

**DAY SERVICES FOR ADULTS WITH LEARNING DISABILITIES
AWARD OF CONTRACT FOR MAESBURY METALS AND CORNERPATCH**

Responsible Officer Andy Begley, Director of Adult Services
e-mail: andy.begley@shropshire.gov.uk **Tel:** (01743) 258911

1.0 Summary

- 1.1 This report summarises the outcome of the procurement process undertaken to seek a new provider for the Council's day services known as Maesbury Metals and Cornerpatch in Oswestry.
- 1.2 This report is seeking approval to transfer the operation of the two day services to a national provider, Livability, for a period of five years, with an extension for a further five years if both Shropshire Council ("the Council") and Livability are in agreement.
- 1.3 On 15 January 2014 Cabinet approved the externalisation of day service provision generally.
- 1.4 Following that decision, various unsuccessful attempts to secure an alternative appropriate provider for Maesbury Metals and Cornerpatch were made until this latest procurement exercise, which commenced in December 2016.
- 1.5 The result of this exercise identified Livability as to able to take forward and develop the two day services. The transfer of the two services will ensure purposeful daytime opportunity can continue to be delivered in the Oswestry area, ensuring continued social inclusion and participation in the local community and economy for the individuals accessing these services.
- 1.6 There is also the opportunity for Livability to expand and develop commercial links with other local businesses and extend the opening hours for both services. Livability employ Community Champions in their staff teams to build and maintain links with local businesses, charities and communities and have informed the Council that a community wide marketing campaign to raise the profile of both day services will be a first step.

2.0 Outcome of the bid evaluation

- 2.1 Following the procurement process the Council received two tender responses from providers expressing a wish to manage and operate both day services.
- 2.2 The responses were evaluated with further dialogue taking place with the provider identified as most able to take forward the services. This dialogue served to reiterate that both services had to remain in the Oswestry area and enabled the preferred provider Livability to further demonstrate their development plans to ensure that services are sustainable going forward, whilst developing and growing in partnership with the Service Users, staff, relevant stakeholders and the local community.
- 2.3 From the tender response document and follow up meeting, Livability were able to clearly demonstrate to officers that they could manage and operate the day services within the costings they had provided, with a clear trading income plan whilst developing the day service offer in partnership with the users of the service, relevant stakeholders and local community.
- 2.4 Livability have expressed their commitment to the Oswestry area which was a fundamental element of any provider coming in to manage and operate the two services and were able to demonstrate the voluntary and employment opportunities available to the individuals accessing the services, along with training and accreditation opportunities.
- 2.5 Livability are a national charity that work alongside individuals with a learning disability in a variety of settings consisting of day services, residential homes, supported living, employment support, training and education facilities.
- 2.6 The benefits of transferring the two day services are;
 - Further integration of vulnerable people into a supportive local community with a provider that is experienced in delivering person centred enabling support that works from a community based model
 - Opportunity for the individuals attending the service to access meaningful training and employment options within the provider's network of opportunities
 - Development of independent skills on an individual basis that is regularly reviewed through a link worker model used by Livability to ensure care and support is purposeful and outcome focussed
 - Livability are a not for profit organisation and are able to bid for additional investment from grant making organisations to develop both services
 - Ensures both services are able to continue in the Oswestry area maintaining and building on the relationships and support the community provides
 - Transfers the internal property maintenance and repairs liability from the Council to Livability for the contract term
 - The transfer of the two day services will align with the Council's aim of operating more commercially, as the services will be delivered by Livability at a saving of £149,587 to Shropshire Council over the five year contract term, without reduction in service quality as the contract will be regularly reviewed
 - Livability have a demonstrable commercial acumen and commitment to developing community resources in Shropshire

3.0 Recommendation

3.1 Cabinet is requested to

1. Approve the transfer of the management of the day services at Maesbury Metals and Cornerpatch in Oswestry to Liveability to take effect on 1 December 2017, or such other date as may be required to conclude all contractual issues, for an initial period of 5 years with the option to extend for a further 5 years;
2. Delegate authority to the Director of Adult Services to conclude final contractual negotiations with Livability and when an acceptable position is achieved to approve, in consultation with the Portfolio Holder for Health and Adult Social Care, the award of the contract and the completion of all necessary formalities to transfer the services and staff to the identified provider.

