

APPENDIX 1

BIRMINGHAM CITY COUNCIL

COMMISSIONING STRATEGY FOR EXTERNALLY PROVIDED DAY OPPORTUNITIES 2025+

CONTENTS

1. INTRODUCTION
2. VISION FOR ADULT SOCIAL CARE
3. VISION FOR COMMISSIONED SERVICES IN BIRMINGHAM
4. DRIVERS FOR CHANGE
5. DAY OPPORTUNITIES
6. COMMISSIONING PRINCIPLES
7. CURRENT RESOURCES
8. EXTERNALLY PROVIDED DAY OPPORTUNITIES 2024+ COMMISSIONING MODEL
 - 8.1 A client centred delivery model - 'Have a good day'
 - 8.2 Flexible Contracting Arrangement
 - 8.2.1 CORE quality standards
 - 8.2.2 Customer Feedback
 - 8.2.3 Provider support
 - 8.2.4 Service Specification
 - 8.2.5 Pricing
 - 8.2.6 Care Package Allocation Process
 - 8.2.7 Transition Arrangements
 - 8.2.8 Systems and Processes
 - 8.2.9 Serious Incidents and Safeguarding
 - 8.3 Additional commissioning intentions

1. INTRODUCTION

“WE WILL HELP MAKE BIRMINGHAM A CITY WHERE ALL CITIZENS SHARE IN THE CREATION AND BENEFITS OF SUSTAINABLE ECONOMIC GROWTH AND CAN LIVE LONGER, HEALTHIER, HAPPIER LIVES.”

Birmingham and its citizens face significant opportunities and challenges and the Council must be bold, ambitious, and confident: Bold in its aspiration, ambitious in setting its priorities, and confident in its ability to delivering them. The Council’s Corporate Plan 2022 - 2026 provides a common basis for our strategic planning and a focus on tackling inequalities and creating opportunities for citizens to live longer, healthier, and happier lives. Our ambitions for Birmingham are:

- A Bold Prosperous Birmingham
- A Bold Inclusive Birmingham
- A Bold Safe Birmingham
- A Bold Healthy Birmingham
- A Bold Green Birmingham

The Council has set out a bold and challenging agenda to ensure Birmingham is a city in which every citizen can live a healthy enjoyable life. Where every citizen, at every stage of their life, in all communities can make choices that are affordable, sustainable, and desirable to support them to achieve their potential for a happy, healthy life. We will work to support our citizens (including families and carers) to understand their own physical and mental health and wellbeing and know how to access and get support in a timely and culturally appropriate way when they need it. We will create a city which is compassionate and inclusive to citizens, including people with disabilities and limiting longstanding illness, when they need support and assistance and work together to help them remain active participants in our city throughout their lives.

2. VISION FOR ADULT SOCIAL CARE

Most adults can enjoy access to mainstream services independently or with help and support from their families, friends and social groups. However, for some citizens this is only possible with support from social care services.

The challenges facing the Council to achieve this have never been greater. While it is a great achievement for society that there are more people living longer with more complex needs, inevitably this puts pressure on resources. While Birmingham is one of the youngest cities in Europe, the older population is growing rapidly. There are an estimated 14,000 adults living with dementia, with a further 3,000 people expected to be diagnosed over the coming 20 years. Further, there are nearly 24,000 people living with a learning disability and an increasing number of adults who have physical disabilities or are living with mental illness. The resources previously available to the Council have been significantly reduced and remain under significant strain, making the use of available resources more important than ever. The public have higher expectations of the public sector, and rightly so, the standards of care they expect are rising. It is increasingly recognised that people want support to enable them to exercise independence, choice and control.

The aim of adult social care in delivering the Council's ambition is to protect and empower the most vulnerable citizens. This means supporting vulnerable people to maximise their independence, health and wellbeing, whilst ensuring that publicly funded care and support provides value for money for Birmingham citizens and is provided only when it is really needed.

