

**Award contract for Carers Support Service**

Cabinet Member(s): Cllr William Wallace – Cabinet Member for Adults and Health Division and Local Member(s): All

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	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	15.02.17
	Monitoring Officer	Julian Gale	27.02.17
	Corporate Finance	Kevin Nacey	15.02.17
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	Property / Procurement / ICT	Richard Williams	15.02..17
	Senior Manager	Stephen Chandler	15.02.17
	Local Member(s)	All	N/A
	Cabinet Member	Cllr William Wallace	15.02.17
	Opposition Spokesperson	Cllr Jane Lock	15.02.17
	Relevant Scrutiny Chairman	Cllr Hazel Prior-Sankey	16.02.17
<b>Forward Plan Reference:</b>	FP/16/12/01		
<b>Summary:</b>	<p>This report gives information regarding the recommendation to award a contract for a new Carers Support Service.</p> <p>Carers have:</p> <ul style="list-style-type: none"> <li>• Reviewed existing services and told us what works well and what doesn't</li> <li>• Co-designed the new service</li> <li>• Set up a Carers Panel that worked with commissioners to develop the tender documentation and evaluate the bids</li> <li>• Developed a monitoring framework for Somerset's Commitment to Carers that will contribute towards monitoring the effectiveness of the new service going forward.</li> </ul> <p>Carers are a valued part of the community. The 2011 Census shows that there are approximately 6 million unpaid carers nationally. In Somerset, 58,000 have identified themselves as carers.</p> <p>The Carers' Support service is a universal service for unpaid carers and former carers in Somerset. A carer is anyone who helps another person, usually a relative or friend, in their day to day life.</p>		

Carers are a valued part of the community and Somerset County Council (SCC) and the NHS Somerset Clinical Commissioning Group (CCG) wish to support unpaid carers within their role and also former Carers by jointly commissioning a Carers Support Service as the needs of carers span across health and social care.

The aim of the Carers' Support Service will be to improve the quality of life for carers and former carers living in Somerset and work in partnership with others to ensure equality of access with a coordinated approach to service delivery that is outcome focussed.

The current contract for the Carers Support Service is due to expire on 30 September 2017. An extensive involvement and engagement programme was facilitated by Carers Voice Somerset to ensure that carers could work with Commissioners to review current arrangements. As a result of this involvement, Carers co-produced a new Carers Support Service which is to be commissioned from October 2017. A competitive procurement exercise has been undertaken.

Carers were invited to participate in the procurement process and a Carers Panel was established. The Carers Panel developed their own questions that were part of the tender documentation and also evaluated responses. Joint meetings were held with the Carers Panel and an Officer Panel to score the bids and subsequently determine the successful bidder. Tenders were evaluated on the basis of 60% Quality, 40% Price.

The report requests approval to award a contract for the new Carers Support Service from 1<sup>st</sup> October 2017 which have been tendered in accordance with contract standing orders and the Public Contract Regulations 2015. The contract award is recommended for 3 years with the option for the Council to agree two further periods of up to 12 months.

Bidder A has been selected as the preferred bidder following the outcome of the evaluation process. The report highlights the implications and risks of this decision. Details of the tendering process follows and the identity of the recommended organisation can be found in the confidential Tender Evaluation Report attached as Appendix A.

As the CCG will continue to provide 50% of the funding for the service, this decision report will also be presented to the CCG's Governing Body in March.

<p><b>Recommendations:</b></p>	<p>Following consideration of the officer report, the confidential appendix and the equalities impact assessment Cabinet:</p> <ol style="list-style-type: none"> <li><b>1. Endorses the procurement process and approves the selection of the service provider (Bidder A in Appendix A) to deliver the Carers Support Service from 1<sup>st</sup> October 2017 for three years with the option for the Council to agree two further periods of up to 12 months</b></li> <li><b>2. Agrees that Appendix A be treated as exempt information, and treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.</b></li> <li><b>3. Subject to the approval of recommendation 2 above, agree to exclude the press and public from the meeting where there is any discussion at the meeting regarding exempt or confidential information (appendix A) :</b></li> <li><b>4. Exclusion of the Press and Public To consider passing a resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to exclude the press and public from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:</b></li> </ol> <p><b>Reason: Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b></p>
<p><b>Reasons for Recommendations:</b></p>	<p>To approve the procurement process followed and the selection of Bidder A within Appendix A to deliver the Carers Support Service.</p> <p>Appendix A to this report contains commercially sensitive information relating to the contract and the Council's financial and business affairs. Officers recommend that this is treated as exempt information. "Exempt information" is defined by Section 100 of the Local Government Act 1972, by Schedule 12A to that Act.</p> <p>Further details are set out within this report.</p>

