

Decision Pathway – Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 24 January 2023

TITLE	Funding for Adult care packages	
Ward(s)	All Wards	
Author: Jonathan Wright	Job title: Strategic Commissioning Manager	
Cabinet lead: Cllr Helen Holland, Cabinet Member for Adult Social Care and the Integrated Care System	Executive Director lead: Hugh Evans, Executive Director Adults and Communities	
Proposal origin: BCC Staff		
Decision maker: Cabinet Member Decision forum: Cabinet		
Purpose of Report: To delegate authority to the Director of Adult Social Care and Executive Director for Adults and Communities, in consultation with the Cabinet Member for Adult Social Care, to approve spot purchasing of Residential and Nursing Care placements and supported accommodation for eligible people where the total cost of the proposed placements is above the key decision threshold value. Placements may or may not be through existing framework contracts. Combined packages featuring other care types may also require similar approval.		
Evidence Base: <ol style="list-style-type: none"> 1. Bristol City Council has a number of statutory requirements relating to Adult Social Care placements. The Care Act (2014) sets out the statutory duties upon local authorities for the provision of services for adults with eligible need which includes accommodation for the more complex and vulnerable. The legislation imposes a duty upon to local authorities to secure, so far as reasonably practicable, sufficient accommodation that (a) is within the authority's area; and (b) meets the needs of those people. Independently commissioned service provision is a key means by which Bristol City Council complies with its duties to provide high quality care to vulnerable adults. 2. The Strategic Commissioning team is working to develop Bristol's sufficiency as part of this statutory duty. The team is developing approaches to improve market management, including developing cost effective, local options. Whilst work is being undertaken to build sufficiency, it is inevitable that a level of spot purchasing will remain. 3. The spot purchasing of placements, where no compliant route is possible, is permitted by the Public Contracts Regulations (2015) and Bristol City Council's procurement rules as compliant exceptions. As some social care placements, especially those for younger people, can last many years, the total funding commitment can exceed the key decision value threshold, procedurally necessitating a Cabinet report for each person placed in such a setting. 4. Decisions relating to individual people must be taken in a timely way, and often need to be made at short notice. To date, at current rates, there are 157 existing placements that will hit that key decision threshold within four years. 5. This report therefore seeks approval for authority to be delegated to the Director of Adult Social Care and Executive Director for Adults and Communities, in consultation with the Cabinet Member for Adult Social Care, to approve the spot purchasing of Residential and Nursing Care and supported accommodation 		

placements, where the total committed funding for placements is above the key decision threshold value.

Cabinet Member / Officer Recommendations:

That Cabinet:

- 1) Authorises the Director for Adult Social Care and Executive Director for Adults and Communities in consultation with Cabinet Member for Adult Social Care to undertake the spot purchasing of Residential and Nursing Care and supported accommodation statutory placements (and relevant combined packages featuring other care types) above the key decision threshold, until 31 March 2024 to align with the expiry of the current contractual frameworks.
- 2) Notes that a report will be brought to Cabinet outlining the decisions approved above key decision threshold value on an annual basis.

Corporate Strategy alignment:

The proposal is in line with the strategy for Health and Wellbeing and helps to deliver on statutory duty.

City Benefits:

The proposal aligns with the ASC strategy on sourcing appropriate care and best use of Council resource. The proposal also ensures compliance with the BCC governance process and mirrors the process agreed for Children's Services.

Consultation Details:

Consultation has been undertaken with relevant internal staff members, including Procurement and Children's Placement Team and the SEND Business Unit.

Background Documents:

[Care Act 2014 \(legislation.gov.uk\)](https://legislation.gov.uk)

Revenue Cost	£144.6m	Source of Revenue Funding	Adult Social Care, adult purchasing budget
Capital Cost	£0	Source of Capital Funding	N/A
One off cost <input type="checkbox"/>	Ongoing cost <input checked="" type="checkbox"/>	Saving Proposal <input type="checkbox"/>	Income generation proposal <input type="checkbox"/>

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: This report seeks to delegate authority to the Director for Adult Social Care and Exec Director for Adults and Communities in consultation with Cabinet Member for Adult Social Care to undertake the spot purchasing of Residential and Nursing Care and supported accommodation placements for Care Act eligible people which are above the key decision threshold value. This delegation to be in place until the end of March 2024 to align with the expiry of the current contractual frameworks.

As the report identifies, there are a number of placements which are potentially likely to exceed the key decision threshold depending on presenting need. The cost of these will need to be met from within the Adult Social Care, adult purchasing budget of £144.6m which is currently under significant pressure and is overspending by £8.6m.

The current requirement to take these placements to Cabinet will cause significant delay in paying providers and puts the current and future placements at risk. Finance therefore supports this proposal, subject to the continuation of the rigorous measures being in place to agree these placements and that they are authorised by the Director who has budget responsibilities.

Finance Business Partner: Denise Hunt 14 December 2022

2. Legal Advice: It is recognised that the spot purchasing arrangement may place the Council in a situation where it may breach the procurement regulations. The fact that the arrangement is required to ensure the Council meets its

statutory requirement in relation to residential and nursing care and supporting accommodation placements and allow time for the Council to review its placement sufficiency and put in place a fully compliant procurement process, will help mitigate the risk of challenge. Legal services will advise and assist officers with regard to the conduct of the proposed procurement process and the resulting contractual arrangements.

Legal Team Leader: Husinara Jones, Team Manager/Solicitor 14 December 2022

3. Implications on IT: I can see no implications on IT in regards to this activity.

IT Team Leader: Gavin Arbuckle – Head of Service Improvement and Performance 13 January 2023

4. HR Advice: There are no significant HR implications arising for Bristol City Council employees in relation to this report.

HR Partner: Lorna Laing People HR Business Partner 12 January 2023

EDM Sign-off	Christina Gray	7 December 2022
Cabinet Member sign-off	Cllr Helen Holland	12 December 2022
For Key Decisions - Mayor's Office sign-off	Mayor's Office	19 December 2022

Appendix A – Further essential background / detail on the proposal	NO
Appendix B – Details of consultation carried out - internal and external	NO
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	NO
Appendix E – Equalities screening / impact assessment of proposal	NO
Appendix F – Eco-impact screening/ impact assessment of proposal	NO
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO
Appendix L – Procurement	NO