

B&NES Community Services Transformation Programme

Programme One - Adult Social Care Redesign & Community Partners

Workstream - Adult Social Care Operating Model (1st April 2024)

Options Appraisal Workshop 21st September 2022 (SD43) Adults with a Learning Disability

Options for Consideration	Option 1: Re-commission service delivery for B&NES
	Option 2: In-source service delivery to B&NES Council
	Option 3: Set up a new organisation to deliver services for B&NES

Option 1: Re-commission service delivery for B&NES

Benefit	Disbenefit	Risk
Thriving market for day services with an opportunity to develop a new service specification for B&NES as an attractive service to re-commission	Increased investment in contract governance and performance monitoring depending on a re-commission to a single provider that can delivery all services required or is there the need to have a collaboration of providers to deliver the service for B&NES	Ambitious timescale for running procurement (1st April 2024)
Provider expertise in CQC assurance framework to drive improvement	Lack of clarity over the management of the assurance framework as Council hold responsibility but delivery is by a third party which could have a reputational impact on the Council and changes to performance framework requires sing off by two parties which constrains the pace at which amendments can be implemented and this may affect reporting for the Assurance Framework	Increase risk of legal challenge if the current provider is not successful in being awarded the contract
There could be providers with specific expertise in delivery of learning disabilities service delivery to deliver a new model for B&NES	Service transformation can be less agile as the Council must rely on contractual levers within the contract to agree service development and is subject to significant negotiation with provider and potentially could lead to additional costs	Manifesto commitment to in-source services
Opportunity to redesign the service for delivery of integrated learning disabilities to run a new model of delivery engaging 3rd sector and community partners	More difficult to collaborate at scale with BSW LA's due to the different operating and contractual model of delivering social work function	Increased investment in contract governance and performance monitoring depending on a re-commission to a single provider that can delivery all services required or is there the need to have a collaboration of providers to deliver the service for B&NES
Direct management of those inputting data enables targeted management instructions to improve data quality, without relying on governance of external relationships. This will enable timely improvements to data quality to respond to regulator instructions following assurance visits, for example	The Council's ability to ensure its sufficiency duty will be through contractual levers and therefore could be less agile and responsive to market need	Staff morale and change fatigue will impact on workforce retention as tolerance for change is low

Option 1: Re-commission service delivery for B&NES

Benefit	Disbenefit	Risk
Closer relationship between BI and operational teams facilitates collaborative working to improve data quality, and safeguards against messaging being 'lost in translation' when routed through provider management teams	Contract funding envelope will cost more, even if fixed price, than the current budget envelope as unlikely any provider can deliver the service without an increase in funding	Although a thriving market in B&NES there are local providers that have ceased being able to deliver due to market impact of covid
Changes to performance frameworks can be implemented within the governance of one organisation, allowing for more frequent and timely changes that meet the needs of the council	Cost of management structure for effective and robust contract monitoring and performance	Contractual arrangements have a negative impact on Council's ability to work with ICB and BSW partners
Consistency of reporting methodology across services, as the council is responsible for all reporting for social care	CQC inspection obligation sits with a provider, but Council retains accountability	Transition to new model is likely to see some initial disruption to normal working, which may impact on data quality. However, data quality should be planned for as an essential part of safe transfer of services
Redesign and recommissioning of services as one fully integrated service could deliver economies of scale and greater efficiencies by simplifying service pathways and improved deployment of resources	High mobilisation and set up costs to contract with a provider - especially if the incumbent provider is not awarded the new contract	Increased risk of additional cost pressure to Council for a new contractual relationship and funding envelope
	Data quality improvements would rely on external managers communicating the council's priorities to operational staff, which may conflict with other priorities set by line managers	Entering into a new contractual relationship whilst implementing the adult social care reforms
	Level of direct collaboration between BI and operational teams will be lower than option 2 (assuming a provider BI team is also in place) and may be hampered by governance arrangements. This will impact the Assurance Framework	Delay to changes in legislation arising from COVID may impact on ability to run effective procurement activity (Public Contracts Regulation) with potential for further delay due to change in Government leadership
	Reporting code implemented by the provider may be inconsistent with the Council's own definitions used for corporate reporting	Market response to redesigned services might lead to service fragmentation, leading in turn to reduced economies of scale and reduced efficiencies

Option 1: Re-commission service delivery for B&NES

Benefit	Disbenefit	Risk
		Council and ICB's views on the future model for the provision of the Complex needs service might not align, with potential adverse impact on the model for the remaining services in this grouping
		Keeping Shared lives service in the learning disability portfolio might restrict opportunities to develop this service to other population groups.