<p><b>Links to Priorities and Impact on Service Plans:</b></p>	<p><u>County Plan Priorities and Targets:</u></p> <p>Somerset is a safer and healthier place where:</p> <ul style="list-style-type: none"> <li>• Our most vulnerable people have the care they need and the choices they want. <ul style="list-style-type: none"> <li>○ Help vulnerable and elderly people stay in their own homes for longer.</li> </ul> </li> </ul> <p>Somerset is a place where people have the good quality services they need by:</p> <ul style="list-style-type: none"> <li>• Giving residents a voice and acting on what they say.</li> </ul> <p><u>Adult Social Care Commissioning Intentions 2015/16 – 2016/17</u></p> <ul style="list-style-type: none"> <li>• Key Activity 1: Providing high quality care and support in a range of settings including Care at Home, Extra Care Housing and Care Homes.</li> </ul> <p><u>Adult Social Care Market Position Statement 2014</u></p> <p>Develop the service of Extra Care Housing to create greater choice and control for its current tenants and to provide an enhanced level of care and support for those people considering residential care to meet their needs.</p> <p><u>Social Value Policy</u></p> <p>Commissioning and procurement practices and underlying principles of:</p> <ul style="list-style-type: none"> <li>• Sustainable Procurement.</li> <li>• Taking a value for money approach, rather than lowest cost, when assessing contracts.</li> <li>• Considering the most appropriate form of consultation, accounting for requirements of people and organisations being consulted, size of procurement, and likely impact of procurement. Including consulting supply markets, as appropriate, before formal procurement to develop robust and intelligent specifications</li> </ul>
<p><b>Consultations undertaken:</b></p>	<p>Somerset County Council and the CCG have been working with Carers Voice Somerset to produce Somerset’s Commitment to Carers. Carers Voice Somerset have facilitated discussions with carers who have set out within the document a number of priorities and outcomes that they want us to work towards to improve services for the future.</p> <p>Upon completion of this work, SCC working jointly with the CCG, have been reviewing the support service we currently commission through a Carers Support Services Review Board that was set up to oversee the work.</p>

	<p>An extensive engagement and involvement programme was facilitated by Carers Voice Somerset to enable carers, service providers, commissioners and County Councillors to work together to re-design the support service based on what carers have told us.</p> <p>A new service specification and procurement plan was agreed by the Board. The aim of the service is to identify carers, irrespective of age or need, early in their caring 'careers' in order to provide relevant advice, information and support to them in their caring role and to have a life outside of caring. Also to provide support to former carers following the end of their caring role.</p> <p>Supporting carers and former carers in this way helps to prevent them from reaching crisis point and the negative impacts on their physical and emotional wellbeing; as well as the cost of more expensive services to the public purse.</p>						
<p><b>Financial Implications:</b></p>	<p>The maximum annual budget for the contract is set at £400,000 (50% of this funding is provided by the CCG). This expenditure has been accounted in the forward budget and the CCG have also approved expenditure. Bidder A has priced below budget. The full detail is in Appendix A.</p>						
<p><b>Legal Implications:</b></p>	<p>A competitive OJEU tendering process was undertaken from July 2016. Care was taken to ensure all applicable procurement legislation was properly observed; and that UK regulations were fully complied with.</p> <p>The commissioning method followed a new light-touch set of procurement rules. There is no requirement to use the full EU procurement procedures. This gives commissioners more flexibility for the procurement although general principles of procurement law were still applied.</p> <p>The contract includes robust break clauses enabling rapid termination in the event of inadequate delivery.</p>						
<p><b>HR Implications:</b></p>	<p>There are no HR implications for SCC employees.</p>						
<p><b>Risk Implications:</b></p>	<p>There are risk implications in relation to ensuring sufficient continuity of existing carers' services after October 2017, including continuity of support for existing service users. This will be managed by a robust implementation plan review process.</p> <table border="1" data-bbox="513 1951 1465 1995"> <tr> <td>Likelihood</td> <td>2</td> <td>Impact</td> <td>4</td> <td>Risk Score</td> <td>8</td> </tr> </table>	Likelihood	2	Impact	4	Risk Score	8
Likelihood	2	Impact	4	Risk Score	8		
<p><b>Other Implications (including due regard</b></p>	<p>There are no specific equalities or wider social impact considerations as the re-commissioning of the carers support</p>						

<b>implications):</b>	service will build on and take into account existing arrangements.
<b>Scrutiny comments / recommendation (if any):</b>	Not applicable.

