

 Brent	Cabinet 10 March 2025
	Report from the Corporate Director, Community, Health and Wellbeing
	Lead Member – Cabinet Member for Adult Social Care, Public Health and Leisure (Councillor Neil Nerva)
Authority to Tender for a Day Opportunities Framework for the Provision of Community Based Activities for Adults	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Two Appendix 1: Equality Analysis Appendix 2: Day Opportunities Consultation Summary
Background Papers:	None
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1.0 Executive Summary

- 1.1 This report concerns the procurement of a Day Opportunities Framework Agreement for the provision of community-based activities for people over 18 and who are eligible for Adult Social Care support. This includes people with a Learning Disability and/or Autism, Mental Health needs, Physical Disabilities

and Older People including those with dementia. This report requests approval to invite tenders in respect of the above Day Opportunities Framework as required by Contract Standing Orders 88 and 89.

2.0 Recommendations

That Cabinet:

- 2.1 Approve inviting tenders for the establishment of a Day Opportunities Light Touch Framework Agreement between the Council and one or more providers for the future award of contracts (“Call-offs”) for the provision of community based activities for eligible adults (the “Framework Agreement”) on the basis of the pre - tender considerations set out in paragraph 3.3 of the report.
- 2.2 Approve Officers evaluating the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 3.3.1 section (vi) of the report.
- 2.3 Delegate authority to the Corporate Director, Community Health and Wellbeing in consultation with the Lead Member for Community Health and Wellbeing to award the Framework Agreement for a term of up to eight years in line with requirements of the Procurement Act.

3.0 Detail

3.1 Cabinet Member Foreword

- 3.1.1 The proposals within this report support a number of key Council priorities as set out in the Borough Plan “Moving Brent Forward Together”. The focus on increasing access to employment and volunteering opportunities is in line with Strategic Priority 1 – Prosperity and Stability in Brent, which focuses on skills development, training and employment.
- 3.1.2 Strategic Priority 5 – A Healthier Brent says, “adults with care and support needs are able to access support and services as they are integrated with health, culturally competent and responsive to individual need”. It also says, “we will work with residents as partners in their own care and support, to live independent, safe, happy and fulfilling lives”. The service specification for the contracted services will support these statements, aiming to promote independence and improve access to services. In line with the Care Act, it will also support the promotion of choice for people in receipt of support services.

3.2 Background

- 3.2.1 The Council requires the provision of a range of activities, described under the term day opportunities (“Day Opportunities”) for adults with an assessed social care need and that include social, leisure and recreational activities, support to access volunteering and employment support, and activities of daily living as well as a digital offer for those who benefit from an alternative approach. In

addition to meeting people's assessed social care needs, the focus of the activities is to facilitate the development of natural support networks and community participation within accessible community spaces. Officers have considered whether the Day Opportunities can be provided solely by the Council itself but have concluded that Day Opportunities are best provided by external contractors, complementing the Council's own two Day Services, providing greater choice for service users.

- 3.2.2 This report sets out the planned approach to securing provision of day opportunities services for all vulnerable adults who meet the Council's assessment criteria. The aim of this provision is to support the improvement and transformation of Brent's day services offer. The services will be designed to enable customers to live as independently and safely as possible in the community and to improve their overall wellbeing. This report has regards to the Council's commitment to building the local care market capacity.
- 3.2.3 The Council is required under the Care Act 2014 to: 1 Promote individual wellbeing, 2 Prevent needs for care and support, and 3 Promote diversity and quality in the provision of services. There is a strengthened focus for the Council to redesign services that better meet users' needs and aspirations in line with the departmental transformation programme and in response to changing patterns of service usage following the Covid pandemic.
- 3.2.4 Transforming the day opportunities offer in Brent remains a key objective of the department by implementing a community-based model of day activity and support that not only incorporates traditional models of day services, but also promotes routes into employment, volunteering, independent travel and skills development.
- 3.2.5 Officers have been working with providers on re-imagining day care since people returned to building based services post Covid. This was partly in response to the different models that emerged during the pandemic and also the changing expectations of people who use services. The work has involved analysis of services including utilisation, demand and costs. The Council has also undertaken an engagement programme with people who use services, their families, carers, staff and providers. This led to a conclusion that whilst Brent's traditional building-based day services are valued and needed by some, many residents expressed an interest in more community-based activities, including access in the evenings and at weekends. The commissioning strategy is aimed to stimulate the market, strengthen and build capacity of community organisations undertaking activities and forge pathways for them to become providers who partner with the Council.

