

# Adult Social Care Scrutiny Commission Report

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## Procurement of a new Participation Service

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Date: 4<sup>th</sup> December 2018

Lead Assistant Mayor: Cllr Vi Dempster

Lead Strategic Director: Steven Forbes

## Useful information

- Ward(s) affected: All
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- Report version number: 0.3

### 1. Purpose

- 1.1 To provide the Adult Social Care Scrutiny Commission with an overview of a new participation service.
- 1.2 The new service will ensure effective direct service user engagement to enable the co-production of local plans and strategies for Adult Social Care.
- 1.3 The service objectives have been developed in conjunction with a range of stakeholders, including an Adult Social Care Scrutiny Commission task group.

### 2 Summary

- 2.1 The Care Act 2014 requires local authorities to ensure there is effective direct service user engagement, to enable the co-production of local plans and strategies for people with a learning disability, mental health problem, people with autism and people who are moving from using children's social care to adult social care.
- 2.2 Therefore, it is proposed to end the funding to the Disabled Persons Support Service (DPSS) and create a new participation service. A report will be presented separately.
- 2.3 A five-week engagement exercise was completed with a range of stakeholders to shape the new service. The report provides an overview of the new proposed service model as detailed at paragraph 4.8.

### 3. Recommendations

- 3.1 The Adult Social Care Scrutiny Commission is recommended to:
  - a) note the development of the new participation service with effect from 1.4.2019 and to provide comment/feedback

#### **4. Main Report**

- 4.1 The Care Act 2014 places a duty on the local authority to ensure there is co-production in the development and commissioning of services, this is called a 'shared endeavour' and requires the direct involvement/influence of service users.
- 4.2 Other local authorities are starting to develop these participation services, such as Warwickshire and Leicestershire County Council in order to ensure compliance with the Care Act.
- 4.3 There are currently four strategic partnership boards supported by the City Council (learning disability, mental health, transitions and autism) and the forum for Older Persons, which provide an opportunity for the local authority to engage directly with service users and carers.
- 4.4 However, it is necessary to ensure that service users attending the various boards/forum are able to relay the issues relating to the client group they represent and contribute to the discussions, so they can influence the development of services.
- 4.5 Due to the nature of an individual's disability, they could require support to participate in a structured approach, which is the key purpose of the new service. However, if an individual needs assistance to attend a meeting, such as a taxi, ASC will provide the necessary funding.
- 4.6 At present, the Learning Disability Partnership Board is the only board where service users are supported directly to engage at the meetings. These service users are part of the 'We Think' group, which is supported by Mosaic via their advocacy contract. This contract is due to end on 31.3.2019, at which time it is anticipated that the new participation service will take over the support for this group.
- 4.7 Whilst council officers provide support on an ad hoc basis, there is no formal support for the individuals attending the other boards and forum, which means these groups are missing out on the opportunity to contribute and directly influence the development of ASC services.

#### **Proposed new service model**

- 4.8 Although the level of support will depend on the complexity of the client groups' needs and the subject matter, the following provides an overview of the key requirements/objectives for the new participation service.
  - a) To identify a number of individuals that are representative of the various client groups that would require ASC support, such as people with a learning disability and/or autism, those with mental health issues, older people and people who are moving from using children's social care services to using adult social care services

- b) To ensure those individuals are able to attend and participate at the various partnership boards and forums
- c) To facilitate service user participation to support the design, delivery and commissioning of services
- d) Collaborate effectively with other agencies that work across the various partnership boards and forums to ensure a co-ordinated approach to the development of services
- e) Identify and deploy the most appropriate methods to facilitate participation across the range of service user groups, utilising technology where appropriate, communication methods as required and settings which are fully accessible
- f) To engage with young adults who are too old to participate in the 'Big Mouth Forum' (a participation forum for disabled young people aged 11-25) so that disabled young adults have continued opportunities to participate
- g) Enable existing service user groups across health and social care to connect with the partnership boards and input into service design and joint health and social care strategic development.

4.9 Based on the current costs of supporting the 'We think' participation group (staffing, venue and local leader remuneration) it is anticipated that the allocated monies of £36,000 will be able to support at the boards and forums as noted at paragraph 4.3 and 4.7.

