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|  | <p style="text-align: center;">CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT</p> |
| <p style="text-align: center;">Title</p> | <p>Day Opportunities & Employment Services: - Extension to Day Opportunities services (Lots 4,5 and 6)</p> |
| <p style="text-align: center;">Report of</p> | <p>Executive Director, Adults and Health</p> |
| <p style="text-align: center;">Wards</p> | <p>All</p> |
| <p style="text-align: center;">Status</p> | <p>Public</p> |
| <p style="text-align: center;">Enclosures</p> | <p>None</p> |
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Summary

The London Borough of Barnet (LBB) commissioned a new model for Employment Support and Day Opportunities which commenced on 1st November 2017; the contract term is for 3 years ending 31 October 2020, with the option to extend by a further year until 31 October 2021.

The Policy and Resources Committee agreed the Annual Procurement Forward Plan 2020/21 on 6th January 2020 which included authorisation for Adults and Communities to extend the Employment & Day Opportunities contract for one year.

The contract is split into 6 Lots as follows:

- Lots 1, 2 and 3 provide a range of employment support services
- Lots 4, 5 and 6 provide a range of day opportunities services.

The Contract is based on an 'Approved List' of suppliers. The Council purchases services from the Suppliers on an "as an when required" basis and is subject to a competitive 'Call Off' process between Suppliers to each Lot as set within the terms of the Contract and internal Council approval processes as required by Barnet Council's Contract Procedure Rules.

Since the introduction of the model in 2017 the employment and day opportunities offer has been underutilised. This has been due to a combination of factors ranging from delays in full mobilisation of the service to lack of use of the service following its mobilisation.

Additionally, in terms of more recent developments, Covid-19 has presented a number of challenges both nationally and locally. There has been a significant downturn and change in the economy. There are potentially radical changes in sectors which have traditionally provided opportunities for people with disabilities and social care and support needs. Considering the on-going uncertainty around unemployment it is recommended that the employment lots are not extended and that work with our providers and the wider sector proceeds to develop an employment model (including training, apprenticeships and skills development). This activity will take place over the next 6 to 8 months.

Given these challenges, particularly around employment, the Council will not extend Employment support services lots (lots 1,2 and 3) after its expiry date on 31 October 2020.

This Delegated Powers Report seeks authorisation to: -

1. Extend the Day Opportunities lots (lots 4, 5 and 6) within the framework for a further 12 months, from 1 November 2020 to 31 October 2021. The estimated contract value is £453,750

Decisions

1. To extend the Day Opportunities lots (lots 4, 5 and 6) within the Approved List for a further 12 months, from 1 November 2020 to 31 October 2021. The estimated contract value is £453,750

1. WHY THIS REPORT IS NEEDED

- 1.1 The Policy and Resources Committee agreed the Annual Procurement Forward Plan 2020/21 on 6th January 2020 which included authorisation for Adults and Communities to extend the Employment and Day Opportunities contract for one year.
- 1.2 The London Borough of Barnet (LBB) approved the original contract award in September 2017 for a period of three years with the option to extend for a further year.

- 1.3 The Employment & Day Opportunities contract started on 1 November 2017 and is due to end on 31 October 2020. The contract includes the option to extend by a further year.
- 1.4 The Contract is based on an 'Approved List' of suppliers. The Council purchases services from the Suppliers on an "as an when required" basis and is subject to a competitive 'Call Off' process between Suppliers to each Lot as set within the terms of the Contract and internal Council approval processes as required by Barnet Council's Contract Procedure Rules
- 1.5 The Employment Services lots (lots 1,2 and 3) will come to a natural end upon its expiry date of 31 October 2020.
- 1.6 This Delegated Powers Report is required to authorise the extension of the Day Opportunities lots (lots 4,5 and 6) for one year, until 31 October 2021.
- 1.7 By way of policy background to the original procurement and contract award;
 - a) The Adults Safeguarding Committee of 19 March 2015 approved the 2015-20 Adults and Safeguarding Committee Plan, which set outs the Councils aim to increase the number of those people with learning disabilities and mental health conditions who are in employment.
 - b) The Adults Safeguarding Committee of 6 March 2017 approved the 2017/18 addendum to the 2015-2020 Adults and Safeguarding Commissioning Plan, which sets out a key priority for the Council to transform day care provision to ensure that people remain active and engaged through access to employment and volunteering.
 - c) The Adult and Safeguarding Committee of 12 June 2017 approved Barnet's My Time My Choice Commissioning Plan for Day Opportunities and Employment Support for working age adult social care service users, set out that the Council would commission a range of new day opportunity and employment services and extend the number of Providers available to Barnet's social care clients, with the intention of significantly extending the choice of services available.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Employment Support and Day Opportunities original offer was designed in response to funding pressures, providing a brand-new framework that was intended to enable people to buy packages of hourly support from an approved provider list split into six lots.
- 2.2 However, since the introduction of the model in 2017 the employment and day opportunities offer has been underutilised. This has been due to a combination of factors ranging from delays in full mobilisation of the service to lack of use of the service following its mobilisation. Key challenges which have affected the use of the offer are provided in Table 1 below.