Current arrangements and delivery

- 3.2.6 At present there are two day centres in Brent which are operated by the Council – one of which, New Millennium Day Centre is in the process of remodelling, sharing the site of a newly developed community wellbeing hub. This will

provide an opportunity for the Council to transform its own Direct Services provision, alongside the changes being made to the externally commissioned provision in this report. The day services delivered by the Council will not be in scope of the the framework and therefore are not included in the annual contract value located at paragraph 3.3.1 (pre-tender considerations) of the report.

- 3.2.7 There has been a reduction in utilisation of day services over a number of years. Before the covid pandemic there were over 500 customers (2017/18 financial year). As of October 2024, there were 310 customers accessing day services either directly from the Council's in house day centres (106 people) or via external providers (204 people). Of these customers, 65% have a learning disability and 74% are under 65 years old. Nearly one third of the placements made with external providers are placed outside of the borough. As part of the transformation work the department will be looking to bring people closer to home, and back into the borough, where appropriate.
- 3.2.8 In the financial year 2023/24 there were only 71 new people starting a day care package (either with internal or external services) during the year. It should also be noted that due to the way services were commissioned historically, there are some transport costs included within the annual contract value. Work is being done to separate these costs out but it is not possible at this time to be specific about the value of the transport element included.
- 3.2.9 Recent engagement included a formal public consultation over the future of the New Millenium Day Centre as well as engagement with all the day services in the borough, talking with people who use services, their carers and the providers of services.
- 3.2.10 Feedback included the importance of some of the available facilities within services, such as arts and crafts, the importance of building friendships and the safe environment of building based services which was particularly important for carers, for whom the day service offer provides respite.
- 3.2.11 People also fed back about changes they would like to see which included more access to IT, the community, learning new skills and access to work experience and volunteering. For carers, the opportunity to link with other carers was important in addition to the respite day opportunities provide. A summary of the responses can be found at Appendix 2.

Proposed Model

- 3.2.12 In order to respond to the needs and feedback of residents, Officers recommend establishing the Framework Agreement as the best approach for modernising the Day Opportunities services and increasing community participation. The creation of a Framework Agreement would enable the Council to establish a consistent approach to commissioning, quality assurance

and pricing of community-based day opportunities by working closely with pre-approved providers to an agreed specification and performance indicators to meet service users' needs.

3.2.13 The Framework Agreement will broaden the range of opportunities available, encouraging the development of community based day activities, increasing choice for customers and viable alternatives for those who do not want a traditional day service. The model for day opportunities, however, continues to recognise the need for high quality, building based services as part of the provision mix and the framework will allow the Council to meet demand including from those with significant needs coming through transition from Children and Young People's services.

3.2.14 The Agreement will allow the provision of services to evolve over the period of the framework, enabling innovation to happen where it is reasonable and appropriate to do so. It will enable the Council to bring providers on board who can make those innovations as the department develops its offer and works in more strengths-based ways with customers. These changes will happen throughout the life of the Agreement and providers will not be mandated to deliver that change from day one of the contract.

3.2.15 Through market engagement it will be made clear to potential providers that this is an opportunity to work with Council to develop provision over time, so that providers who are willing to be part of that journey but are not yet in that position are encouraged to apply. It will also be made clear that there is a requirement for a mix of providers and a desire to broaden the offer, but there will still be a requirement for some traditional building-based provision as this meets the needs of many Adult Social Care customers.

3.2.16 In order that activities can be provided in a flexible way, services will be commissioned and paid for on a sessional basis, which will typically be a morning or afternoon but as services develop could be in an evening and/or the sessions be delivered at weekends as well as Monday to Friday. The sessional model takes account of the views heard from some people with more complex needs, who may value consistency and want to continue attendance at a regular location for a full day, which will be possible using the sessional approach.

3.2.17 To ensure value for money is achieved, rates will be set by the Council. This will be banded rates, reflecting provider delivery and staffing ratios. Bandings based on different levels of support will provide a flexible pricing approach suitable for the market which has a variety of models of provision. The banding rates will be listed in the pricing schedule of the service specification.

3.2.18 The move towards a wider use of community activities will also be facilitated by the greater usage of direct payments, where individuals can choose where to spend their personal budget to meet their assessed support needs. It is

intended to improve and extend the availability of direct payments to enable individuals to access individualised support packages should they wish. Community navigators will be able to support people to find community led provision and create tailored packages to meet people's outcomes. Direct payment work will fall outside of this Framework.

