record of attendance at the Centre by the Service User	Annual Contract monitoring report
3	Number and types of complaints and how these were dealt with	Annual Contract monitoring report
4	Number of compliments received by the Centre	Annual Contract monitoring report
5	Training undertaken by staff	Annual Contract monitoring report
6	The range of activities undertaken by the Service User including the frequency and suitability	Annual Contract monitoring report