## 1. Background

- 1.1. The 2011 Census shows that there are approximately 6 million unpaid carers nationally. In Somerset, 58,000 have identified themselves as carers:-15,491 are 65 and over, 3,306 are 25 and under and it is estimated that more than a thousand are under the age of 16. 12,300 of those people provide more than 50 hours care a week and many will have long term health conditions themselves.
- 1.2. From 2013 to 2021 it is estimated there will be a 46% increase in those aged 90 and over from 6,700 to 9,900, many carers will have significant health issues themselves and will require a high level of support to continue with their caring role.
- 1.3. Somerset County Council jointly commissions a Carers Support Service with the CCG. This service aims to involve carers in identifying their needs, assisting them to continue with their caring role and ensuring their health and wellbeing outcomes are achieved. The current contract for the Carers Support Service is due to expire on 30 September 2017. Commissioners have undertaken a review of the current service and have been working with Somerset's CCG and Carers Voice Somerset to involve carers in this process. As a result of this involvement, a new Carers Support Service is to be commissioned from October 2017. A competitive procurement exercise was undertaken.
- 1.4. An extensive engagement and involvement programme was facilitated by Carers Voice Somerset to enable carers, service providers, commissioners and County Councillors to work together to re-design the support service based on what carers have told us. This work resulted in the production of Somerset's Commitment to Carers which Somerset County Council formally endorsed in 2016. The new service specification was designed using this feedback and the outcomes identified within the Commitment.
- 1.5. The new service was designed around an integrated model that will provide clearer support to carers and former carers in Somerset and better deliver the Council's statutory obligations under the Care Act and Children and Families Act. The new service will be a preventative service that will provide information, advice and support to improve wellbeing and reduce or delay the need for formal care and support services.
- 1.6. The service will have clear pathways to other service providers who support carers with more specific needs such as mental health, learning disabilities and children and young people. The provider will be required to work with these providers to ensure a joined up approach to meeting the needs of all carers in Somerset.
- 1.7. We will require the Service Provider to deliver a "one stop shop" approach to ensure that all carers in Somerset can receive the support they require, when they need it, via a single point of contact. There will be a focus on early

intervention and prevention and the service must help carers to support themselves and not create dependency on the service.

- 1.8. Commissioners from SCC and the CCG worked with a Carers Panel to design the tender process, including the quality questions. The Carers Panel also worked with Commissioners to evaluate the responses we received.

## **2. Options considered and reasons for rejecting them**

- 2.1. Withdrawing all funding and not re-commissioning the service would significantly undermine the County Council's early help and prevention agenda as well as its statutory requirements under the Care Act 2014 to support carers. This option would also create a significant risk to service delivery and service budgets, in particular social care and health, in the form of increased demand and greater intensity of presenting needs in the near future. It would also have an immediate and very significant negative impact on the exiting service users and their families as well as on the current service providers.
- 2.2. Re-commissioning a service through a competitive process has been preferred as this enables service continuity and to build on existing arrangements whilst contributing towards the delivery of Somerset's Commitment to Carers.

## **3. Background Papers**

- 3.1. Somerset's Commitment to Carers 2016

## Equality Impact Assessment Form and Action Table 2015

(Expand the boxes as appropriate, please see guidance ([www.somerset.gov.uk/impactassessment](http://www.somerset.gov.uk/impactassessment)) to assist with completion)

"I shall try to explain what "due regard" means and how the courts interpret it. The courts have made it clear that having due regard is **more than having a cursory glance** at a document before arriving at a preconceived conclusion. Due regard requires public authorities, in formulating a policy, to give equality considerations the weight which is **proportionate in the circumstances**, given the potential impact of the policy on equality. It is not a question of box-ticking; it requires the equality impact to be **considered rigorously and with an open mind.**"

**Baroness Thornton, March 2010**

**What are you completing the Impact Assessment on (which policy, service, MTFP reference, cluster etc)?**

Procuring a new Carers Support Service

**Version**

3

**Date**

28<sup>th</sup> February 2017

### **Section 1 – Description** of what is being impact assessed

Officers are requesting approval of a decision to award a contract for a new carers support service from October 2017. This impact assessment focusses on the effect(s) of this decision. The service will provide information, advice and signposting to unpaid carers in Somerset. This does not include the provision of statutory assessments.