Table 1: Key challenges for the current Employment and Day Opportunities Framework

| Source | Key Challenge | Mitigation | Outcomes |
|--------------------|--|--|--|
| Brokerage | <p>Issues with Mosaic</p> <ul style="list-style-type: none"> - The official start date for the service was November 2017 however issues getting the framework onto Mosaic delayed this. | <p>After several communication and service design issues, the service was built into Mosaic in January 2019.</p> | <p>Referrals eventually came through to brokerage in August 2019. However, to date there have only been three referrals for an employment service so far.</p> |
| Staff | <p>Unclear pathway</p> <ul style="list-style-type: none"> - Delays arising from the technical issues with Mosaic meant that limited engagement with staff regarding the offer could occur. | <p>The learning disability prototype group was convened in August 2018 and originally met every eight weeks to discuss progress</p> <p>A mental health steering group was also set up. Both groups agreed the pathway for referrals and the offer was clearly communicated to staff.</p> | <p>The three referrals to the service so far have come from the LD team where there is a better understanding of the pathway.</p> <p>Further engagement with the MH team in 2020 should lead to the identification of suitable people for the offer – it is suggested that initially the focus cohorts for the offer are those being supported by the CMHT's or IET.</p> |
| Approved Providers | <p>Lack of engagement</p> <ul style="list-style-type: none"> - Due to the delays to the service going live, providers have been left behind and have had little engagement since signing the contracts two years ago <p>Lack of referrals</p> <ul style="list-style-type: none"> - Issues arise from | <p>Invoicing information, referral processes and updates about the lots were sent out to all employment providers in March 2019. The first referrals through brokerage were sent to providers in August 2019.</p> <p>Engagement was completed with MH AP's in August</p> | <p>For the 3 referrals received to date YCB and Mencap have responded,</p> <p>However, for the model to be fully tested it will be key that practitioners are able to identify suitable individuals for the offer and funding agreed via</p> |

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| | Mosaic and staff engagement have reduced the number of referrals through the framework which is also having an impact on provider engagement | 2019. | panel post this to allow referrals to go out to the AP's sending out a message that the offer is mobilised and will be sustainable for them to deliver. |
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2.3 While Barnet has faced several challenges with this framework, nationally there is recognition that it is difficult to quantify the relationship between investment and outcomes in relation to employment for disabled people. Research carried out by the National Development Team for Inclusion (NDTI)¹ concludes that:

- There is a significant difference between the cost of employment services versus costs per job outcome achieved and this is not necessary linked to factors such as complexity of people's disability or size of service but rather attributed to (1) the service model being used (the right model and (2) organisational/strategic actions taken (right conditions)
- Investment in employment support could be used to deliver much higher numbers of new or retained jobs for disabled people at significantly lower average costs than is presently being achieved. This could be done by working to evidence-based models – Individual Placement & Support for people with mental health problems, and Supported Employment for people with learning disabilities and autism.

2.4 Post Covid-19 Challenges

Covid-19 has presented a number of challenges both nationally and locally. There has been a significant downturn and change in the economic climate, businesses are still in recovery and there is likely to be an increase in unemployment with no certainty around when and how this situation will be improved. In addition, there are potentially radical changes in sectors which have traditionally provided opportunities for people with disabilities and social care and support needs. Considering the on-going uncertainty around unemployment it is felt that in Barnet we should use this period as an opportunity to take stock of our local position and work with our providers to develop an employment model (including training, apprenticeships and skills development) over the next 6 to 8 months which is fit for the current climate. This will include an agreed approach with providers on the offer post Covid-19 recognising the likely shift in the employment opportunities available and possible changes to the demand for day services.