3.2.19 This approach will allow the Council to fulfil its obligations under the Care Act 2014, to build sustainable and effective care markets while expanding capacity to support eligible young people coming through transitions and those who may opt to move away either partially or fully from building-based to community day services. Discussions have been held with colleagues within Children and Young People's services to ensure there is a clear pathway into appropriate support and services. In addition, providers who can offer creative solutions to this group will be involved as part of the market engagement activities and future market development.

3.2.20 Day Services are currently spot purchased. Spot purchasing provides a weaker contractual relationship with the provider and the Council does not have explicit quality standards in place in these arrangements and has less influence over whether fair prices are charged. The introduction of the Framework Agreement will enable the development of a more structured day services provision across Brent, centred on improvements in the wellbeing of service users, whereby providers can effectively be held to account for their performance and value for money can be assessed through the use of key performance indicators.

3.2.21 The Framework Agreement will create transparency, where people who access Day Opportunities, their families, and those who provide services have clarity about the Council's expectations regarding quality, value for money and outcomes for the people with a commissioned service. A Light Touch Framework Agreement with a period of four years with the option to extend for four further years is being recommended as this is a fairly closed market and the Council intends to set the rates which can also be reviewed throughout the term thus allowing value for money to continue to be monitored and achieved. The department will consider cost pressures each year including the London Living Wage to ensure that fees remain sustainable.

3.2.22 The framework will be re-opened annually during its term, in order to admit new applicants. This will mean new Day Opportunities providers in the market have the opportunity to join the Framework Agreement. It will support small and micro local enterprises and the voluntary and community sector organisations within and outside the borough in recognition of the very important role they play in our local economy. Whilst the aim is to support people as close to home as possible and within the borough where possible, the framework will be open to providers delivering services outside of the borough as this will allow people to access specialist provision and often makes geographical sense for those living near borough boundaries.

3.2.23 The Framework Agreement will be used for all placements made after the contract start date. Once a provider is on the Framework Agreement, call-off orders for new work will be placed with one of the awarded providers based on service user choice. The allocated worker will provide service users information about which services are available to meet their assessed needs, to allow people to exercise their choice. As part of this process when a referral is made, the Provider will undertake an assessment of the service user to ensure they can meet the required outcomes. Existing packages/placements will not be reproced in order to limit disruption to current users. Where current providers are successful in joining the framework, existing day care packages will be brought under the framework at the point of annual review, should the service user wish to remain in their placement.

3.2.24 Providers appointed to the framework will have the opportunity to offer their existing services as well as develop new provision for groups and / or individuals. All new community based day care requirements will be channelled through the framework, with existing providers of spot contracted day opportunities encouraged to join. Where providers are unsuccessful, they can apply to join again when the Framework Agreement is re-opened annually to gain a place.

3.2.25 The creation of a Framework Agreement is one part of a wider three year transformational programme for day opportunities which will see changes to the Council's own Direct Services provision as well as process and culture change within the Adult Social Care department to seek out opportunities for people in the community including employment where people express an interest. These developments will complement the work within the Integrated Care Partnership (ICP) to develop a neighbourhood model to support resident health and wellbeing.

3.3 Pre-tender Considerations

3.3.1 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for the procurement of a Day Opportunities Framework Agreement for the provision of community-based activities for people over 18 and eligible for Adult Social Care support (the "Contract") have been set out below for the approval of the Cabinet.

Ref.	Requirement	Response
(i)	The nature of the services / supplies / works.	<p>A Day Opportunity is defined as a service or community activity provided for the purpose of delivering outcomes specified in an individual's support plan.</p> <p>The services are for people over 18 and eligible for Adult Social Care support. This includes people with a Learning Disability and/or Autism, Mental Health needs,</p>

Ref.	Requirement	Response	
		Physical Disabilities and Older People including those with dementia.	
(ii)	The estimated value.	<p>£10,463,564.97 for initial 4 year period and further £11,326,099.23 for 4 year extension.</p> <p>Total: £21,789,664</p>	
(iii)	The contract term.	Four (4) year initial period with an option to extend for a further period of up to four (4) years.	
(iv)	The tender procedure to be adopted.	<p>The Council will undertake a competitive flexible procedure to set up a Light Touch framework agreement under the Procurement Act 2023.</p> <p>The approach takes into consideration the relative immaturity of the current market, with many of the provider organisations having limited experience with formal procurement processes, having previously received grant funding for example.</p>	
v)	The procurement timetable.		Indicative dates are:
		Publish preliminary market engagement notice	28/02/2025
		Contract Tender Notice published	02/05/2025
		Adverts placed on the Central Digital Platform, and London Tenders Portal	02/05/2025
		Publish Procurement Specific Questionnaire (PSQ)	02/05/2025
		Tender workshop with providers	14/05/2025
		Deadline for Procurement Specific Questionnaire submissions	04/06/2025
		PSQ Evaluation and moderation	By 02/07/2025