### **Section 2A – People or communities that are targeted or could be affected** (taking particular note of the Protected Characteristic listed in action table)

Existing and potential users of the service who are unpaid carers in Somerset. Somerset County Council is re-commissioning the existing carers support service. This will ensure that the individuals receiving support from this service will continue to do so and that there will be improved outcomes for carers following the re-design of the service using direct feedback from carers, commissioners and providers. The new service will ensure that the authority continues to meet its statutory requirements under the Care Act 2014 and that will also seek to achieve outcomes within Somerset's Commitment to Carers 2016.

### **Section 2B – People who are delivering** the policy or service

It is probable that staff who are currently involved in the delivery of the current service will feel some anxiety about the negotiations and any changes that may follow from them. TUPE may apply. TUPE stands for the Transfer of Undertakings (Protection of Employment) Regulations 1981. The purpose of the Regulations is to protect employment rights when employees transfer from one business ("the transferor") to another ("the transferee"). Employees therefore have the legal right to transfer to the new employer on their existing terms and conditions of employment and with all their existing employment rights and liabilities intact (although there are special provisions dealing with old age pensions under occupational pension schemes). Effectively, the new employer steps into the shoes of the old employer and it is as though the employee's contract of employment was always made with the new employer. For this reason it is essential that employers know all about the employees they might inherit if they are planning to take over a contract or buy a business and that they make sure that the contract protects them from any employment liabilities which arose before they became the employer.



**Section 3 – Evidence and data** used for the assessment (Attach documents where appropriate)

Evidence of current service provision including data on numbers of referrals has been provided by the current service provider – refer to Compass Carers Report Q2 2016 (available upon request). This includes equality data on the current service users. Current data tells us that more women than men access the service. The needs of male carers can be different to those of female carers, many citing that men find it harder to ask for help and support and that balancing work and caring is challenging, particularly if they are the main earner. The majority of services users are between the ages of 40 to 79. Within the new service specification the provider will be required to develop innovative approaches to reaching more young adult carers as well as male carers. A copy of the report can be requested from the report author. Equality questions were built into the tender documentation and there are requirements within the service specification and contract for the provider to have policies that show compliance with the Equality Act 2010.

**Section 4 – Conclusions** drawn about the equalities impact (positive or negative) of the proposed change or new service/policy (Please use **prompt sheet** in the guidance for help with what to consider):

Within the new service specification and contract, the service provider will be required to not discriminate against anyone accessing the service; the provider will be expected to have a strong equal opportunities policy and collect equality monitoring data to prove its policy is supported by good practice. Any information it provides will be accessible, free from prejudice and must promote an equality of opportunity.

Carers were very much involved in reviewing the existing service and providing information on what works well and what needed improving. All of this information was used to develop the service specification that will better meet the needs of carers now and into the future. The new specification seeks to address the issues raised by carers whilst building on what already works well. We will specifically ask the provider to find ways of reaching more young adult carers, former carers and male carers.



	Operational commissioning of the service will ensure that the service is being delivered according to the services specification and quality standards and will take account of customer feedback.	Rachael Pringle October 2017	Ongoing contract management and operational commissioning People with disabilities receive a service that recognises and responds to the full range of their presenting needs.
<b>Gender Reassignment</b>			
It is very important that the specification does not discriminate against those who have undergone gender reassignment who currently use the service or may wish to use it in the future.	The specification will reflect and respond to the full range of needs of people irrelevant of their gender and will protect people from discrimination under the Equality Act.  Operational commissioning of the service will ensure that the service is being delivered according to the services specification and quality standards and will take account of customer feedback.	Carers Services Review Board September 2016 (completed)  Rachael Pringle October 2017	Contract award report.  Ongoing contract management and operational commissioning People with not be discriminated against as a result of their gender.
<b>Marriage and Civil Partnership</b>			
It is very important that the specification does not discriminate against those who are married or who are in a civil partnership. Those in civil partnerships will be treated the same as those in a marriage.	The specification will reflect and respond to the full range of needs of people irrelevant of their status and will protect people from discrimination under the Equality Act.  Operational commissioning of the service will ensure that the service is being delivered according to the services specification and quality standards and will take account of customer feedback.	Carers Services Review Board September 2016 (completed)  Rachael Pringle October 2017	Contract award report.  Ongoing contract management and operational commissioning People with not be discriminated against as a result of their status.

