



**Open Report on behalf of Martin Samuels, Executive Director - Adult Care and Community Wellbeing**

Report to:	<b>Executive</b>
Date:	<b>08 May 2024</b>
Subject:	<b>Externally Commissioned Buildings Based Day Care Re-Procurement</b>
Decision Reference:	<b>I032396</b>
Key decision?	<b>Yes</b>

**Summary:**

This report relates to the Council’s externally commissioned and contracted Buildings Based Day Care services, for which there are currently 26 provider contracts, ending on 31 August 2024. With no further extensions available under the terms of those contracts, a recommissioning and procurement exercise is necessary to ensure continuity of support for service users beyond this date.

A review of the Council’s model for externally commissioned services has been undertaken which highlighted potential for a future model to be inclusive of more community outreach provision, as well as greater alignment with the Councils in-house day care services, which have evolved significantly over recent years. Plans are being taken forward to establish a programme group that will have oversight of a wider review of the Council’s Day Services provision, inclusive of both in-house and externally commissioned provision to determine future requirements and the most suitable delivery mechanism(s). The SRO for the programme group will be the Assistant Director for Specialist Adult Services.

However, it will not be practical to determine how a future iteration of the daycare service may best align with the desires for balanced community outreach and buildings-based daycare provision by both the Council and third-party providers prior to the end of the current contracts. There is also a need to understand how day services provision will align with other services that support families with care needs, e.g. respite and short breaks, Shared Lives, carers support services and equipment and digital initiatives.

As such, it is recommended that externally commissioned building-based day services are recommissioned and procured on a broadly like for like basis from the end of the existing contracts for an interim period of 2 years effective from 1 September 2024. This will allow for further scoping and alignment work to be effected during the 2-year period in order to best determine the route to commission and procure daycare services in the longer term.

This paper seeks the support of the Executive to progress with the procurement of externally commissioned buildings-based day care services for a period of two years effective from 1 September 2024, resulting in an Open Select List of approved providers, whilst an in-depth review of in-house and externally commissioned day care services is undertaken, and future delivery strategy is developed.

**Recommendation(s):**

That the Executive:

1. Approves the re-commissioning of a Buildings-based Day Care Services for people aged 18 and above, as described in this report.
2. Approves the undertaking of a procurement process to establish an Open Select List of providers, with contracts to be awarded for Buildings-Based Day Care for a 2-year period effective from 1 September 2024, to allow for a wider review of in-house and externally commissioned day care services to be completed and the development of the most effective future day care strategy.
3. Delegates to the Executive Director for Adult Care and Community Wellbeing, in consultation with the Executive Councillor for Adult Care and Public Health, the authority to determine the final form, and to approve the award, of the contracts.

**Alternatives Considered:**

1. Extending existing contracts with current providers.

Continuing with the current providers in this way is not considered to be a viable solution. There is no provision to extend within the current contracts and new agreements would constitute exceptions to normal tendering routes for which there is no clear justification. In accordance with local and national procurement regulations, contracts need to be let in a fair, transparent and non-discriminatory manner.

2. Cease commissioning of externally provided Buildings Based Day Care Services in Lincolnshire

As set out in this report, Lincolnshire County Council has a statutory duty to meet the needs of eligible adults under the Care Act 2014. 226 users currently choose to meet their social care needs through externally commissioned and provided day care services.

These services support unpaid carers and the Council's prevention duties, and align with the Council's 'home first' principles. Without them, existing service users would need to be supported in a different way. Relying on alternative services would cause substantial disruption for the people currently supported by these

services and for their informal carers. Such reliance would also limit the choice of services available for Lincolnshire residents, and be less cost effective because of lost opportunities for shared support.

Externally commissioned Day Care services are highly regarded by service users and stakeholders. Feedback from user engagement in the service review, stated that people enjoyed life skills and other activities that promote independence at day centres. As well as the impact on the Council's statutory duties, ceasing the provision would be unpopular and could lead to damage to the Council's reputation. Therefore, this option is not recommended.