Option 2: In-source service delivery to B&NES Council

Benefit	Disbenefit	Risk
Service delivery is under direct control of Council with increased agility and ability to deliver change and improve performance	Cost of in-house delivery higher than comparative provider in market creating additional cost pressure for the Council	The Council has not been a provider of Learning Disabilities provision for a number of years and is required to undertake market engagement and develop strategy for becoming a provider in the market
Opportunity to streamline governance and assurance processes to drive improved performance	Very ambitious timeline for Council to develop a market engagement strategy as currently most provision is spot purchased	Longer term pay and terms and conditions review required for transferring workforce which could lead to additional cost pressure for Council as part of 'levelling up' as existing workforce will transfer on a lower salary scale
Greater ability to respond to service demand as function under direct control of Council and not subject to contractual negotiation	Cannot rely on contractual levers to manage and explain performance	Increased risk of entering into multiple contractual arrangements with a mixed provider model with increased contractual monitoring and governance requirements
Standard operating model across most LA's making it easier to benchmark performance	Significant one-off mobilisation and transition costs for bringing the service back in house - HR, IT, training and development, systems, accommodation	Reduce likelihood of legal challenge from current provider
Ability to change and adapt operating model in readiness for adult social care reforms	Financial envelope will incur additional costs compared to current budget allocation as overhead costs are higher for Council	Large scale TUPE transfer project in a very short timescale (1st April 2024) with multiple contracts and varied terms and conditions for current provider workforce
Opportunity to develop a sufficient service to repatriate service users placed out of area and return to B&NES	Bringing the Complex needs service in house will require the council to invest in and set up specialist governance and operational structures for the delivery of health services (reference - Haringey model)	Significant one-off mobilisation and transfer costs are a drain on the ASC reserve
Ability to align future savings plans within commissioning cycle		Transition to new model is likely to see some initial disruption to normal working, which may impact on data quality. However, data quality should be planned for as an essential part of safe transfer of services
Opportunity to use the council's full portfolio of buildings and assets		Safe transfer of services by 1st April 2024

Option 2: In-source service delivery to B&NES Council

Benefit	Disbenefit	Risk
Opportunity to align with Children's Social Care and develop an all-age model		Keeping Shared lives service in the learning disability portfolio might restrict opportunities to develop this service to other population groups.
		Council and ICB's views on the future model for the provision of the Complex needs service might not align, with potential adverse impact on the model for the remaining services in this grouping

Option 3: Set up a new organisation to deliver services for B&NES

Benefit	Disbenefit	Risk
Community Interest Company would be set up to maintain public ownership of the organisation	Undeliverable in current timescale (by 1st April 2024) and budget too small for this option to be viable	Staff morale and change fatigue will impact on workforce retention as tolerance for change is low
Draw upon providers with specific expertise in social work service delivery	After the initial contract term, they will be subject to recommissioning and procurement under Public Contracts Regulations	B&NES has previously utilised this approach in Sirona who were unsuccessful in bidding for the current B&NES contract
Potential for a fixed price contract where funding is capped for duration of contract term	Increased cost of set up of a new management structure with required governance processes for decision making	Safe transfer of services (1st April 2024)
Draw upon provider expertise in CQC assurance framework	Lack of clarity over the management of the assurance framework as Council are accountable but service is delivered by a third party which could have a reputational impact on the Council	Ambitious timescale for set up of a CIC with necessary registrations in place with CQC and company's house
	Service transformation can be less agile as the Council must rely on contractual levers within the contract to agree service development and is subject to significant negotiation with provider and could potentially lead to additional costs	Transition to new model is likely to see some initial disruption to normal working, which may impact on data quality. However, data quality should be planned for as an essential part of safe transfer of services.
	More difficult to collaborate at scale with BSW LA's due to the different operating and contractual model of delivering social work function	Increased risk of escalating legal costs for setting up of a new organisation
	The Council's ability to ensure its sufficiency duty will be through contractual levers and therefore could be less agile and responsive to market need	
	Contract funding envelope will cost more, even if fixed price, than the current budget envelope as unlikely any provider can deliver the social work function without an increase in funding	
	Cost of management structure for effective and robust contract monitoring and performance	

Option 3: Set up a new organisation to deliver services for B&NES

Benefit	Disbenefit	Risk
	CQC inspection obligation sits with a provider, but Council retains accountability	
	High mobilisation and set up costs to contract with a provider	
	Pending confirmation of precise management arrangements, data quality improvements would rely on external managers communicating the council's priorities to operational staff which may conflict with other priorities set by line managers	
	Pending confirmation of precise management arrangements, the level of collaboration between BI and operational teams may be hampered by governance/management arrangements. This will impact the Assurance Framework	
	Pending confirmation of precise management arrangements, changes to performance frameworks require sign off by two parties, which constrains the pace at which amendments can be implemented, this may affect reporting for the Assurance Framework	
	Reporting code implemented by the provider may be inconsistent with the council's own definitions used for corporate reporting	
	Limited strategic buy in for this option from cabinet members	