¹ NDTI Insights 20 – Employment support for disabled people – the relationship between investment and outcomes, April 2014

2.5 The rationale for proposing the changes recommended are based on the following considerations:

- Opportunities to work with Providers on the existing framework for the Employment lots who may be willing to work with us to develop the future model and they may offer services in the meantime which people can continue to access
- The recommended approach allows Barnet to continue the much-needed Day Opportunities services whilst refocussing on Employment, therefore best use of resources
- Existing providers have been vetted and are experienced in the provision of this service
- Ensures that a continued support offer for day opportunities to people with people learning disabilities, mental health and autism is in place
- Continuation of service for residents with no/minimal disruption
- Initial model already in place with established links with partners allowing greater opportunity to strengthen the offer
- Opportunity to understand from providers what their approach will be to their employment services offer; this information can be publicised via the Barnet website
- Re-engage staff by equipping them with the right information so that the current offer about employment and day opportunities is clear
- Establish a continuous feedback loop with staff to improve the service in line with feedback and inform future commissioning intentions
- Work with Panel to introduce day opportunities as an option on assessment forms so that this is at the forefront of frontline workers' minds when they complete their assessments
- Increased satisfaction amongst residents and/ or their families/carers through streamlined offer
- Opportunity to improve outcomes for people
- Scope opportunities for alternative models to deliver the service.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The following options were considered to inform commissioning intentions and discounted following a strengths, weakness, opportunities and threats analysis (SWOT):

- Re-procure the service – go out to tender. This option was not recommended as it was evaluated as having a negative consequence, for example; there is not enough information available about what may / may not work in Barnet. Given the lack of information about the current service, it would be difficult to scope options for a new service; may lead to an increase in resident dissatisfaction; risk of reputational damage; loss of goodwill from current providers and staff (front line workers).
- Do nothing - service is not re-commissioned. This option was not recommended as it was evaluated as having a negative consequence, for example; there are no

equivalent / appropriate support for people with mental health, learning disabilities and autism in Barnet; risk of de-stabilising residents and providers; negative impact on service user outcomes; not compliant with national policy; increase in resident dissatisfaction; risk of reputational damage

4. POST DECISION IMPLEMENTATION

- 4.1 If the decision recommended in this Report is approved, the providers for the Day Opportunities lots (lots 4,5 and 6) will be formally notified of the Council's intention to extend the Day Opportunities lots for one year and those providers will be asked to confirm their interest in continuing to work with the Council for the provision of those services.
- 4.2 Communications will be circulated to any service users, carers, stakeholders and the wider public and appropriate arrangements will be made accordingly for any existing service users.
- 4.3 The Council will work closely with Providers as part of the exit and transition planning process.
- 4.4 The Council is intending to re-procure the Employment & Day Opportunities contract in the future and will commence initial work around this during 2020/21 to ensure that the provision of these services is in place following the end date of the current contract extension.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Council's Corporate Plan (Barnet 2024) strategic objectives are that the Council, working with local, regional and national partners, will strive to ensure that Barnet is the place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer.

Enacting the proposed changes as contained within this Delegated Powers Report will ensure that this contract supports the Council in meeting these objectives.

- 5.1.2 Barnet's Joint Health and Wellbeing Strategy (2015–2020) includes the overarching aims of "Keeping Well" and "Promoting Independence". The Day Opportunities contract clearly supports the Health and Wellbeing Strategy.
- 5.1.3 This Contract forms part of the Council's statutory duties under the Care Act 2014.
- 5.1.4 The Contract with the Providers will be robustly monitored and reviewed including their performance through key performance measures and outcome indicators.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The estimated contract value of the Day Opportunities contract (lots 4, 5 and 6) for the one-year extension is £453,750.
- 5.2.2 Diversification of the Day Opportunities Services is anticipated to deliver savings because there are a range of services and a greater choice of Providers will be available to help progress people to greater independence, to avoid the need for more acute services and avoid crisis.
- 5.2.3 The services provide a greater choice of person-centred options enabling service users to develop their resilience and their independence and should reduce the need for more intensive and high cost interventions avoiding people unnecessarily escalating to higher dependency services.
- 5.2.4 Regular financial monitoring forms part of the contract, as does working within the ethos of continuous service improvement. Provider's will be required to evidence key performance indicators that will form part of performance monitoring and contract monitoring which will take place on a quarterly basis.
- 5.2.5 There are no TUPE implications associated with this contract or approach.
- 5.2.6 There are no staffing or IT implications

5.3 Social Value

- 5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders. There is no definitive list of what those improvements could be. The Act is deliberately flexible, giving public bodies freedom to determine what best suits local needs, as well as providing the opportunity to innovate.

5.4 Legal and Constitutional References

- 5.4.1 The services delivered under this Contract are subject to the 'Light Touch Regime' under Regulations 74 to 76 of the Public Contracts Regulations 2015 (PCRs). The initial procurement exercise complied with the requirements of the PCRs as well as the EU Treaty principles of equal treatment, fairness and non-discrimination.
- 5.4.2 Regulation 72(1)(a) of PCRs allows for contracts to be modified without a new procurement procedure where the modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options,

provided that such clauses (i) state the scope and nature of possible modifications or options as well as the conditions under which they may be used, and (ii) do not provide for modifications or options that would alter the overall nature of the contract or the framework agreement. It was clearly stated in the initial procurement documents that the Council may extend this Contract and the Council is not intending to alter the services to be provided during the extension period, therefore the Council is acting in line with the PCR.

