

BY SUBMITTING THIS REPORT TO THE CABINET OFFICE, I, Claire Marchant - Director of Social Services AM CONFIRMING THAT THE RELEVANT CABINET MEMBER(S) ARE BRIEFED ON THIS REPORT

**CARDIFF COUNCIL
CYNGOR CAERDYDD**

CABINET MEETING: 17TH SEPTEMBER 2020

EXTRA-CARE AND SUPPORTED LIVING SERVICES FOR OLDER PEOPLE AND ADULTS WITH DISABILITIES

SOCIAL CARE, HEALTH AND WELL-BEING (COUNCILLOR SUSAN ELSMORE)

AGENDA ITEM:7

Reason for this Report

1. To ensure that formal and appropriate contract arrangements for the recommissioning of the existing extra-care and supported living services for older people and vulnerable adults are in place for 1st April 2021.
2. To authorise the personal domiciliary care contractual arrangements for the provision of extra-care and supported living services for older people and adults with disabilities as set out in the proposed recommendations.
3. To delegate authority to the Assistant Director of Adult Services in consultation with the Cabinet Member (Social Care, Health and Well-Being), the Council's Section 151 Officer and the Council's Monitoring Officer, to determine all aspects of the procurement process and the supported living model (including approving the evaluation criteria to be used, and authorising the award of the contracts) and all ancillary matters pertaining to the procurement.

Background

4. Extra Care Housing is housing designed to meet the needs of older people, with varying levels of care and support available on site. People who live in Extra Care Housing have their own self-contained homes, their own front doors and a legal right to occupy the property. The support provider is different to the housing provider. If the support provider

changes, this does not affect the tenancy. Extra Care Housing is also known as very sheltered housing, assisted living, or simply as 'housing with care'. In addition to the communal facilities often found in sheltered housing (residents' lounge, guest suite, laundry), Extra Care often includes a restaurant or dining room, health & fitness facilities, hobby rooms and computer rooms.

5. Supported Living is a service designed to help people with a wide range of support needs retain their independence by being supported in their own home. People in supported living have their own tenancy, their own front door. The support provider is different to the housing provider. If the support provider changes, this does not affect the tenancy.
6. The landlords are the registered freeholders of the properties and agree to grant the Council nomination rights and other rights, such as rights of access to and from the properties as to facilitate the provision of personal domiciliary care services. This will be secured via a Management Agreement.
7. For the current provision and proposed recommissioning, the extra-care schemes are Llys Enfys and Plas Bryn.
 - Llys Enfys, in Llanishen, opened in 2010. It has 102 self-contained flats predominantly 2 bedrooms but with some 1 bedroom. 68 of the flats are available as part of the extra-care facility; 7 of which are for older people with memory loss or dementia and 8 are for young adults with disabilities. The landlord is Linc Cymru Housing Association. The remaining 34 flats are sheltered housing and are not part of these arrangements.
 - Plas Bryn, in Fairwater, opened in 2008. It has 40 self-contained flats either 1 or 2 bedrooms. All of the flats are available as part of the extra-care facility. The landlord is Linc Cymru Housing Association.
8. For the current provision and proposed recommissioning, the supported living schemes are Dol-Yr-Hafren and Cwrt Hir.
 - Dol-Yr-Hafren, in Trowbridge, opened in 2013. It has 15 self-contained 1 bedroom flats, of which one flat is used as respite provision. The landlord is Hafod Housing Association.
 - Cwrt Hir, in Trowbridge, opened in 2016. It has 13 self-contained 1 bedroom flats and 3 self-contained 1 bedroom bungalows. The landlord is Hafod Housing Association.
9. With regard to Llys Enfys and Plas Bryn Extra-care, the Director of Social Services authorised the award of the most recent Personal Domiciliary Care Services contract to the successful tenderers with contracts to commence on 12th December 2016. The contract was awarded for a fixed term of three years with the option to extend for a further period of up to

12 months. In December 2019, the option to extend the contract was taken up and authorised by the Assistant Director Social Services.