4.0 Risk Assessment and Opportunities

- 4.1 Following the evaluation exercise and after meeting with Livability, the risk of non-delivery of qualitative services that are sustainable, enabling and community based is low. Livability have clearly demonstrated to officers at the Council their ability to deliver purposeful, outcome focussed, flexible support in partnership with individuals who access their services.
- 4.2 In terms of opportunities, Livability have the ability to develop both services, drawing from their national resources where needed, to grow and develop the services as required within the Oswestry community. Livability are very keen to establish a valued identity in the Shropshire region and have illustrated how they will ensure that a smooth transition of the service offer takes place, whilst effectively engaging and communicating with individuals who use the services and staff to ensure appropriate continuation of services.

5.0 Maesbury Metals, Maes-y-Clwydd, Oswestry

- 5.1 This is a day service for adults aged 18-65 years that offers the opportunity for individuals accessing the service to develop their metalwork skills in a working environment as well as promoting independence. The service produces high quality bespoke items such as candelabras and garden ornaments for sale and has recently developed new marketing materials to raise its profile in the local area.
- 5.2 The day service operates from a property owned by the Council in the Maes-y-Clwydd Industrial estate. If this transfer is agreed, Livability will lease this building from the Council for the contract term which will enable Shropshire Council to retain this asset but without incurring the management and maintenance overheads of the building.
- 5.3 14 individuals currently access Maesbury Metals during the working week which equates to 59 day places per week and the service normally employs 4 staff. Most of the individuals accessing the service have a moderate learning disability and are in

their forties and fifties and live at home with their parents or carers. However Maesbury Metals have also attracted a younger and more varied Service User client group of late, including young people who have been excluded or have had difficulties in school which has been of positive benefit to some of the less able and older individuals who access the service.

- 5.4 The service is currently carrying 3 vacancies to which Livability will recruit following transfer (the service has not recruited to these posts on HR advice to minimise financial costs associated with any transfer). These posts are currently being covered by interim staff from other day services which is not sustainable nor ideal to ensure optimal delivery of the service.

6.0 Cornerpatch, Bailey Head, Oswestry

- 6.1 This is a day service for adults with a learning disability based in a shop in Oswestry town centre. The service offers the opportunity for individuals accessing the service to develop sewing, knitting and patchwork skills and produce items for sale such as quilts, cushions, bags and baby bedding to name a few. The day service also offers the opportunity for individuals to socialise within an enabling, promoting independence environment and maintain significant relationships, promoting health and wellbeing.
- 6.2 The building is currently leased by the Council from the owner who has given approval for an underlease to be assigned to Livability, this lease is due to expire in January 2020. Livability have informed the Council they would like to seek alternative accommodation in the Oswestry town centre instead of renewing the current lease as the current premises do not have disabled access and the day service is currently operating within a shop that is split over two floors which is not ideal to appropriately support the individuals who use the service.
- 6.3 Cornerpatch is a valued service within the Oswestry town centre and any change in accommodation will need to be agreed by the Council and the individuals that access the service. To ensure Cornerpatch remains within the Oswestry town centre The Council will stipulate within the contract that Livability need to identify any potential alternative accommodation in the summer of 2019 and consult on the proposed move will then take place with service users.
- 6.4 Cornerpatch has capacity for up to 22 day places and currently employs 3 staff

7.0 Staff and Service User Consultation

- 7.1 To ensure meaningful dialogue with individuals who access the services, their families, carers and staff there have been several consultations held in regards to externalising the day services provision supported by Taking Part who are a local advocacy organisation who work alongside adults with a learning disability. People were informed that FUSE were preparing both day services to go out to tender to find an external provider.
- 7.2 Comments from the consultations have been in the main of a positive nature, with comments ranging from “We want to carry on and build it up and be busier” “ We would like more people to come to the shop and do different things” “We are part of our

community and we want to be involved with our community” “I would like Maesbury Metals to be a flagship in Shropshire” to questions such as “What will happen with transport” “ Will the funding that is in place at present go across?” “Will there be checks made on the people who will work/volunteer here”

- 7.3 Drawing from the feedback from the consultation events, Shropshire Council has been able through the tender process to ensure that the new provider Livability can take forward both day services in a meaningful way that addresses and reassures some of the concerns received.
- 7.4 The Council has been able to reassure individuals and their families that funding will remain in place as it is now, securing the services for many years to come and with Livability being a national provider, we have been able to demonstrate their positive track record in supporting people to achieve meaningful outcome focussed goals within a person centred approach.
- 7.5 Livability are an experienced person centred provider in day service provision who actively promote engagement with their local communities and engage meaningfully with those who access their services, in terms of shaping service provision, which is evidenced in other services where every 10 weeks, feedback from Service Users is submitted to the Trustee Board of Livability to support appropriate change.