### **Engagement Activities**

4.10 Officers have engaged with the following groups:

- 'We Think' members
- Service users/carers who attend the Mental Health Partnership Board
- Mosaic, Leicester Centre for Integrated Living, AgeUK and CLASP The Carers Centre (including carers)
- Members of Adult Social Care Scrutiny Commission Task Group

### **Key points from engagement**

4.11 Overall our engagement exercise found that the idea of a new participation service was welcomed, points raised included:

- It would support participation for the partnership boards
- Saw the need to tailor services to a range of needs
- Recognised the importance of participation in procurement of services

- Raised a number of practical issues that the provider will need to be aware of, such as the setting and format of boards and other meetings.

A summary of the engagement activity is included at Appendix 1

### **Next steps**

4.12 The procurement exercise will commence to ensure a new provider is in place by 1st April 2019.

## **5. Details of Scrutiny**

5.1 The proposal to cease the Disabled Persons Support Service and to replace it with a new participation service was discussed with the ASC Scrutiny Commission on 19<sup>th</sup> June 2018.

5.2 There was also discussion about the proposed model for the new participation service with scrutiny members on 12<sup>th</sup> September 2018.

## **6. Financial, legal and other implications**

### 6.1 Financial implications

The DPSS will cease and save £46,200 wef 31.3.2019. However, the new participation service will commence with effect from 1.4.2019 with an allocation of £36,000. This will provide a £10,000 saving which will contribute towards the ASC VCS savings.

Yogesh Patel – Accountant ext 4011

### 6.2 Legal implications

There are no specific legal comments on this report, however the scope of this new service and the market engagement/ benchmarking is noted. If the proposal is approved legal advice will be provided on the procurement process and relevant contract terms.

Jenis Taylor, Principal Solicitor (Commercial) (0116) 454 1405

In the report it is envisaged that the current service provided under the DPSS contract will cease and a new participation service will be procured. If the new service is a fundamentally different service then the TUPE Regulations may not apply.

However, it has been identified in the report that an element (the 'We Think' group) of another council service contract which is due to end will be continued within the

new participation service. It is possible that a transfer of part of a service may constitute a service provision change for the purposes of the TUPE Regulations. Therefore, should the identity of the current service provider delivering the 'We Think' element of the service change the TUPE Regulations may apply. If TUPE does apply, any organised grouping of employees delivering the service (or part of the service) may transfer to any new provider on their existing terms and conditions and with continuity of service preserved. If any of those employees have previously transferred from the council then second generation pension protection will need to be provided. Providers will need to take their own legal advice as to the implications of TUPE if they are the successful bidder.

Legal advice on the TUPE implications should continue to be sought through the process.

Julie McNicholas - Solicitor – Employment and Education

### 6.3 Climate Change and Carbon Reduction implications

There are no implications associated with this report.

### 6.4 Equalities Implications

When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

In doing so, the council must consider the possible impact on those who are likely to be affected by the recommendation and their protected characteristics.

Protected groups under the Equality Act are age, disability, gender re-assignment, pregnancy/maternity, race, religion or belief, sex and sexual orientation.

The proposal could improve the level of engagement and aims to diversify service user involvement (to include those with a learning disability, mental health condition, autism and older adults). This would be in keeping with the aim of the Public Sector Equality Duty to advance equality of opportunity as it would provide opportunity for those protected groups to participate in a range of forums across the city and to ensure their views and those of people with similar disabilities are able to influence/contribute to the development/coproduction of local policies and practice across social care and other areas as appropriate. The proposal would, therefore, be likely to have a positive impact overall for those involved in the service user engagement and for those using health and social care services and would be particularly relevant for those with the protected characteristic of disability and age.

