

**Decision Report - Executive Decision**

Forward Plan Reference: FP/23/04/07

Decision Date – 4 October 2023

Key Decision – Yes

**My Life, My Future**

Executive Member(s): Lead Member for Adult Services

Local Member(s) and Division: All

Lead Officer: Mel Lock, Executive Director, Adults Services

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Contact Details: [bryn.higgott@somerset.gov.uk](mailto:bryn.higgott@somerset.gov.uk)**Summary / Background**

1. The Executive on Wednesday 7 June 2023 at County Hall, Taunton, approved outline terms to enable the Council to enter into a contract for savings within Adults and Health Services and to proceed to enter into a contract.
2. Since the report date progress has been made, in consultation with the supplier, on tailoring the contract originally explored. The summary of the legal position and commercial implications are detailed in the Confidential Appendix.
3. The savings targets remain as originally outlined with a tapered guarantee if not met.
4. Changes have been applied as detailed in the Confidential Appendix.

**Recommendations**

3. The Lead Member for Adult Services agrees
  - a. To note the changes in the terms and conditions,
  - b. To authorise the Executive Director Adult Services to take all necessary steps, in consultation with the Head of Legal Services, and the Council's S151 Officer to approve the contract, sign, and implement the provisions as soon as reasonably practicable.
  - c. To agree the case for exempt information for the Confidential Appendix to be treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.

Note – the Leader of the Council and Lead Member for Governance and Communications & the Chair, Scrutiny Committee – Adults and Health have agreed the use of special urgency to consider the decision recommendations and the use of urgency to enable the immediate implementation of the decision.

### **Reasons for recommendations**

4. This paper updates the Executive on progress and material points of the contract to enable a commencement date operation of 5 October 2023.
5. There is a Confidential Appendix which contains both sensitive commercial information and confidential legal advice given by Council Officers since the Executive decision on the 7 June 2023. It has been shared with and has the support of the Monitoring Officer. It has not been made public and should be regarded as strictly Private and Confidential to Members and Officers entitled to receive it.

### **Links to Council Plan and Medium-Term Financial Plan**

6. Report to Executive on the 7 June 2023 and approved.

### **Legal Implications**

7. As set out in the Confidential Appendix.

### **HR Implications**

8. None

### **Other Implications:**

9. None

### **Equalities Implications**

10. Remain unchanged since Executive on the 7 June 2023:

1. The council's lead equalities officer, consulted as part of this proposal, has confirmed that an Equalities Impact Assessment is not yet required for the purposes of this paper. This is because this paper is proposing an approach to implementing a list of potential opportunities that will not see a reduction or removal of existing service. Detail of how these opportunities will be taken forward into changes that will be implemented on the ground will come out of the design and testing phase of each workstream. Before implementation these will require standalone decisions and considerations of due regard
2. It is therefore proposed that an approach to ensuring due regard for protected groups should be woven into the design and testing stages of each workstream. This standardised approach to equalities will be taken across the implementation of the programme, and will include:
  - Somerset Equalities Awareness training for all members of the programme team including Newton Europe staff.

- An initial consideration of equalities impacts through the design phases of each workstream. The testing phase will then be used to monitor and evaluate these identified impacts and actions to mitigate them.
- Equalities Impact Assessment completed at the end of this phase for each workstream progressing to implementation, which should be signed off by the programme board.
- Recognising that the due regard legislation is non-transferable the role and responsibility for equalities will sit with the Somerset Council staff member (sponsor) who is responsible for each workstream.
- An ongoing consideration review of potential impacts on staff will be maintained through the implementation phase to make sure they can inform any permanent implementation.

### **Community Safety Implications**

11. Remain unchanged since Executive on the 7 June 2023:

- Positive impact upon quality of life and wellbeing of individuals whose care and support is improved because of this work.
- No other community safety implications identified.

### **Climate Change and Sustainability Implications**

12. Remain unchanged since Executive on the 7 June 2023:

- Where possible adults services endeavours to meet local needs locally and the transformation taken forward as a result of these opportunities will maintain this principle. This is supported by a move to more localised operational teams which the opportunities for improvements will be built around.
- Provision of appropriate and sustainable housing is also at the heart of making sure people get the right care in the right place at the right time. This element will feature particularly in the improvements for working aged adults that come out of this work.

### **Health and Safety Implications**

13. Remain unchanged since Executive on the 7 June 2023:

### **Health and Wellbeing Implications**

14. Remain unchanged since Executive on the 7 June 2023:

- From the Health and Wellbeing Strategy the proposal has:
  - significant positive impacts on health and wellbeing
  - significant positive impacts on preventing ill-health (physical and mental health)
  - significant positive impacts on reducing health and social inequalities.
- Significant improvements will be seen for elderly people who would benefit from being able to access more better quality reablement to maintain their independence at home for longer. Similarly for people with learning disabilities or physical disabilities, the enabling workstream will increase the number of working age adults living independently in their community. For children

transitioning into adults services, we also expect to see an improvement in their options for independence.

### Social Value

15. Remain unchanged since Executive on the 7 June 2023:

- No implications

### Scrutiny comments / recommendations:

16. The proposed decision and information set out herein has not been considered by a Scrutiny Committee.

### Background

17. This report updates on progress following constructive engagement with the supplier. The earlier report having indicated at paragraph 34: *'such engagement would enable a view on a draft contract so that any early implications can be understood for the purposes of this key decision'*. Some changes to the contract terms are material and depart from a strict interpretation of the application of the Council's contract procedure rules.

### Background Papers

18. Report to Executive on 7 June 2023

### Appendices:

Confidential Appendix

### Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	20/09/2023
Communications	Peter Elliot	20/09/2023
Finance & Procurement	Nicola Hix	11/09/2023
Workforce	Alyn Jones	18/09/2023
Asset Management	Oliver Woodhams	25/09/2023
Executive Director / Senior Manager	Mel Lock	03/10/2023
Strategy & Performance	Alyn Jones	18/09/2023
Executive Lead Member	Cllr Dean Ruddle	04/10/2023
<b>Consulted:</b>	<b>Councillor Name</b>	
Local Division Members	N/A	
Opposition Spokesperson	Cllr David Fothergill	27/09/2023
Opposition Lead Member	Cllr Sue Osborne	27/09/2023
Scrutiny Chair	Cllr Gill Slocombe	28/09/2023