5.4.3 HB Public Law will draft and complete the Deed of Extension and Variation to the current Contract.

5.4.4 In accordance with the Council's Constitution, Contract Procedure Rules, section 4.1 any Procurement, including extensions and variations to Contracts set out in the Annual Procurement Forward Plan and approved by the Policy and Resources Committee, is deemed as Authorised irrespective of the Contract value. Given the approval of the Annual Procurement Forward Plan 2020-21, the authorisation documentation and approval for this decision is via Full DPR in consultation with the Theme Committee Chairman, as set out in this report.

5.5 Risk Management

5.5.1 The extension to the Day Opportunities contract (lots 4, 5 and 6) is unlikely to raise any public concern as the service is already in operation and there will be minimal change/disruption for service users. The approach recommended within this Report ensures continued compliance to statutory duties set out within the Care Act and also allows the Council to achieve quality in services and best value for money.

5.5.2 Regarding the Employment support services lots (lots 1,2 and 3) which will not be extended beyond the current expiry date of 31 October 2020, there should not be a negative impact on residents; take-up over the years has been extremely low and given the current economic climate, it would be in the interest of the borough to make best use of its resources and plan for services which are fit for the future. Council officers will continue to work with the current providers until the end of the contract and appropriate arrangements will be made for any current service users affected by the change.

5.5.3 Risks of non-delivery will be managed by developing a strategic relationship with Providers in relation to the Day Opportunities contract and robust contract monitoring.

5.5.4 The risk that the services and contract will not provide value for money has been mitigated by designing the original service specification to reflect best practice.

5.5.5 There are no risks to the Council with regards to the Transfer of undertakings (Protection of Employment) Regulations 20016 ('TUPE').

5.6 Equalities and Diversity

5.6.1 The core provisions of the Equality Act 2010 came into force on 1st October 2010 and the public sector equality duty (section 149 of the Act) came into force on 5th April 2011. Under section 149, the Council must have due regard to the need to eliminate

discrimination, harassment and victimisation prohibited under the Act and to advance equality for opportunity and foster good relations between those with protected characteristics and those without.

- 5.6.2 The protected characteristics are age; disability; race; gender reassignment; pregnancy and maternity; religion or belief; sex; and sexual orientation. They also cover marriage and civil partnership regarding eliminating discrimination.
- 5.6.3 Any organisation providing public sector services is subject to scrutiny by the Council to ensure that delivery complies with the public sector equality duty.
- 5.6.4 A greater range of Day Opportunity options and Suppliers increases the person-centred support available for people with disabilities, autistic spectrum conditions and mental health conditions to maximise their independence and achieve their goals.
- 5.6.5 The original Equality Impact Analysis undertaken prior to publication of the original Employment & Day Opportunities Tender (in 2017) found that the services would have a positive impact as it would enable Service Users to have a varied range of person-centred options to support them to live well in the community and to develop their independence. It would provide and enhance a more personalised approach, working closely with individuals to match support and their aspirations for friends and good work. In addition it will enable more specialised support to people with complex needs to enable them to live more independently in the community.
- 5.6.6 Further equality-specific measures may be developed with reference to projects or services as the contracts progress to ensure that the organisation acts in keeping with the Council's public-sector equality duty.

5.7 Corporate Parenting

- 5.7.1 None in the context of this report.

5.8 Consultation and Engagement

- 5.8.1 Social workers, service users, carers and providers were engaged in a variety of ways prior to the original tender being published in 2017.
- 5.8.2 Providers (both commissioned and non-commissioned) were also invited to attend Supplier engagement events prior to the start of the original Tender process in 2017 and during the clarification period.
- 5.8.3 Discussions have taken place with internal staff in the lead up to the recommendations set out in this Report.

5.9 Insight

- 5.9.1 N/A

6 BACKGROUND PAPERS

- 6.5 Policy and Resources Committee, 6 January 2020, Annual Procurement Forward Plan 2020-21_
<https://barnet.moderngov.co.uk/documents/s56940/Appendix%201%20Annual%20Procurement%20Forward%20Plan%20202021.pdf>
- 6.2 Delegated Powers Report authorising the Contract Award for Day Opportunities and Employment Support Services_
<https://barnet.moderngov.co.uk/documents/s42441/DPR%20-%20Contract%20Award%20Day%20Opportunities%20and%20Employment%20Support.pdf>

Chairman: Cllr Rajput
Has been consulted

Signed



Date 22/10/2020

Chief Officer: Dawn Wakeling
Decision maker having taken into account the views of the Chairman

Signed



Date 22/10/2020