The Vision comprises eight key elements:

1. **Information, advice and guidance** - People need access to high quality information, advice and guidance. The range of services that people can access directly will be increased and it will be easier for carers to have their needs assessed.
2. **Personalised support** - Social work and care management services will be re-organised. They will move from assessing people for services to assessing them for the outcomes they want and the assets they have, to achieve them.
3. **Community assets** - Resources need to be made available for local groups to provide the wide range of support that enables people to remain in the community.
4. **Prevention and early intervention** - People need to be able to access prevention and early intervention services quickly and at any time in their lives to help maximise their independence.
5. **Partnership working** - Services need to be integrated and built on partnership working using multi-disciplinary teams and, where feasible, single points of access. The Council and its partners need to work as an entire system and to embrace locality working.
6. **Making safeguarding personal** - We must 'make safeguarding personal' and understand what outcomes people want from safeguarding enquiries and actions. Safeguarding must be seen as everybody's business and kept in the public eye.
7. **Co-production** - All services should be co-produced with users and carers. Ongoing engagement needs to be at the heart of commissioning and service delivery.
8. **Social Justice** - Services should seek to improve social justice by tackling the reasons for discrimination and creating opportunities for all citizens.

It is this more detailed vision that forms the platform of this Commissioning Strategy for externally provided Day Opportunities.

3. VISION FOR COMMISSIONED SERVICES IN BIRMINGHAM

Our vision for commissioned services in Birmingham is:

TO HAVE A VIBRANT, DIVERSE AND SUSTAINABLE LOCAL HEALTH AND SOCIAL CARE MARKET, WHICH SUPPORTS THE ACHIEVEMENT OF BETTER OUTCOMES, INCREASED INDEPENDENCE AND CHOICE AND CONTROL FOR ADULTS¹.

This vision for commissioned adult social care services (including day opportunities) is underpinned by three clear aims to:

1. Improve outcomes for those with health, care and support needs
2. Improve the quality of commissioned health and care services
3. Improve the resilience and sustainability of our health and social care system.

This recognises that if people are to live better lives and achieve better outcomes then we need to help people, their families and the community to have greater choice and control about the care that they receive, to promote independence and to ensure that all citizens have access to the support that they require to live safely and independently.

To deliver this vision a whole systems approach is required which recognises that much of the need for care and support is met by people's own efforts including their families, friends or other carers, and by community networks. The Council's approach to assessment of needs and social work practice, has adapted to focus on delaying and preventing the need for regulated adult social care services wherever possible. This is critical to ensuring we can manage the demand for our services within available resources.

4. DRIVERS FOR CHANGE

The key statutory driver for the work of adult social care is currently the Care Act 2014. The Care Act places clear duties on providing care and support to meet the assessed eligible needs of individuals and ensuring that wellbeing is promoted when carrying out any of the Council's care and support functions. The Care Act also sets out a range of commissioning and market shaping duties for Local Authority commissioner to ensure a range of quality and type of services are available to meet needs.

The "Build Back Better: Our Plan for Health and Social Care" published by Government in September 2021 sets out significant reform for the health and social care sector. The plan aims to address the catastrophic impact of the Covid-19 Pandemic on the NHS and social care sector, focussing on addressing extensive hospital backlogs, but also reforming the adult social care system in England in order to meet the increasingly complex needs of an ageing population, as well as the needs younger adults who need support.

Part of the Build Back Better policy change is the Government White Paper "Joining up care for people, places and populations" published in February 2022. This sets out a challenging agenda for the NHS and Local Government to further integrate through the planning, commissioning and delivery of co-ordinated, joined up and seamless services to support people to live healthy, independent and dignified lives and which improves outcomes for the population as a whole. The goal being that "everyone should receive the right care, in the right place, at the right time."

The Learning Disabilities and Autism Framework for Transformational Change 2023-2033, a partnership approach between Birmingham City Council and the Integrated Care Board, has a shared purpose to listen, hear and learn from the voice of lived experience, reflect national policy and guidance, retain ownership of statutory responsibilities, learn from data, and work collaboratively as natural, accountable, and ambitious system leaders with all key stakeholders to build and drive forward the ten-year Transformation Programme for Learning Disabilities and Autism.