10. With regard to Dol Yr Hafren and Cwrt Hir Support Living Schemes, the Director of Social Services authorised the award of the most recent Personal Domiciliary Care Supported Living Service contract to the incumbent service provider. The contract was awarded for a fixed period of 1 year with the option to extend for a further period of up to 12 months. In December 2019, the option to extend the contract was taken up and authorised by the Assistant Director Social Services.
11. There is a current review of the service delivery and there is ongoing consultation and engagement to ensure people are satisfied with how their care and support needs are being met and a high quality provision is being delivered. The supported living and extra-care models of support are tailored to the needs, wishes and interests of individuals and in line with the requirements of the Social Services and Well Being (Wales) Act 2014.
12. The quality of delivered personal care is registered with, and regulated by, Care Inspectorate Wales (CIW). Social workers review care and support plans and the Contracts and Service Development Team monitor the quality of services and contract compliance.

The contract value for the domiciliary care element of the contracts currently amounts to circa £1.15m per annum.

13. Social Services statutory obligation is to meet eligible assessed need; how that need is met will be through a variety of means, to be determined by the individual, their family members and with the social worker. The aim is to enable people to remain as independent as possible, utilising a mix of dedicated care and support packages and support from universal services in their community.
14. The Council's value-based principles for supported living and extra-care are based on the principles of ensuring that there is an appropriate balance of arrangements, which offer greater choice and control of care and support for individuals as well as offering best value.
15. The Council's expenditure is significant, hence it is proposed to secure the future extra-care and supported living service via a tender/procurement process on the basis of the "most economically advantageous tender" (known as MEAT) using quality and price criteria.
16. It is proposed to issue a longer term contract to secure the outcomes for individuals as directed in the Social Services & Wellbeing Act (Wales) 2014. The benefits of a longer term contract will allow the market to be sustainable, to work in partnership with the Council and be creative in delivering a strengths based practice approach, focusing on well-being, assessment, care and support planning and reviews.

17. In the model of provision in the future, consideration to accommodate Respite service for older and vulnerable people and re-ablement is required.
18. The Directorate will continue to develop a sustainable extra-care and supported living model with an outcome-based service provision, offering individuals more choice, control and independence in their lives. The Directorate will work with care provider organisations to ensure this happens and to promote inclusion for individuals, their families and the market place.

Issues

19. The extensions to the contracts were put in place for 12/12/19 to 11/12/20. The contract terms do not allow for a further extension.
20. The Covid-19 situation delayed the setting up of a project group and the commencement of the procurement process to the point that there has not been sufficient time to complete a tender exercise and appoint a provider/s allowing for a period of transition.
21. One of the service providers indicated that it did not wish to continue providing the service beyond the end of the contract on 11/12/20. Discussions have taken place regarding them continuing to provide the service to 31/3/21 as due to the Covid-19 situation we were not able to secure another provider in time. Discussions have also taken place with the other service provider regarding them continuing to provide their contracted service to 31/3/21 for the same reason.
22. Recent Welsh Government regulation change and guidance in response to the Covid-19 situation allows some changes to contract and procurement rules.
23. Discussions are taking place between the current providers, the Council's Commissioning & Procurement section, Finance and Legal Services, regarding appropriate contractual arrangements to be put in place for the delivery of the services from 12th December 2020 to 31st March 2021.
24. Given the current and ongoing Covid-19 situation the market may not be focussed on acquiring new opportunities so there could be a limited response to our tender opportunity.
25. From 1 April 2016, the UK Government introduced a requirement for all employers to pay a mandatory National Living Wage (NLW) for workers aged 25 and above. The NLW increases since then have had a significant impact on the market and workforce. From 1 April 2020 the rate saw a rise from £8.21 to £8.72 per hour, an increase of 6.2 per cent. As a result, there is a potential for tender prices submitted by the market to be an increase on previous provision.

26. Similarly, in April 2018 the law changed with the introduction of the Regulation and Inspection of Social Care (Wales) Act 2016. This has had an impact on registration, training, and qualifications for the workforce.
27. There is the potential application of TUPE (the Transfer of Undertakings (Protection of Employment) regulations. These regulations provide protection for employees where the business in which they are engaged or service which they are performing is transferred to another party.