#### **Reasons for Recommendation:**

Lincolnshire County Council has a statutory duty to meet the needs of eligible adults under The Care Act 2014. Many people choose to meet their social care needs through externally commissioned day care services. The proposal is to continue an appropriate contract solution for building based day care services for eligible people, including all user groups, within Lincolnshire. The solution will enable a variety of providers to deliver services, offering choice in the market for users, whilst offering the Council consistency, control and oversight of service quality, delivery, and costs. A two-year contract will allow exploration of further scoping and alignment work to be effected during the period in order to best determine the route to commission and procure day care services in the longer term.

1. The existing contract arrangements have reached the end of their term and cannot be extended further. There is therefore a legal and contractual imperative to undertake a procurement exercise to establish a new contract mechanism for delivery of these services.
2. The recommendation addresses and supports statutory requirements under the Care Act 2014 to provide personalised and outcome focused service for individuals.
3. The alternatives considered have been deemed unsuitable in delivering the required outcomes of the service.

## **1. Background**

### **1.1 Summary of Existing Arrangements**

Day care services aim to facilitate meaningful activities for adults that help to maximise their independence. The opportunities may include volunteering, support into employment, learning and training for life skills, as well as an opportunity for socialisation and to make friends. Day services also provide valuable respite for unpaid carers which helps to sustain family relationships and to enable unpaid carers to go to work and or complete other daily activities. To meet these needs, the

Council utilises both in-house day services provision, and externally commissioned and contracted day care services.

- 1.2 In financial year 2023-24, 226 people are supported through the 26 current provider contracts for externally commissioned and contracted buildings-based day care services. For context, within the Council's in-house day services provision, across the 12 locations, 290 people are currently supported (i.e. attend one or more sessions every week), and a further 50 people regularly drop in to join sessions.
- 1.2 The current externally commissioned and contracted arrangements are inclusive of services for working age adults and older people and are structured as an Open Select List (OSL), established in November 2018.
- 1.3 An OSL is a flexible framework approach which aims to ensure that the market can remain dynamic by periodically giving new providers to opportunity to join. This supports choice and accessibility of services and enables the Council to be confident that all providers are suitably qualified based on consistent application of LCC requirements and policies.
- 1.4 Contract and Pricing Structure  
The introduction of the Open Select List in 2018 enabled a council-wide consistent approach to externally commissioned day care inclusive of all client groups. It brought consistency in session times, day rates, rates for 1:1 support and a more consistent approach to inclusion of food, transport, and other services within the provision.
- 1.5 Ceiling rates were established according to broad categories of support, with providers able to submit prices up to but not exceeding those levels. The model has two rates as shown below at 1.2. These distinguish between the different levels of needs whilst still ensuring consistency and control of costs within day care. Rate 1 is modelled based on a staffing ratio of 6:1 where service users are assessed to have a Higher Dependency (HD) need, including individuals with learning disabilities, physical disabilities, and older people with higher needs (where additional support is required, e.g., dementia). Rate 2 is based on a staffing ratio of 8:1, where service users are assessed to have a lower level of need (typically for older adults). A 1:1 rate is also used where users are assessed as needing one to one support for specific tasks or activities, or throughout their support session.
- 1.6 The existing contracts deliver services through the following maximum rates (2023/24)
  - Rate 1 – Learning Disability, Physical Disability, Mental Health and Older People with higher needs - £68.59 per day.
  - Rate 2 – Older People - £50.53 per day
  - 1:1 Rate - £13.11 per hour.
  - Maximum Daily Support Rate - the maximum payment for 1 full day session irrespective of the amount of 1:1 support required of £134.05 per day. This is

equivalent to purchasing 1:1 support in the community through the Community Supported Living (CSL) contract (£19.15 x 7 hours).

1.7 Contract rates are subject to annual review and uplift recognising inflationary cost pressures. An 8% uplift of rates for financial year 2024-25 was approved by the Executive on 5 March 2024 (consistent with inflationary uplifts proposed for other community-based services).