<b>Pregnancy and Maternity</b>			
It is very important that the specification does not discriminate against those who are pregnant, who use the service or who wish to use it in the future.	<p>The specification will reflect and respond to the full range of needs of people and will protect people from discrimination under the Equality Act.</p> <p>Operational commissioning of the service will ensure that the service is being delivered according to the services specification and quality standards and will take account of customer feedback.</p>	<p>Carers Services Review Board September 2016 (completed)</p> <p>Rachael Pringle October 2017</p>	<p>Contract award report.</p> <p>Ongoing contract management and operational commissioning People with not be discriminated against as a result of their status.</p>
<b>Race (including ethnicity or national origin, colour, nationality and Gypsies and Travellers)</b>			
It is very important that the specification reflects the particular needs of carers from all backgrounds who currently use the service or may wish to use it in the future.	<p>The specification will reflect and respond to the full range of needs of carers irrelevant of their race and background.</p> <p>Operational commissioning of the service will ensure that the service is being delivered according to the services specification and quality standards and will take account of customer feedback.</p>	<p>Carers Services Review Board September 2016 (completed)</p> <p>Rachael Pringle October 2017</p>	<p>Contract award report.</p> <p>Ongoing contract management and operational commissioning People with not be discriminated against as a result of their status</p>
<b>Religion and Belief</b>			
It is very important that the specification reflects the particular needs of carers irrelevant of their religions and beliefs who currently use the service or may wish to use it in the future.	<p>The specification will reflect and respond to the full range of needs of carers irrelevant of their religion or beliefs.</p>	<p>Carers Services Review Board September 2016 (completed)</p>	<p>Contract award report.</p> <p>Ongoing contract management and operational commissioning People with not be discriminated against as a result of their status</p>

	Operational commissioning of the service will ensure that the service is being delivered according to the services specification and quality standards and will take account of customer feedback.	Rachael Pringle October 2017	
<b>Sex</b>			
It is very important that the specification reflects the particular needs of carers irrelevant of their sex who currently use the service or may wish to use it in the future.	<p>The specification will reflect and respond to the full range of needs of carers irrelevant of their sex. It will also require the service provider to focus specifically on reaching more male carers.</p> <p>Operational commissioning of the service will ensure that the service is being delivered according to the services specification and quality standards and will take account of customer feedback.</p>	<p>Carers Services Review Board September 2016 (completed)</p> <p>Rachael Pringle October 2017</p>	<p>Contract award report.</p> <p>Ongoing contract management and operational commissioning People with not be discriminated against as a result of their status</p>
<b>Sexual Orientation</b>			
It is very important that the specification reflects the particular needs of carers irrelevant of their sexual orientation who currently use the service or may wish to use it in the future.	<p>The specification will reflect and respond to the full range of needs of carers irrelevant of their sexual orientation.</p> <p>Operational commissioning of the service will ensure that the service is being delivered according to the services specification and quality standards and will take account of customer feedback.</p>	<p>Carers Services Review Board September 2016 (completed)</p> <p>Rachael Pringle October 2017</p>	<p>Contract award report.</p> <p>Ongoing contract management and operational commissioning People with not be discriminated against as a result of their status</p>
<b>Other (including caring responsibilities, rurality, low income, Military Status etc)</b>			

**Section 6** - How will the assessment, consultation and outcomes be published and communicated? E.g. reflected in final strategy, published. What steps are in place to review the Impact Assessment

The final assessment and outcomes of the tender process will be communicated through Pro Contract to potential bidders. The implementation of the new service will be monitored closely by Commissioners and operational staff.

<b>Completed by:</b>	Vicky Chipchase
<b>Date</b>	27 <sup>th</sup> February 2017
<b>Signed off by:</b>	Tom Rutland
<b>Date</b>	28 <sup>th</sup> February 2017
<b>Compliance sign off Date</b>	28 <sup>th</sup> February 2017
<b>To be reviewed by: (officer name)</b>	Vicky Chipchase
<b>Review date:</b>	28 <sup>th</sup> February 2018