Consultation (where appropriate)

28. Delivery against the communication plan will ensure that all partners are informed of decisions and progress to manage anxiety and distress for people, their families and stakeholders.

Reason for Recommendations

29. To ensure that formal and appropriate contract arrangements for the provision of Extra – care and supported living services for older people and vulnerable adults by 1st April 2021.

Financial Implications

30. The report seeks approval for the recommissioning of extra-care and supported living services for older people and vulnerable adults from 1 April 2021. Changes since the contracts were last retendered could potentially result in a cost increase. However, the outcome of any procurement process cannot be predicted in advance and full financial implications will need to be quantified once the procurement exercise has been completed. The recommissioning process will be monitored as a potential consideration in the Council's Medium Term Financial Plan.
31. The report also outlines the need for an extension of contract arrangements in the current financial year. Any financial implications of this extension will need to be considered and agreed via the appropriate mechanisms, once the terms of the extension are finalised.

Legal Implications

32. The proposed recommendation is, to put it simply, ask Cabinet to approve the overarching approach to the recommissioning of the extra care and supported living services for older people and vulnerable adults and to delegate authority to the Assistant Director to determine and put in place the arrangements for recommissioning of such services.
33. Full legal advice should be sought on the proposals, the procurement process and in relation to the drafting of the draft terms and conditions of contract, as the same are developed.

TUPE

34. It is noted that currently the services are provided by an existing provider and accordingly, TUPE may apply to the award of the new contracts.

Equality Duty.

35. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of ‘protected characteristics’. The ‘Protected characteristics’ are: • Age • Gender reassignment • Sex • Race – including ethnic or national origin, colour or nationality • Disability • Pregnancy and maternity • Marriage and civil partnership • Sexual orientation • Religion or belief – including lack of belief.
36. The report identifies that an Equality Impact Assessment has been carried out and is attached as Appendix 1. The purpose of the Equality Impact Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty. The decision maker must have due regard to the Equality Impact Assessment that has been carried out in making its decision.
37. Where a decision is likely to result in a detrimental impact on any group sharing a Protected Characteristic, consideration must be given to possible ways to mitigate the harm. If the harm cannot be avoided, the decision maker must balance the detrimental impact against the strength of the legitimate public need to pursue the recommended approach. The decision maker must be satisfied that having regard to all the relevant circumstances and the public sector equality duties, that the proposals can be justified, and that all reasonable efforts have been made to mitigate the harm.

Social Services and Well Being (Wales) Act 2014

38. In considering this matter, the decision maker must have regard to the Council’s duties pursuant to the Social Services and Well Being (Wales) Act 2014. In brief the Act provides the legal framework for improving the well-being of people who need care and support and carers who need support and for transforming social services in Wales

Well Being of Future Generations (Wales) Act 2015

39. The Well-Being of Future Generations (Wales) Act 2015 (‘the Act’) places a ‘well-being duty’ on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient,

healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.

40. In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff's Corporate Plan 2019-22. When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
41. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
 - Look to the long term
 - Focus on prevention by understanding the root causes of problems
 - Deliver an integrated approach to achieving the 7 national well-being goals
 - Work in collaboration with others to find shared sustainable solutions
 - Involve people from all sections of the community in the decisions which affect them
42. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

General

43. The decision maker should also have regard to, when making its decision, to the Council's wider obligations under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.

HR Implications

44. There are no direct HR implications for this report. However there is the possibility of Transfer of Undertakings (Protection of Employment) Regulations applying between the outgoing and incoming contractors and in this case, the Council as the commissioner of the service will act

as a conduit for information in order for any bidders to be able to price in full knowledge of any TUPE requirements.

RECOMMENDATIONS

Cabinet is recommend to:

1. Agree the proposed overarching approach to the recommissioning of extra-care and supported living services for older people and vulnerable adults; and
2. Delegate authority to the Assistant Director of Social Services in consultation with the Cabinet Member (Social Care, Health and Well-Being), the Council's Section 151 Officer and the Council's Monitoring Officer, to determine all aspects of the procurement process (including approving the evaluation criteria to be used, commencement of the procurement process, the award of the contracts and all ancillary matters pertaining to the procurement).