1.8 Demand and Expenditure

LCC's current spend profile is as follows on commissioned day services:

	OP Spend	OP Clients	PD Spend	PD Clients	LD/MH Spend	LD/MH Clients	Total Spend	Total Clients
2019/20	£316,550	114	£120,290	14	£1,979,813	185	£2,416,653	313
2020/21	£117,742	47	£109,764	10	£1,789,583	180	£2,017,089	237
2021/22	£28,579	15	£77,906	11	£1,623,005	167	£1,729,491	193
2022/23	£27,340	16	£126,000	11	£1,904,601	172	£2,057,941	199
2023/24	£79,294	26	£187,491	10	£2,297,000	190	£2,563,785	226

Table 1: Spend on Commissioned Day Services for the last five years. Data for 23/24 is anticipated spend.

1.9 As illustrated in table 1, externally commissioned day services were heavily impacted by the Covid-19 pandemic with many buildings-based day services forced to close temporarily or severely limit the provision they offered during the height of the pandemic because national legislation prevented people mixing and enforced social distancing. Those services that operate as a dedicated day services facilities, primarily LD services, found it easier to reopen. Those operating in premises where day services were co-located with other services, typically older adults' services within residential care homes, found it very difficult to reopen whilst covid restrictions remained in place.

1.10 Between 2018-2020 expenditure remained fairly static. In the 2020-21 financial year, delivery activity dramatically reduced, however the Council took the decision to protect the market from the impact of immediate cessation of activity by sustaining payments based on average, historical delivery activity. As a result, expenditure also remained fairly static in 2020/21. However, in FY 2021/22, the support payments ceased and expenditure on OP and PD services did reduce significantly, for reasons including:

- The majority of OP/PD services were operating from residential care settings. These services took longer to reopen following the covid pandemic, and some took the decision not to reopen their day care provision at all.
- A proportion of services users attending provision prior to the pandemic, in particular in the Older Persons client group, had unfortunately passed away and/or their needs changed during the pandemic.
- Stakeholders reported a reluctance by some people to reengage with community activities following the covid-19 pandemic.

- 1.11 Utilisation of services by the LD client group was not significantly impacted beyond the duration of the pandemic. Expenditure, and thus demand for services in the and OP and PD client groups have also begun to increase over the last two years, showing indications that demand for and availability of services for those cohorts is beginning to re-emerge following covid disruption.

## **2. Proposed Model**

### **2.1 Commissioning review**

Work on the broader recommissioning of day care options remains ongoing. A project team was established in January 2022. The scope of work undertaken by the project team includes a best practice and literature review, benchmarking of approaches with other local authorities, stakeholder engagement (including people we support, their families and carers and social work practitioners), and market engagement to help inform the development of future services.

- 2.2 The review work concluded that the contracting model generally functions well, and that people enjoy accessing building-based services, in particular life skills and other activities that promote independence such as volunteering opportunities. It also identified opportunities requiring future strategic development. In particular, consideration should be given to the potential for updating the way in which Day Opportunities operate, making the services more of a community hub, providing access to opportunities for community in-reach and/or out-reach support, and the potential for closer alignment with the operating model for in-house provision. This was a driver in determining the need for a more fundamental review inclusive of both in-house and contracted day services provision, hence the current proposal for an interim like for like re-procurement to ensure continuity of service whilst the more inclusive review is completed and any recommendations arising from it are enacted.

- 2.3 The existing review work also identified several themes that can be addressed as part of the proposed interim re-procurement without necessitating any fundamental changes to the model, including:

- i.* Greater flexibility in access times (including evenings and weekends) would benefit users.
- ii.* Rate constraints through the current pricing mechanism for packages requiring high levels of 1:1 and 2:1 support are impacting the viability and attractiveness of those packages.

### **2.4 Pricing Approach**

Providers' feedback raised no concerns regarding the core pricing structure of two ceiling rates inclusive of buildings operating costs and variable staffing expectations according to general needs of the client group, plus 1:1 support for individuals assessed as requiring it. It is therefore recommended that the core pricing structure remain unchanged in the proposed interim model. A breakdown of the cost model is given in Appendix B. Annual rate reviews and inflationary uplifts would continue, commencing at the start of each financial year and consistent with uplifts for other community-based services.

2.5 Feedback from providers did highlight an issue around the current maximum Daily Rate approach. An update to this in the proposed interim procurement will support the attractiveness of the contract opportunity and maximise participation in the forthcoming procurement process.