National Strategy for Autistic Children, Young People and Adults and Implementation Plan 2021-2026 - published in July 2021 sets out a vision across six priority areas and replaces the preceding Adult Autism Strategy, Think Autism 2014.

The Council has published a number of Market Position Statements which identify current capacity and predicted demand. These are available on the Council's website by following the link below:

[Market position statement - May 2023 | Birmingham City Council](#)

Further information about current and future needs and demographic data about Birmingham, including any relevant Joint Strategic Needs Assessments can be found here:

[Birmingham City Observatory](#)

5. DAY OPPORTUNITIES

This strategy outlines our proposal for to the commissioning of externally provided day opportunities and provides a framework for the future commissioning of services that will support us to achieve our key aims to: improve outcomes; improve quality; and improve resilience and sustainability of the day opportunities market.

Day Opportunities (often referred to as day centres) is a broad term given to the services provided for people with care and support needs and their carers that take place, mainly, over daytime hours which provide vital support in two main ways:

- They provide meaningful activities, including learning, stimulation and recreation, promoting independence, supporting the development of skills, preparing for access to employment, making friends and enjoying the company of others.
- They provide valuable respite for unpaid carers.

Day opportunities support citizens with an assessed eligible need who are autistic, those with a learning disability, physical disability, acquired brain injury, older adults including those with dementia.

Day opportunities are generally assumed to only be provided on weekdays between, broadly 10am to 3pm. Increasingly, this understanding is becoming redundant as citizens tell us that they want to access different opportunities in the evening and at weekend. Whilst developing this strategy a number of opportunities that meet this requirement have been identified. It is important that citizens are able to engage in activities with others who have a shared interest. This might be in mainstream settings or in specialist provision.

6. COMMISSIONING PRINCIPLES

The commissioning approach we propose to take for the future model of externally provided day opportunities will be focussed on:

- **Investment and stability** – investing existing resources into the day opportunities sector in a more structured way to provide stability of care, but also recognising the role of the social care economy in the region and to allow all parties to plan their businesses.
- **Incentivising quality** – implementing an Quality Assurance Framework that recognises the best care provision and informs choice.
- **Market shaping** – developing mechanisms and specifications that support reduced reliance on the Council and support ongoing development and sustainability of the market.
- **Efficiency and modernisation** – developing systems and processes that are efficient and fit for the future.
- **Robust contract management** – clear specifications focussed on enabling, independence, choice and control and that make clear the requirements, with robust and consistent management against these.
- **Employment and skills** – having a health and social care system that acts as an economic driver for change at a local community level; ensuring the sector is an attractive prospect for those entering the job market; and that those within the sector are supported and trained to remain and develop their skills.
- **Reduced reliance on commissioned social care services** – the Council will do further work to; develop alternatives to more traditional models of care commissioning and delivery which will incentivise providers to enhance the independence of citizens; and support the development and understanding of community-based services.
- **Partnership with providers** – having transformed the Council’s relationship with the market by being open and transparent, the Council will have a range of high- quality providers who want to work with the Council to deliver services in the future, are clear about what is required and are able to work with the Council to influence the future direction.

7. CURRENT RESOURCES

The financial sustainability of the social care system is a nationally recognised and widely reported issue, for which there has been much lobbying from the local government sector. The Government has set out a range of reforms, albeit the funding and timescales has yet to be confirmed for all aspects of change.

The Council continues to face financial challenges and has set out a Financial Plan that sets out the expenditure, income and savings the Council expects to deliver in 2023/24 and beyond. Based on current spend and expected increases in demand it is estimated that £404m will be spent on adult social care by Birmingham City Council in 2023/2024, which is nearly half of the Council’s overall net budget.

It is estimated that the Council will have spent around £8m in 2023/24 on directly commissioned externally provided day opportunities.

The Council’s approach to assessment of needs and social work practice has a strong focus on delaying and preventing the need for regulated adult social care services which is critical to ensuring we can manage the demand for our services within available resources. This Commissioning Strategy recognises this approach and acknowledges the role day opportunities pay in delaying the demand for regulated services wherever possible.