SENIOR RESPONSIBLE OFFICER	Claire Marchant
	8 September 2020

The following appendix is attached:

Appendix 1 – Equality Impact Assessment

Appendix 2

EQUALITY IMPACT ASSESSMENT



Project Title: Extracare and Supported Living Service for Older People and Vulnerable Adults
New

Who is responsible for developing and implementing the Project?	
Name: Angela Bourge	Job Title: Operational Manager -Strategy, Performance and Resources
Central Business Support - Strategy, Performance & Resources	Service Area: Social Services
Assessment Date: 17/08/2020	

1. What are the objectives of the Policy / Strategy / Project / Procedure / Service / Function?

<p>The Extracare and Supported Living Services for Older People and vulnerable adults:</p> <ul style="list-style-type: none">• Is provided by the independent sector and includes both Domiciliary Care and Housing Related Support services.• Contracts are due to start on 1st April 2021.• Will continue to deliver an extracare and supported living model which is flexible and enables people in receipt of care and support to have choice and control over their own lives.• Will continue a supported living service which secures best value for money for the Council whilst providing a high quality of service for people in receipt of care and support.• Is in line with Social Service & Wellbeing Act (Wales) 2014 and the principles of Housing Related Support/ Supporting People.• Is in line with Well-Being of Future Generations (Wales) Act 2015:

2. Please provide background information on the Policy / Strategy / Project / Procedure / Service / Function and any research done [e.g. service users data against demographic statistics, similar EIAs done etc.]

<p>Background</p> <p>Extra Care Housing is housing designed generally with the needs of older people in mind and with varying levels of care and support available on site. People who live in Extra Care Housing have their own self-contained homes, their own front doors and a legal right to occupy the property. The support provider is different to the housing provider. If the support provider changes, this does not affect the tenancy. Extra Care Housing is also known as very sheltered housing, assisted living, or simply as 'housing with care'. In addition to the communal facilities often found in sheltered housing (residents' lounge, guest suite, laundry), Extra Care often includes a restaurant or dining room, health & fitness facilities, hobby rooms and computer rooms.</p> <p>Supported Living is a service designed to help people with a wide range of support needs retain</p>
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their independence by being supported in their own home. People in supported living have their own tenancy, their own front door. The support provider is different to the housing provider. If the support provider changes, this does not affect the tenancy.

Social Services statutory obligation is to meet eligible assessed need; how that need is met will be through a variety of means, to be determined by the individual, their family members and with the social worker. The aim is to enable people to remain as independent as possible, utilising a mix of dedicated care and support packages and support from universal services in their community.

The Council's value-based principles for supported living and extra-care are based on the principles of ensuring that there is an appropriate balance of arrangements, which offer greater choice and control of care and support for individuals as well as offering best value.

A further consideration for the service area is the number of people presenting with needs such as dementia.

The extracare and supported living model will have the following outcomes for people:

- A community based supported living model which supports a preventive and reablement agenda and the wellbeing initiatives as identified within Welsh Government policies and the Social Services and Wellbeing Act (Wales)2014
- People will be able to access a range of facilities which are based in and around their localities/neighbourhood communities
- There will be the opportunity for people to access facilities which reflect their particular interests and aspirations

3 Assess Impact on the Protected Characteristics

3.1 Age

Will this Project have a differential impact [positive / negative] on younger / older people?

	Yes	No	N/A
Up to 18 years			✓
18 - 65 years		✓	
Over 65 years		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

What action(s) can you take to address the differential impact?

3.2 Disability

Will this Project have a differential impact [positive / negative] on disabled people?

	Yes	No	N/A
Hearing Impairment		✓	

Physical Impairment		✓	
Visual Impairment		✓	
Learning Disability		✓	
Long-Standing Illness or Health Condition		✓	
Mental Health		✓	
Substance Misuse		✓	
Other			

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

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What action(s) can you take to address the differential impact?