- The maximum daily rate is applied under the current Day Care OSL payment mechanism in situations where the cost of the day care support for an individual (the sum of the daily rate plus 1:1 support rate) would exceed the alternative cost of supporting the individual in the community, on the principle that building-based day support costs should not exceed community-based support costs.
- For larger support packages, where a high proportion of 1:1 support is required, feedback has been that this is becoming unsustainable because it does not take account of the overheads associated with operating the building, such as rent, utilities, buildings insurance etc, costs which have increased significantly over the last two years. When providers are supporting an individual in their own home through the CSL contract, none of these buildings-related overheads fall on the care and support provider. Some providers have indicated that they are considering no longer accepting clients who require full 1:1 in day centres and may consider handing back existing packages if this is not addressed.
- In recognition of this, it is proposed to offer a supplementary Buildings allowance payment enhancement for those packages where the maximum daily rate is applied (i.e. full 1:1 or 2:1 support). The value of this allowance is taken from the existing cost model and represents the land and buildings costs elements that would otherwise have been allocated as part of the daily rate and for 2024-25 would total £8.79 (£1.95 land plus £6.84 buildings).
- The overall cost implication of adopting this approach, based on client group to whom this would apply at as February 2024 is as follows:
  - o 34 LD users were at the capped rate for day care receiving 123.5 days of day care per week.
  - o 4 OP/PD users receive support at the capped rate for a total of 18 days of day care per week.
  - o Total additional cost £64,676.82 per annum.
- It is recommended that the supplementary Buildings Allowance element be added to the provider costs during the interim re-procurement. This will address the concern that providers have raised, should help to secure continuity of support for the existing cohort of affected service users, will maximise the attractiveness of the tender opportunity, and ultimately choice for potential future service users.

## 2.6 Specification

The specification is designed to ensure an appropriate and consistent level of service across all commissioned day services, accounting for differing levels of support tailored to a service user's individual needs. It sets minimum expectations for service delivery and minimum standards for buildings to ensure that high quality services are delivered in a safe environment. Services are currently structured around weekday full and half day sessions only. However, user engagement feedback indicated that this does not always reflect the way people might want to receive services. As a result, and in order to enable a more flexible service moving forward, it is proposed that more variable and flexible sessional times can be introduced as

part of the proposed interim re-procurement, whose specification will be updated to take account of this. This would include evening and weekend sessions where providers can offer them. As part of the specification review, the contract management approach will also be reviewed and updated to ensure it remains suitable, proportionate and manageable, supporting providers to consistently deliver the service levels to the required standard.

#### 2.7 Contract and performance management

Providers will be managed within a robust, intelligence driven contract management approach. This will be centralised around a risk and prioritisation matrix to support oversight and drive engagement with Providers. This will involve the following:

- Analysis of quarterly submitted management information to monitor themes and trends in service utilisation and staffing.
- Themes from incidents and feedback including notifiable incidences, safeguarding referrals, complaints, and poor practice concerns.
- Annual KPIs and Contract Reviews including user and carer satisfaction surveys.

2.8 A number of day centres have settings co-located with other services. For example, residential and Community Supported Living Services (CSL). Where services co-exist, contract management will review services together.

#### 2.9 Costs and budget

Day Opportunities constitute an element of preventative services that enable people to maximise and maintain their independence and which help to sustain informal care arrangements for longer. They represent a lower cost than alternative more intensive support solutions.

2.10 There is an established budget within the Council Adult Social Care department for externally commissioned day services, amounting to £2,810,000 per annum across all client groups for financial year 2024-25.

2.11 The existing capped pricing structure described at paragraph 1.6 of this report has been developed by the Council to bring consistency and control to costs, is considered to offer value for money and is proposed to remain, subject to an amendment to the Maximum Daily Rate to incorporate the Buildings Allowance, as proposed at paragraph 2.5.

2.12 The £0.065m impact of the proposal described at paragraph 2.5 of this report will be supported within existing budgets.

2.13 A further review of the pricing structure and approach will be undertaken over the lifetime of the proposed interim two-year contract to ensure these remain fit for purpose as part of any future recommissioned model for the wider day care services.