8. EXTERNALLY PROVIDED DAY OPPORTUNITIES 2025+ COMMISSIONING MODEL

We need to develop the external day opportunities sector and this will involve the need to take our own staff, citizens, providers, partners and professionals on that journey with us. We will continue to support the local economy and the care sector and the following section describes how the Commissioning Strategy will be implemented to support delivery of high-quality day opportunities services, the achievement of better outcomes and increased independence and choice.

The proposals contained within this Commissioning Strategy and the documents that will result from this, will have been designed to ensure that individual assessed eligible care and support needs can be met in high quality services, that citizens are given choice and control over their care and that commissioned services represent value for money for the public purse.

This strategy is focusing on day opportunities provided by the external market, which includes private and third sector providers. Currently 57 providers, across 74 day centres (18 of which are outside of Birmingham) support 954 adults funded by Adult Social Care. There are also 302 adults who self-fund their attendance at day opportunities.

The strategy also proposes looking at how the scope and diversity of the day opportunities offer can be expanded by enabling citizens to access different activities at different times in different places.

8.1 A client centred delivery model - 'Have a good day'

The term to 'have a good day' is often used to broadly assess the quality of experience service users receive in the context of day activities and support.

What does 'Having a good day' mean for service users?

In national policy, people are described as 'Having a good day' when they are:

- doing things that have a purpose and are meaningful for them.
- doing things in ordinary places, that most members of the community would be doing.
- doing things that are uniquely right for them, with support that meets their individual and specific requirements.
- Meeting local people, developing friendships and connections, and building a sense of belonging.

The key messages from the recent day opportunities co-production are:

What people do now and what they would like to do in the future.

One size did not fit all - There was a wide range of preferences and citizens were able to say what they enjoy doing on a regular basis. These ranged from arts and crafts, games and quizzes, to practical skills and support in daily living. People also wanted to learn and develop new skills, gain qualifications and to find work. Citizens also wanted and enjoyed trips into the community and doing sports and leisure activities.

However, continuity and certainty were also important. Families / carers needed continuity in terms of time, location and activity as they needed to plan lives, work other caring responsibilities around these. Staff also needed a level of continuity to enable planning in terms of resources, staffing and transport.

Community / friendships and mutual support

There was a strong sense that services were essential in enabling friendship, community and mutual support to each other. Long standing friendships and connections were made and citizens wanted these to continue. Citizens said they felt safe, welcomed and could be themselves within services. Many did not feel that they were understood or welcomed in the wider community. Can the council help with improving community facilities, transport and also raising awareness on promoting the rights, needs and aspirations of citizens with disabilities?

Status of day services – their voice and expertise, training, skills and knowledge

To support citizens in a person centred and impactful way the staff and services needed to adapt and develop continually. They need to be able to support across a wide range of disciplines as well as those related to the client groups they serve.

A constant theme is the need to recognise the need to plan throughout the person's life transitioning from children's to adult services and then as citizens get older and families and carers get older. Services wanted to be more involved and felt they could be playing an important role in supporting care planning and helping families to plan/prepare for the future.

Day services across Birmingham vary enormously in terms of offer, cost, content and quality – does the Council know what good looks like and do we have a plan to improve standards everywhere? A level playing field is required to ensure fairness and to incentivise innovation and change. Providers coming together was seen as a great way to share ideas and make the most of opportunities - and the recent provider co-production was welcomed.

Information about what's available.

Everyone we spoke to felt that they needed help understanding what is available and how to access it. This ranged from access to assessments, funding and health services to knowing what other specialist day services, clubs and activities there were in Birmingham. Understanding what is available locally was important in terms of making connections on a day-to-day basis reducing travel and enabling sustainable connections to be made.

8.2 Flexible Contracting Arrangement

The Council proposes to implement a new Flexible Contracting Arrangement for externally provided day opportunities. The details of this new arrangement will be set out in a Procurement Strategy and associated documentation in more detail and may be subject to change as the work progresses. It is proposed that the Flexible Contracting Arrangement will remain open to encourage and support innovation in the market.