Ref.	Requirement	Response	
		Publish shortlisted bidders to Invitation to Tender award stage	30/07/2025
		Deadline for tender submissions	03/09/2025
		Evaluation and moderation	By 12/11/25
		Report recommending Contract award circulated internally for comment	By 21/11/2025
		Corporate Director approval	05/12/2025
		Assessment summaries notified to all tenderers	09/01/2026
		Contract Award Notice published	09/01/2026
		At least 8 working days standstill period and additional debriefing of unsuccessful tenderers	09/01/2026 – 20/01/2026
		Publish Contract Details Notice	21/01/2026
		Contract Mobilisation	Not Applicable
		Contract start date	02/02/2026
(vi)	The evaluation criteria and process.	<ol style="list-style-type: none"> 1. At selection stage shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a selection questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise. 2. At tender evaluation stage, the panel will evaluate the tenders against the following criteria. Note that all bidders will receive the same Price score as the Council fixed the price bidders will be paid: <ul style="list-style-type: none"> • 85% Quality 	

Ref.	Requirement	Response
		<ul style="list-style-type: none"> • 10% Social Value • 5% Price
(vii)	Any business risks associated with entering the Contract.	<p>The following business risks are considered to be associated with entering into the Contract:</p> <ol style="list-style-type: none"> 1. Insufficient interest from existing providers who don't join the new framework. 2. Providers are interested but they struggle with the formal procurement process because they are immature when it comes to tendering or they fail to gain a place the first time. <p>Mitigations are:</p> <ol style="list-style-type: none"> 1. Market engagement activities to engage current providers and inform and alert new entrants into the market for day services. 2. Tender workshops to explain the tender process, and clear tender documents with specific instructions and appropriate award criteria. Opportunity to join the framework again when it is open. <p>Financial Services and Legal Services have been consulted concerning this Contract and have identified any risks associated with entering into this Contract set out sections 4 and 5 of the report.</p>
(viii)	The Council's Best Value duties.	The adoption of a Light Touch Framework Agreement will enable the Council to achieve best value for money as the Council will fix the rates for this contract, ensuring that the providers will be paid a fair price for the services.
(ix)	Consideration of Public Services (Social Value) Act 2012	<p>The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.</p> <p>The services under the proposed contract have as their primary aim the improvement of the social wellbeing of vulnerable people in Brent. In procuring the services</p>

Ref.	Requirement	Response
		and in accordance with the council's Social Value Policy, 10% of the total evaluation criteria will be reserved for social value considerations.
(x)	Any staffing implications, including TUPE and pensions.	See section 9 below.
(xi)	The relevant financial, legal and other considerations.	See sections 5 and 6 below.
(xii)	Sustainability	This has been assessed in line with the Procurement Sustainability Policy and determined that a specific quality measure for sustainability is not required.
(xiii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / Outcomes will be included in the Contract.
(xiv)	<p>Policy requirements including:</p> <ol style="list-style-type: none"> 1. National Procurement Policy Statement 2. Prompt payment 3. Modern slavery 4. carbon reduction 5. London Living Wage 	<ol style="list-style-type: none"> 1. The Council will have regard to the National Procurement Policy Statement in this procurement process. 2. Does not apply to Light Touch contracts (under PPN 015) however the Council does pay suppliers within within thirty days of receipt of a valid VAT invoice. The Council will also offer the FastTrack service as part of the procurement documents to facilitate faster payment to suppliers. 3. The Council will assess if a supplier is a relevant commercial organisation and is compliant with the requirements contained within section 54 of the Modern Slavery Act 2015. 4. As set out above in (xiii), this requirement has already been assessed against the Council's Procurement Sustainability Policy. Officers will consider how carbon reduction can be incorporated into the procurement. 5. The Contract will require the payment of the London Living Wage.
(xv)	Sharing information for the purpose of allowing suppliers and others to understand the Council's	The Council will share relevant information throughout the procurement process including pre-market engagement so that procurement policies and decisions can be understood.