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3.3 Gender Reassignment

Will this Project have a differential impact [positive / negative] on transgender people?

	Yes	No	N/A
Transgender People (People who are proposing to undergo, are undergoing, or have undergone a process [or part of a process] to reassign their sex by changing physiological or other attributes of sex)		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

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What action(s) can you take to address the differential impact?

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3.4. Marriage and Civil Partnership

Will this Project have a differential impact [positive / negative] on marriage and civil partnership?

	Yes	No	N/A
Marriage		✓	
Civil Partnership		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

What action(s) can you take to address the differential impact?
N/A

3.5 Pregnancy and Maternity

Will this Project have a differential impact [positive/negative] on pregnancy and maternity?

	Yes	No	N/A
Pregnancy		✓	
Maternity		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

What action(s) can you take to address the differential impact?

N/A

3.6 Race

Will this Project have a differential impact [positive / negative] on the following groups?

	Yes	No	N/A
White		✓	
Mixed / Multiple Ethnic Groups		✓	
Asian / Asian British		✓	
Black / African / Caribbean / Black British		✓	
Other Ethnic Groups		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

What action(s) can you take to address the differential impact?

3.7 Religion, Belief or Non-Belief

Will this Project have a differential impact [positive / negative] on people with different religions, beliefs or non-beliefs?

	Yes	No	N/A
Buddhist		✓	
Christian		✓	
Hindu		✓	
Humanist		✓	
Jewish		✓	
Muslim		✓	
Sikh		✓	
Other		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

What action(s) can you take to address the differential impact?
N/A

3.8 Sex

Will this Project have a differential impact [positive / negative] on men and/or women?

	Yes	No	N/A
Men		✓	
Women		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

What action(s) can you take to address the differential impact?
N/A

3.9 Sexual Orientation

Will this Policy / Strategy / Project / Procedure / Service / Function have a **differential impact** [positive / negative] on the following groups?

	Yes	No	N/A
Bisexual		✓	
Gay Men		✓	
Gay Women/Lesbians		✓	
Heterosexual/Straight		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

What action(s) can you take to address the differential impact?
N/A

3.10 Welsh Language

Will this Project have a differential impact [positive / negative] on Welsh Language?

	Yes	No	N/A
Welsh Language		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

What action(s) can you take to address the differential impact?
N/A

4. Consultation and Engagement

What arrangements have been made to consult/engage with the various Equalities Groups?

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5. Summary of Actions [Listed in the Sections above]

Groups	Actions
Age	
Disability	
Gender Reassignment	
Marriage & Civil Partnership	
Pregnancy & Maternity	
Race	
Religion/Belief	
Sex	
Sexual Orientation	
Welsh Language	
Generic Over-Arching [applicable to all the above groups]	<p>The contract monitoring, review and move-on procedures will continue to take into account the protected characteristics as part of the process.</p> <p>Expectations set out in a competitive procurement tender process from provider organisations include training on the protected characteristics for their staff to ensure that Care Support Plans and delivery of the Care Support Plans are able to meet the needs of each person particularly in relation to age, disability, gender reassignment, race, religion/belief or non-belief, sex, sexual orientation or the Welsh Language.</p> <p>People’s needs specific to the above characteristics would be identified in their support plans.</p>

6. Further Action

Any recommendations for action that you plan to take as a result of this Equality Impact Assessment (listed in Summary of Actions) should be included as part of your Service Area’s Business Plan to be monitored on a regular basis.

7. Authorisation

The Template should be completed by the Lead Officer of the identified Project and approved by the appropriate Manager in each Service Area.

Completed By :	17 th August 2020
Designation:	

Approved By: Amy Harmsworth	
Designation: Operational Manager – Commissioning	
Service Area: Social Services	

- 7.1 On completion of this Assessment, please ensure that the Form is posted on your Directorate’s Page on CIS - *Council Wide/Management Systems/Equality Impact Assessments* - so that there is a record of all assessments undertaken in the Council.

For further information or assistance, please contact the Citizen Focus Team on 029 2087 3059 or email citizenfocus@cardiff.gov.uk