To ensure the providers we commission and approve to enter the Flexible Contracting Arrangement are of sufficiently high quality, we will co-produce a key set of quality entry criteria. This will ensure that only the best available provision is commissioned at the start. The Council will not set a

maximum number of providers or provider lots. Once we commence the Flexible Contracting Arrangement, successful providers will be managed consistently as we recognise that sometimes things can change and providers may need support to make improvements. This will ensure we are proactive in addressing any quality concerns, but also recognising good quality services and sharing best practice.

When co-produced the entry criteria will maximise the quality of providers that can enter the Flexible Contracting Arrangement and reduce potential risks to all parties. The details will be set out in the Procurement Strategy and the associated Invitation to Tender and application documents, however, this will include (but not be limited to) provision of the following:

- Bank account details and copies of financial accounts
- Employers Liability and Public Liability insurance certificates with the relevant level of cover
- Company registration details
- Details of any bankruptcy or convictions of owners/responsible persons
- Data protection and modern slavery compliances
- Agreement to the Birmingham Business Charter for Social Responsibility

Once onboarded to the Flexible Contracting Arrangement for externally provided day opportunities having passed all relevant entry criteria, ongoing quality assurance and contract management of providers will assess providers by giving them a Provider Quality Rating.

Moving forward we need to ensure there is an appropriate performance monitoring framework in place. Equally following a social work assessment our providers need to understand the care that is required to support our citizens through clear and robust support plans with clear outcomes.

8.2.1 Core quality standards

The Council not only has a statutory duty to meet assessed eligible care and support needs but a wider responsibility to the people of Birmingham to ensure the care sector is fit for purpose and supports the wider health and social care system.

To ensure citizens and their families are clear about the standards they can expect from their day opportunities providers and that providers are clear about what is required, the Council will set out a service specification and core quality standards, both of which will be co-produced. These will be used as the foundation for all quality monitoring assessments undertaken by the Council or any other party acting on the Council's behalf.

Initial thinking is that in meeting all legal and contractual requirements, each provider will be required to meet the five core standards which will deliver the following outcomes:

a) Involvement and information

- a. Service Users understand the care and support choices available to them. They are encouraged to express their views and are always involved in making decisions about the way their care and support is delivered. Their privacy, dignity and independence are respected and their (or their carer's) views and experience are taken into account in the way in which the Services are provided.

- b. Where they are able, Service Users give valid consent to the care and support they receive. They understand and know they can change any decision that has been previously agreed about their care and support. Their human rights continue to be respected and are taken into account.

b) Personalised care and support

- a. Service Users experience appropriate, effective, care and support in an enabling way that safely meets their needs, protects their rights and maximises their independence, health and wellbeing.
- b. Service Users are enabled and supported to have a choice of nutritional and balanced food and drink to meet their diverse needs.
- c. Service Users receive safe, coordinated care and support where more than one Service Provider is involved, or where they are moved to another Service Provider.

c) Safeguarding and safety

- a. Service Users are protected from abuse or the risk of abuse and their human rights are respected and upheld.
- b. Service Users experience care and support in a clean environment that protects them from, and reduces the risk of, infection.
- c. Service Users will have the medicines they are prescribed, at the times they need them, and in a safe way.
- d. Service Users, together with those who work in or visit the premises, are in safe and accessible surroundings that promotes and protect their wellbeing.
- e. Service Users, together with those who work in or visit the premises, are not at risk of harm from unsafe or unsuitable equipment (including furnishings or fittings). Service Users benefit from equipment that is comfortable and meets their needs.

d) Suitability of staffing

- a. Service Users are safe, and their health and welfare needs are met by staff who have been appropriately recruited and who have the right qualifications, skills and experience.
- b. Service Users and their health and welfare needs are met by sufficient numbers of appropriate staff with the right qualifications, knowledge, skills, approach and experience.
- c. Service Users are safe, and their health and welfare needs are met by staff who are appropriately trained, well supervised, and receive the development opportunities they need to carry out their role effectively whilst keeping their skills and training up to date.

e) Quality of management

- a. Service Users benefit from safe, quality care due to effective decision making and management of risks to their health, welfare and safety because lessons are learned, and the quality of Services is effectively monitored.
- b. Service Users and / or their nominated representative can be sure that the Service Provider listens to and acts on their complaints and comments. Service Users know that they will not be discriminated against for making a complaint or raising an issue.