### **3. Risks and Dependencies**

#### **3.1 Sustainability of Rates**

There is a residual risk that the level of rates may impact the attractiveness of the procurement. In the event that existing providers do not apply to join the new OSL, managing the continuity of any existing packages of care will be a priority during the mobilisation period, and may be managed either through direct payments, where appropriate, or by the facilitation of spot contracts so that support for affected service users is not impacted.

3.2 In addition, the payment mechanism for the new contracts will incorporate the option for the council to offer annual inflationary increases during the contract term. The proposed rates have been reached with the incorporation of the agreed inflationary increase awarded by the Council as part of its wider 2024-25 financial year budget-setting. As such the rates are believed to reflect the current market pressures whilst still being affordable to the Council.

#### **3.2 Provider Engagement**

Historically the quality of tender responses from the external day care provider market has been relatively low. This market segment includes many smaller providers with limited experience in and resources to support participation in local government tender processes. This will be mitigated with the use of a simplified and proportionate tender response expectations, and the provision of a support session(s) for providers guide them through the tendering process with an aim to improve the quality and completeness of tender submissions.

### **4. Timescales and Next Steps**

4.1 If the proposed interim re-procurement as set out in this report is approved by the Executive, an open tender process will be initiated in spring 2024, including provider engagement session(s). Appendix C gives further details about the procurement timelines. Subject to successful bids being received, new contracts for the proposed interim service will be awarded in late July, with a transition and mobilisation period during July and August 2024 leading to a contract commencement date of 1<sup>st</sup> September 2024.

4.2 The recommended new contract term of 2 years with effect from 1 September 2024 will ensure adequate time is allowed to complete the commissioning review of the buildings-based daycare service, and to effect a future procurement based on the outcomes of such review. In the event that any future service adopts a different model to that currently employed, the proposed timeframe also allows for appropriate mobilisation of any new model. The proposed new contracts following on from the proposed procurement in this report can also include scope to adopt any future new model of service delivery should that be deemed beneficial in future.

### **5. Public Services Social Value Act**

5.1. In January 2013 the Public Services (Social Value) Act 2013 came into force. Under the Act the Council must before starting the process of procuring a contract for services consider two things. Firstly, how what is proposed to be procured might improve the economic social and environmental wellbeing of its area. Secondly, how

in conducting the process of procurement it might act with a view to securing that improvement. The Council must only consider matters that are relevant to the services being procured and must consider the extent to which it is proportionate in all the circumstances to take those matters into account. In considering this issue the Council must be aware that it remains bound by EU procurement legislation which itself through its requirement for transparency, fairness and non-discrimination places limits on what can be done to achieve these outcomes through a procurement.

- 5.2. Ways will be explored of securing social value through the way the procurement is structured. The nature of the Open Select List contracting model will ensure a role for local small to medium-sized enterprises (SMEs) in the delivery of the services where they can demonstrate that they meet the Council's minimum expectations for service quality and delivery approach through the tender process. Additionally, tender evaluation methodologies will incentivise the delivery of a skilled and trained workforce.
- 5.3. Under section 1(7) of the Public Services (Social Value) Act 2013 the Council must consider whether to undertake any consultation as to the matters referred to above. The service and the value it delivers is well understood. Best practice and delivery approaches adopted elsewhere have been reviewed. This and the market consultation carried out is considered to be sufficient to inform the procurement. It is unlikely that any wider consultation would be proportionate to the scope of the procurement.

## **6. Legal Issues:**

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.

- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

The key purpose of the service is to enable all those individuals who require day care services to live more independent and healthier lives. In that sense the delivery of the service helps to advance equality of opportunity. The providers' ability to provide services which advance equality of opportunity will be considered in the procurement and providers will be obliged to comply with the Equality Act.

An Equality Impact Assessment has been completed for the day care service procurement which addresses the risk of adverse impact on service users. This can be found at Appendix A.

A new contract mechanism may result in current providers either not being successful following the procurement process, or in providers choosing to no longer contract with the Council. In the event that existing providers do not apply to join the new OSL, or are not successful, managing the continuity of any existing packages of care will be a priority during the mobilisation period, and may be managed either through direct payments, where appropriate, or by the facilitation of spot contracts so that support for affected service users is not impacted.