Ref.	Requirement	Response
	procurement policies and decisions	
(xvi)	The fact that SMEs may face particular barriers to participate in the Tender and consider if such barriers can be removed or reduced	<ul style="list-style-type: none"> • Advertising the opportunity on Central Digital Platform • Tender workshops will be delivered by Officers to support suppliers understand how they can bid for a place on the framework, and will include clear information on the requirement to submit compliant bids in the tender pack.
(xvii)	Contract Management	A contract manager will be appointed and appropriate contract management provisions will be included in the Contract.

3.3.2 Cabinet is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

Alternative options considered

3.3.3 Continuation of current arrangements

The Council could continue with spot contract arrangements with a variety of providers. This would continue to offer some choice of provision, however without a new service specification, the model would remain more traditional in approach. Also, without a formal contract in place with agreed terms and conditions, the Council has a weaker position in terms of market management, quality assurance and price.

3.3.4 Direct Payment only model

The Council could move to a Direct Payment only model, whereby no direct commissioning is undertaken but instead service users have their own personal allocation and use it to purchase the support they need. For those not wanting to handle the administration of a Direct Payment, managed accounts could be used to support the person to do this. Moving to a full Direct Payment model can be difficult for providers as they do not have guaranteed regular payments being made. In addition, for the Council it is harder to monitor and influence both the quality and price of services when there is no contractual arrangement.

3.3.5 Dynamic Purchasing System

A Dynamic Purchasing System (DPS) could have been used to commission services up to and including the 23 February 2025. As a DPS is open throughout the course of its life, it is flexible in terms of allowing new providers to join and continue to broaden the market. However, the processes are administratively burdensome, creating a lot of work to award call offs which

makes it difficult to award work quickly. In addition, monitoring becomes resource intensive due to the number of providers joining the DPS. Service user choice can be difficult to build into the process and direct awards are not part of the process. The time and resource required for this approach makes it a non-preferred option in addition that these will be replaced by Dynamic Markets under the Procurement Act 2023 from 24 February 2025.

3.3.6 Insourcing Provision

The Council currently owns and operates two day services, New Horizons (previously the New Millennium Day Centre) and John Billam Resource Centre. These are seen as being an important part of the Council's transformation of day opportunities, given they are operating within the communities they serve, from appropriate building bases with good resources and equipment. In house provision is more costly to provide, given the on costs incurred through the Council's employee terms and conditions. However, they are well placed to lead the culture shift envisioned to support people into both work and volunteering opportunities and support people be active within their communities. At John Billam, the centre has been purpose built to support those with more complex needs and the facilities allow for this to be done effectively.

3.3.7 In line with the Care Act, the Council wishes to actively promote choice for people who use services and therefore whilst operating its own high quality provision, there remains a desire to work in partnership with other local businesses and community organisations to ensure the breadth of provision needed can be offered, whether that is through highly specialist, condition specific, services such as those which support those with dual sensory impairment, or those that can meet particular cultural or faith needs for example.

3.3.8 The ambition to support a vibrant local market of suppliers along side support and funding for voluntary and community sector organisations means that a decision to in source all provision would detrimentally impact that broader economic and community growth and development. A mixed economy, where the Council can shape services and set the standard, alongside contracts with local suppliers and community organisations provides a balance, with some ongoing investment into the community.

4.0 Stakeholder and ward member consultation and engagement

4.1 This tender has borough wide implications, so specific consultation with ward councillors has not taken place. Sections 3.2.6 and 3.2.9 outline the work undertaken with stakeholders in developing this work.

5.0 Financial Considerations

5.1 The estimated value of the contract for the initial 4-year period is £10,463,565, assuming a uplift of 2% annually. If the contract is extended for a further 4 years, the total value is projected to be £11,326,099, assuming a continued 2% annual

uplift each year.

- 5.2 The cost of the contract will be funded from Community, Health and Wellbeing budgets allocated for the specific services. These budgets will cover the cost of the contract over the 8-year term. However the assumed inflationary 2% increase will need to be considered as part of the Medium Term Financial Strategy planning process going forward.
- 5.3 Increasing demand and costs pose financial risks, and as a result contractual performance will be carefully monitored to ensure continued financial stability and service delivery.