- c. Service Users are confident that the records kept by the Service Provider about their care and support (including those that are required to protect their safety and wellbeing) are accurate, fit for purpose, held securely and remain confidential.

These will be reflected across the quality assurance framework.

8.2.2 Customer Feedback

Service user feedback will be used to evaluate what service users think about the service they use, how the service involves and consults with service users and how responsive the service is.

The Council will publish online each provider's Provider Quality Rating, and customer feedback data. This will enable citizens to make informed choices about the day opportunities providers they choose to meet their needs and how they compare with other providers in the market.

8.2.3 Provider support

The Council and partners are committed to ensuring that the externally provided day opportunities market is supported to make the necessary changes described in this strategy. All providers under the Flexible Contracting Arrangement for externally provided day opportunities will therefore be entitled to a package of support from Birmingham City Council to incentivise improved quality which will include:

- A **dedicated commissioning team** will continue to be aligned to the providers on the Flexible Contracting Arrangement. This will allow commissioners to work to support the market. Providing advice and guidance in relation to the contract; be proactive in picking up potential quality issues, signpost providers to targeted and specialist training; support the development of social value and to continually improve quality.
- A **quarterly contract review meeting with commissioners for those providers with the largest market share**. This will be used to discuss market intelligence, quality, performance, improvements, innovation and address questions and concerns either party may have about the contract and how it is operating.
- The Council is keen to **explore new ways of working with providers** and to ensure that the market remains sustainable in the future. The Council will look to develop models through its Social Value Policy and the Birmingham Business Charter for Social Responsibility to **connect organisations that can support and benefit one another** to improve areas of their business and quality.

8.2.4 Service Specification

A service specification for the external day opportunities care sector will be co-produced to provide the market with the detail of our service requirements, clearly defining the scope and standards and models of care and activity to meet the diverse support needs and interests of the citizens who access day opportunities. It will encourage innovation and set outcomes and outputs that will support citizens to achieve their best outcomes. The specification will describe the required practice and policy requirements.

The Empowering People Team, the group of co-production volunteers who were a partner in the 2022 review of day opportunities and the 2023 engagement with citizens who use services and their carers, will again play a lead role in co-producing the different elements of this strategy.

8.2.5 Pricing

Before a pricing schedule for externally provided day opportunities can be developed a new open book exercise will be carried out to give the Council a better understanding of current business models across the diverse range of providers and clarity as to how charging for packages of care is reached.

When confirmed the pricing schedule will:

- Provide greater transparency of pricing that is fair.
- Enable all parties to plan more effectively.
- Allow investment to drive up the quality of services.
- Enable providers to recruit and retain staff.
- Keep pace with changes to the National Living Wage and general inflationary pressures.

The continuation of a requirement for all providers to open their financial accounts to the Council on an annual basis will allow the Council and providers to continue to discuss costs, identify ways in which we can work collaboratively to reduce costs, increase efficiency and also work on developing a partnership approach.

It is proposed that the following general pricing assumptions will also be adopted:

- The proposed rates will enable providers to pay their care workforce an hourly rate which is in line with the National Living Wage.
- The proposed rates will enable providers to pay staff employed that are under 23 years old, an hourly rate equivalent to the National Living Wage rate for over 23-year-olds.
- In addition to quality incentives and a range of support, the Council will make a commitment to increase fees annually in line with the principles set out in the Price Review Methodology section below. This is in line with our Care Act duties.
- The Council will continue to invest in IT systems that ensure prompt payment and secure cashflows, to reduce providers' financing/borrowing costs.
- Providers will take all opportunities available to reduce overheads and transaction costs.
- Net Zero – all providers will need to ensure they are familiar with the Council's aims for a Sustainable Birmingham and shall ensure that in its performance of the Service, it uses working methods, equipment, materials and consumables which minimise environmental impact.