8.0 Financial Implications

- 8.1 The savings to the Council should the transfer be agreed, will be £149,585 over a five year initial contract term. Should the delivery of services post transfer of prove successful as anticipated, the Council and Livability would like to look to extend the initial contract term by a further 5 years, which would result in further savings for the Council and support the continued provision of the services in the Oswestry area.
- 8.2 The two day services will be transferred to Livability for a contract term of 5 years with a 6 month notice period to terminate the contract to safeguard both services and all parties. The contracts will provide that both services have to remain in the Oswestry local area and that there are to be no reductions in places available without consultation and agreement from the Council. Regular monitoring of the contract will take place to ensure the quality of the service offer remains high.
- 8.3 There is a minibus available to purchase which serves both day services which Livability have informed the Council they wish to purchase to ensure continuity for those accessing the service currently. The Council is looking to sell Livability the vehicle for £4,500 as part of the transfer.
- 8.4 The recommissioning of these services is in line with day services modernisation and the wider Council objective of becoming a more commercial Council.

9.0 Social Value

- 9.1 The Council is obliged to consider the social, economic and/or environmental benefits which can be derived as a result of a procurement exercise.

- 9.2 The preferred bidder has a strong history and previous experience of providing opportunities for the people they support to work towards employment. They have demonstrated how they will bring their previous experience of employability to bear on these contracts through supporting people at Maesbury Metals and Cornerpatch.
- 9.3 They have demonstrated through working from a community based model that is flexible and based on individual presenting need, along with their established links with training opportunities, that there is real opportunity for individuals to develop skills sets to promote further social inclusion and independence.
- 9.4 Each individual who accesses the services will work alongside their link worker to ensure support is purposeful to achieve agreed goals and regular reviews in partnership will ensure and promote meaningful engagement

10.0 Equalities & Human Rights

- 10.1 Service Users have been involved in the procurement process and this has been facilitated with the support of local Advocacy organisations. Livability are currently producing easy read documents that will support the transfer process and the Learning Disability Partnership Board will be kept apprised of progress.
- 10.2 An Equality & Social Inclusion Impact Assessment (ESIIA) has also been completed and updated throughout the project and this is attached as an Appendix.
- 10.3 In summary the overall outcome of the Equality and Social Inclusion Impact Assessment is that the impact of transferring the management of Maesbury Metals and Cornerpatch to the preferred bidder would be low as:
- Overall continuity of care would remain for existing users with the same key worker staff
 - The preferred bidder will bring additional expertise to develop the services further
 - The support to the service and users from the local community and neighbourhood will remain
 - Care will continue to be provided by the same familiar staff due to the TUPE transfer to the new provider.
 - The existing workforce will have terms and conditions of employment protected through a transfer to the preferred bidder under TUPE regulations.

11.0 Staff Transfer and Pensions

- 11.1 The current Council employees for the two services will be subject to the Transfer of Undertakings for the Protection of Employment Regulations (TUPE) and will transfer on existing Council terms and conditions to the new provider.

11.2 The transfer of staff will also require the new provider to offer a comparable pension scheme or seek admittance into the Local Government Pension Scheme (LGPS) subject to the necessary approvals. Livability have indicated that they will be seeking admission to the Shropshire LGPS in order to provide the required pension protections for transferring staff.

11.3 There are currently only 4 members of staff in post who will be transferring to the new provider and 3 vacancies.

11.4 The actuary report is currently being produced and final pension agreements and arrangements will be concluded within the contractual negotiations and the appropriate approvals under the financial regulations will be sought.

12.0 Conclusion

12.1 The award of the contract to Livability will deliver a viable and sustainable offer for the two day services which will be advantageous to the local community of Oswestry and more importantly will provide the individuals who access the services with continued opportunities for greater social inclusion, training, employment.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet 15 January 2014 – ‘ RECOMMISSIONING OF DAY OPPORTUNITIES CENTRES FOR ADULTS WITH LEARNING DISABILITES’
Cabinet Member (Portfolio Holder) Councillor Lee Chapman, Portfolio Holder for Health and Adult Social Care
Local Member/s: Cllr Joyce Barrow Cllr Clare Aspinall Cllr Paul Milner Cllr John Price
Appendices: Appendix 1: ESIIA MM & CP Oct 17