6.0 Legal Considerations

- 6.1 The estimated value of the proposed Light Touch Framework Agreement for the provision of Day Opportunities services for eligible adults (the “Framework Agreement”) over its lifetime including possible extensions (see table at section 3 of this report) is above the threshold for Light Touch Services under the Procurement Act 2023 (the “PA’23”), currently set at £663,540 (inclusive of VAT); and the procurement is therefore governed by the PA’23.
- 6.2 Light Touch services are defined by CPV codes under schedule 1 of the Procurement Regulations 2024 (“PR 2024). Officers at paragraph 3.3.1(i) have identified the services to be procured as those health, social and other related services listed under PR 2024. Sections 9(5) and 45 of the PA’23 set the requirements for the establishment of a Framework Agreement including those frameworks that are light touch contracts.
- 6.3 The procurement is also subject to the Council's own Standing Orders and Financial Regulations in respect of High Value Contracts given the procurement is valued at over £2,000,000. For High Value Contracts, Cabinet is required to approve the pre-tender considerations set out in section 3 above (Contract Standing Order 89) and the inviting of tenders (Contract Standing Order 88).
- 6.4 In accordance with Recommendation 2.3, once the tendering process is undertaken, Officers will report to the Corporate Director, Community Health and Wellbeing in consultation with the Lead Member for Community Health and Wellbeing explaining the process undertaken in tendering the Framework Agreement and recommending award.
- 6.5 As this procurement is subject to the application of the PA’23, the Council will observe a standstill period of at least 8 calendar days and that will start after the Council has issued an assessment summary to all tenderers (in writing) of the Council’s decision to award and also published a Contract Award Notice pursuant to Section 50 of the PA’23, before the Contract can be awarded. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council’s award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during this period, at the end

of the standstill period the Council can issue a letter of acceptance to the successful tenderers and the Contract may commence.

- 6.6 Following the expiry of the standstill period, and once the Council enters into the Contract, the Council will be required to publish a Contract Details Notice pursuant to Section 53 of the PA'23 before the end of the period of 120 days beginning with the day on which the Contract is entered into.
- 6.7 As the Framework Agreement is above £5m over its lifetime, in accordance with Section 53(3) of the PA'23, the Council will also be required to publish a copy of the Contract before the end of the period of 180 days beginning with the day on which the Contract is entered into. The Council will be required to comply with all the relevant notice provisions throughout the term of the Contract, starting from the award, entry and management of the Contract as required under the PA'23 and Contract Standing Order 115(a).
- 6.8 As the decision that is being sought here is a Key Decision, the decision is subject to a 5 clear day call-in period and the decision to tender may not be implemented until after expiry of the call-in period provided that no call in has been made.
- 6.9 As the decision that is being sought here is a Key Decision, the decision may not be taken by the Cabinet unless this matter has been published on the Forward Plan. The Key Decision must be published on the Forward Plan (Paragraph 30 of the Access to Information Rules) and must be included on the Forward Plan not less than 28 days before the decision is to be made. (Paragraph 34 of the Access to Information Rules). The intention to go out to tender has been placed on the Forward Plan and a period of 28 days has elapsed, therefore the decision to go out to tender can be taken.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

- 7.1 Pursuant to s149 Equality Act 2010 (the "Public Sector Equality Duty"), the Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,
- 7.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 7.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 7.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 7.5 Cabinet is referred to the contents of this report for information, in particular the Equality Analysis at Appendix 1.

8.0 Climate Change and Environmental Considerations

- 8.1 As part of the plans for Day Opportunities transformation, customers will be supported to access services within their local communities and where possible offered travel training to use public transport. Where Council transport is utilised, shared provision is the preferred option unless individual care and support needs dictate that someone can share. This approach supports the reduction of longer or single person journeys and thus reduced emissions.

9.0 Human Resources/Property Implications

- 9.1 These services are currently provided by external providers and there are no implications for Council staff or properties arising from tendering of this Contract.
- 9.2 There are no property implications arising from tendering this Contract

10.0 Communication Considerations

- 10.1 People using services will see no immediate change to their day service or staffing, as the approach to not re-tender all existing work will ensure people are not disrupted. At the point the Council is due to visit services for quality monitoring purposes it will ensure the Provider informs service users of the activity.
- 10.2 Staff within Adult Social Care will be made aware of the new contracts and how to commission day opportunities. Guidance will be developed to support this and information provided for new service users to help inform their choice of provision.

Report sign off:

Rachel Crossley

Corporate Director, Community Health
and Wellbeing