It is proposed that under the new Flexible Contracting Arrangements fees paid for care packages will be increased on an annual basis having considered the following principles:

- Changes in national minimum wage rates including the National Minimum Wage and National Living Wage.

- Other relevant price pressures likely to significantly impact on the care sector e.g. changes to employer pension contributions and National Insurance.
- Regional price comparison data
- Open book accounting returns from care providers
- Sustainability of the care sector including the scale of providers existing the market locally
- Affordability to the Council within the context of the overall annual budget settlement

The Council will use the above principles each year to set a fee increase applicable from April the following year. This will be set out transparently and shared with care providers as early as possible to assist with financial and business planning.

8.2.6 Care Package Allocation Process

Providers will be asked to submit offers for packages of care via an electronic system. The following principles will therefore apply:

- Care needs will be distributed where possible on a geographic basis to limit the amount of travelling that citizens have to do to travel to building based provision.
- Each provider submitting an offer will be required to confirm that they can meet the needs of the citizen based on the individual support plan. This will have been provided as part of the requirement to the market and anonymised as appropriate.
- Provider quality ratings will be used when evaluating individual offers to meet care needs. The provider with the highest quality rating will be chosen to provide care to the citizen.
- Where there is no clear difference between the quality ratings of the providers who make an offer to support a citizen, citizens feedback will be used to determine, the successful provider. If the feedback rating fails to separate two or more offers, the first of those offers to be received shall be chosen.

8.2.7 Transition Arrangements

The Council is keen to stabilise the care being received by our citizens and the Council believe this is a collective responsibility whilst we continue to transform the market and quality of services across Birmingham. It might arise that there will be some existing day opportunities providers who will choose not to join the new Flexible Contracting Arrangement. Some of these providers will currently be commissioned to support existing citizens with care funded by the Council so we will provide the following support for those citizens and providers effected:

For citizens

1. We will make all affected citizens aware of the changes through direct communication.
2. We will provide clear information that explains their options, how they will be supported by the Council and how we would expect day opportunities providers to continue to support them during the transition period.

3. We will provide information, advice and guidance to all effected citizens to help them make an informed choice about whether they wish to remain with their current provider under a Direct Payment or whether they would like the Council to commission them a new provider who is contracted.
4. Where appropriate, citizens will have access to our Direct Payment Support Services providers to help them manage their Direct Payment.

For providers

1. There will be an overall two-year transition period for the market, with a regular review of risks and business intentions between Commissioners and providers to manage the impact effectively. Where providers decide to exit the contract sooner, these will be supported by Commissioners.
2. Unsuccessful providers will not receive any new commissioned packages of care from the Council.
3. The provider may contact citizens to advise them of the change and ask if they wish to consider a Direct Payment. The Council will endeavour to respond to any such requests in a timely way. However, citizens should be made aware that they have a choice and should not be pressurised or coerced in any way.
4. Should citizens choose (having been supported to make an informed choice) to remain with their current provider under a Direct Payment, any fees will be uplifted in line with any relevant inflationary increases awarded for Direct Payment recipients.

8.2.8 Systems and Processes

The Council will ensure it maximises the use of technology to operate the Flexible Contracting Arrangement and associated contracts efficiently, effectively and with a focus on transparency. Any systems used will deliver the following key functionality as a minimum:

- **Provider enrolment** – an electronic process for those joining the contract to record and capture compliance with the entry criteria and ensure details remain up to date.
- **Quality rating** – an electronic method for calculating and recording provider quality ratings, using these in the tendering process and publishing these scores.
- **Tendering** – a simple system for providing care requirements to the market and for managing the tender, evaluation and contracting processes and linking these to citizens in the Council client records management system.
- **Supplier relationship management** – a single electronic record of each provider that can hold records of all provider/commissioners' interactions including monitoring visits, improvement plans, offers and any correspondence.
- **Data and reporting** – reporting capability that allows the Council to manage providers at both a market and individual level and can provide appropriate public quality information.