Joint Strategic Needs Assessment (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

The JSNA for Lincolnshire is an overarching needs assessment. A wide range of data and information was reviewed to identify key issues for the population to be used in planning, commissioning and providing programmes and services to meet identified needs. This assessment underpins The Joint Health and Wellbeing Strategy for Lincolnshire (Refreshed November 2022) common aims include the need for the Joint Health and Wellbeing Strategy to:

- have a strong focus on prevention and early intervention;
- ensure a focus on issues and needs which will require partnership and collective action across a range of organisations to deliver;
- deliver transformational change through shifting the health and care system towards preventing rather than treating ill health and disability;
- focus on tackling inequalities and equitable provision of services that support and promote health and wellbeing

The Health and Wellbeing Board has also identified the following overarching themes for the Joint Health and Wellbeing Strategy. These are to:

- embed prevention across all health and care services;
- develop joined up intelligence and research opportunities to improve health and wellbeing;
- support people working in Lincolnshire through workplace wellbeing and support them to recognise opportunities to work with others to support and improve their health and wellbeing;
- harness digital technology to provide people with tools that will support prevention and self-care;
- Ensure safeguarding is embedded throughout the Joint Health and Wellbeing Strategy.

Externally commissioned day care services contribute towards embedding of the principle of prevention across all health and care services because supporting informal carers allows people to live in the community for longer and reduces the need for residential care. Ensuring that such services are contract managed effectively by the Council (as where they are commissioned under a council contract) also contributes towards embedding of safeguarding into the Lincolnshire care system.

Carers are identified as one of the most important health and wellbeing issues facing the county in the Joint Health and Wellbeing Strategy for Lincolnshire. Externally commissioned day services contribute towards supporting carers by enabling them to have regular scheduled breaks from their caring role, improving their overall wellbeing.

### Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including

anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The service does not directly contribute to section 17 duties.

## **7. Conclusion**

- 7.1 Day Care services are a fundamental part of the overall social care system in Lincolnshire. Furthermore, the Council has a statutory responsibility to meet the needs of people with eligible social care needs in Lincolnshire. As an option in a diverse market of day opportunities, independently provided, externally commissioned building-based services add an important element of choice and flexibility in meeting people's physical and mental health, and emotional needs.
- 7.2 As set out in this report, undertaking an interim re-procurement process on a like for like basis at this point will establish an appropriate contract mechanism ensuring continuity of care whilst the wider service is improved following in-depth review. It is proposed that the method of delivery will incorporate the successful elements of the existing arrangements to offer choice and flexibility whilst delivering improvements through the recommended financial and operational outcomes from the existing review and ensuring that continuity of care for existing users is maintained wherever possible. The new contracts will be let by a competitive tender process to ensure that day care providers meet approved quality criteria. The inclusion of ceiling pricing mechanisms in the proposed re-procurement will ensure that they deliver value for money for the services commissioned.

## **8. Legal Comments:**

The proposal to procure an Open Select List as detailed in this report is within the Council's powers and by virtue of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), is an executive function and within the remit of the Executive to consider and determine.

## **9. Resource Comments:**

There is an established budget for externally commissioned day services at £2,810,000 across all client groups for 2024-25.

The existing capped pricing structure has been developed by the Council to bring consistency and control to costs, is considered to offer value for money and is proposed to remain, subject to an amendment to the Maximum Daily Rate described in this report.

The £0.065m impact of the proposal will be supported within existing budgets.

## 10. Consultation

### a) Has Local Member Been Consulted?

N/A

### b) Has Executive Councillor Been Consulted?

Yes

### c) Scrutiny Comments

The decision will be considered by the Adult Care and Community Wellbeing Scrutiny Committee on 24 April 2024 and the comments of the Committee will be reported to the Executive.

### d) Risks and Impact Analysis

Addressed in the body of the report and in the Equality Impact Assessment attached at Appendix A.

## 11. Appendices

These are listed below and attached at the back of the report:	
Appendix A	Equality Impact Assessment
Appendix B	LCC Day Care Cost Model
Appendix C	Procurement Timelines

## 12. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
The Care Act 2014	<a href="https://www.legislation.gov.uk">Care Act 2014 (legislation.gov.uk)</a>

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