Hannah Watkins, Equalities Manager ext. 37 5811  
[equality@leicester.gov.uk](mailto:equality@leicester.gov.uk)

6.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

**7. Background information and other papers:**

None

**8. Summary of appendices:**

Appendix 1 – Summary findings of the engagement exercise

**9. Is this a private report**

No

**10. Is this a “key decision”?**

No

## Appendix 1

### Participation Service Engagement

Table showing engagement responses and how these relate to the proposed model

Organisation/group	Comments	How this relates to the proposed model
<b>Adults with a Learning Disability that attend 'We Think' group and other advocacy group 'Bright lights'</b>	<b>Importance of group participation and good access</b>  Value experience at 'We Think' and attendance at the LD Partnership Board	Maintains a focus on group participation at the LD Partnership Board.
	A separate group for people with LD is needed. Want 'We think' to continue	The model will require continuation of the 'We think' group
	Representation of a range of needs including people with more profound disabilities is important.  Meetings need to happen where buildings are accessible and easy to get to	The provider will be required to recruit people with a range of needs and tailor to accessibility and communication needs
	<b>Challenges</b>  Will need to recruit new members	Recruitment across all ASC groups will be required.
	A small number of members need care and support staff to attend meetings due to their complex needs. This is in addition to the role of the SUP.  It takes time for people to get used to how a Partnership Board works and they need to be user friendly	These are issues the provider will need to be aware of and although not directly responsible for will be highlighted in the procurement process and the mobilisation
<b>Service Users/Carers attending the Mental Health Partnership Board</b>	<b>Value of group participation and other opportunities</b>  Value the importance of group participation	The provider will be required to facilitate participation at the MHPB
	Opportunities to take part in procurement evaluation	We will expect the provider to support this work subject to any information



Organisation/group	Comments	How this relates to the proposed model
		sharing/conflict of interest considerations
	Could collect views from individual service users	Where group participation is not relevant the provider can support users to collect information from other users
	Must be tailored to needs e.g. around language skills so all can participate	This partly relates to the partnership boards but the service will be required to use language skills as required
	Some carers may need to have respite care provided so they can attend the partnership board	The service will not be providing a service to carers but we are aware of how this relates to carer participation at partnership boards
<b>Mosaic</b>	<p><b>Importance of Group Participation</b></p> <p>Valued the opportunity for group participation. Weekly meetings for adults with a LD is needed</p>	Group participation will be required within the spec. We will ask the provider to continue the weekly meetings
	The group is able to look at a range of issues - (such as health checks, hate crime)	The importance of working to joint social care/health service development has been identified within the spec
	<p><b>Challenges</b></p> <p>Some members need attendance at user participation services to be included in their care and support packages; without it they would not be able to attend.</p> <p>Some members of 'We think' need help with general advocacy e.g. around debt which is currently provided as part of the Mosaic Advocacy contract alongside group participation, so there</p>	These are issues the provider will need to be aware of and although not directly responsible for will be highlighted in the procurement process and the mobilisation.

Organisation/group	Comments	How this relates to the proposed model
	is uncertainty how that would be provided	
<b>LCIL</b>	<p><b>Challenges of Group participation</b></p> <p>Acknowledged the difficulties that users face in asking questions in board meetings.</p>	This is not all down to the provider but we will meet regularly with the provider and participation groups to monitor
<b>Age UK</b>	<p><b>Working with older people</b></p> <p>Older people may, generally speaking be less interested in participation and less able to use technology to participate with.</p> <p>It would be helpful for the provider to visit older people to find out what kind of participation they may want</p>	The provider will be required to identify the most appropriate methods of facilitating participation by older people.
<b>CLASP</b>	<p><b>Carers' perspective</b></p> <p>Carers welcomed opportunities to participate</p>	
	Carers said that carers' participation should be delivered separately from service users	Carer participation will be delivered separately through the Carers contract
	Carers thought that it was also important that the partnership boards needed to be user-friendly and have access to translation where needed	These are issues the provider will need to be aware of and although not directly responsible for will be highlighted in the procurement process and the mobilisation.

Organisation/group	Comments	How this relates to the proposed model
<b>ASC Scrutiny Commission</b>	<b>Importance of the service</b> Welcomed the idea of user participation  Thought it was important to prepare people for participation  Some people will find online participation difficult	Tailored preparation and the use of appropriate communication methods are outlined in the spec
	Acknowledged that it will take some time for the service to embed  Would like some feedback on progress by December 2019	The contract monitoring processes will identify extent of participation