8.2.9 Serious Incidents and Safeguarding

The Care Act 2014 Statutory Guidance makes clear that adults safeguarding responses should not be a substitute for:

- Care providers' responsibilities to provide safe and high-quality care and support;
- Commissioners regularly assuring themselves of the safety and effectiveness of commissioned adult social care services; and

Adults safeguarding is therefore not intended to replace either existing governance structures or the effective management/oversight of commissioned adult social care services, but to supplement and support these arrangements to ensure a safety net is in place for all.

8.3 Additional Commissioning Activity

In 2022 an independently co-produced review of day opportunities post-pandemic was carried out. The report of the review was presented to Cabinet in April 2023. The review identified a range of issues to be addressed through a co-produced commissioning strategy for external day services. These included:

- A review of both specialist and public transport arrangements for accessing day care centres and activities in the wider community.
- Consideration for increased access to, and choice of, day opportunity services that reflect the strengths, abilities and aspirations of people who need or choose to use them.
- Improving accessibility to services in the community across Birmingham including access to more Changing Places

8.3.1 A partnership with Serco, commissioned provider of nine leisure centres in Birmingham, is in development to explore opportunities to increase accessibility to the centres for people with disabilities. This will include visits from organised groups, families and friends at different times.

8.3.2 Alongside the existing day opportunities attended by citizens funded by Adult Social Care, there is a growing number of smaller, independent micro-enterprises and community organisations that also provide day opportunities at different times, across the whole week, a model that supports these providers to be in scope of this strategy and be sustainable will be explored to complement the formal Flexible Contracting Arrangement.

8.3.3 A working group was established in January 2022, aligned to the Transitions and Preparation for Adulthood Service (TPFA). Its focus is on achieving successful outcomes for young adults age 18-30 in terms of the service priority of "Friends, Relationships and Community Inclusion" but also considers pathways into opportunities for employment. The group was established in response to enquiries from SENAR and a number of special schools and colleges raising concerns about the increasing number of young adults leaving education without a confirmed destination. Current membership includes representatives from SENAR, special colleges, Adult Social Care commissioning, internal day services, Shared Lives, PURE, Birmingham Careers Service and Birmingham Parent Care Forum. The following issues have been identified and discussed and an action plan will be developed:

- Lack of age-appropriate day time support for younger adults including access during school and college breaks
- Lack of Information, Advice and Guidance for the age group in one easily accessible location
- Limited choice of activities in local communities
- Limited availability of personal assistants (relevant to young adults)
- Lack of forward planning for young adults about day-time support
- Limited access to specialist transport
- Limited choices to progress to employment, training and volunteering
- Limited whole day support to support working carers
- Lack of flexibility when arranging personal budgets
- Limited access to assistive technology (availability/cost/training)

8.3.4 Opportunities to engage with the public and specialist transport providers to discuss the current challenges and seek solutions to increase opportunities for citizens to travel with support or independently safely and efficiently to access day opportunities in their own communities or across Birmingham.

8.3.5 To encourage innovative and creative thinking a set of slides and short video clips has been developed to support the implementation of this strategy. “Images of Possibility” illustrates how new approaches to providing day opportunities nationally have developed.

9. NEXT STEPS

We have described what we want to achieve through the proposed commissioning and procurement processes, to deliver this the indicative implementation plan for the commissioning and procurement of the Flexible Contract Arrangement is:

Activity	Indicative Dates
Cabinet Approval of Commissioning Strategy	23 April 2024
<i>All dates beyond this point assume the proposal is approved</i>	
Further market engagement inc. open book exercise	May – October 2024
Co-production of service specification and quality standards	May – October 2024
Commence exploring options to address issues re: community accessibility and transport and other listed commissioning activity.	May – October 2024
ITT developed inc.	November 2024
Procurement Strategy written	December 2024
Procurement strategy approved via delegations	January 2025

ITT Issued/tender evaluation/contract award. The evaluation will involve experts by experience so extended period to support inclusion	March 2025 – July 2025
FCA Starts – Individual Contracts	August 2025