

RISK LOG**JOINT TENDER – LEARNING DISABILITIES AND SUPPORTING PEOPLE**

Ref	Risk	Impact	Risk Level
1.	<p>Time frame</p> <p>The separate contracts held by Adult Social services and Supporting People for care and support were due to expire in March 2009 but have already been extended to September 2009 to enable the joint commissioning exercise to take place. The timeframe still remains tight with contracts ending September 2009 and new contracts being awarded the 1st of October 2009.</p>	<ul style="list-style-type: none"> • For the tender to be completed within the required timeframe. The advert must be placed week beginning 26 January 2009 to ensure deadline can be met. • If the timescales could not be met a further report to Cabinet would be required. In this instance permission would need to be sought from Cabinet to renew current contracts for a further six months/year to go out to tender again. 	High
2.	<p>The individual reporting procedures need to be aligned:</p> <ul style="list-style-type: none"> • DBC need to report progress and report recommendations from tender before awarding of contracts to Cabinet. • Supporting People need to report to their Commissioning Body. 	<ul style="list-style-type: none"> • Timescales may not run parallel and could hold up the process. However, present arrangements have enabled reporting procedures to be aligned in time for Cabinet meetings. 	Low
3.	<p>The joint proposal does not go ahead.</p>	<ul style="list-style-type: none"> • Adult Social Services/Supporting People will be put at a disadvantage in being able to build the necessary foundations around joint commissioning that will enable effective delivery of meeting National and Local Government. 	Low

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		<ul style="list-style-type: none"> Adults with a learning disability living in the borough of Darlington will be disadvantaged through fragmented care and support arrangements 	
4.	<p>Some businesses may need to evolve their business to meet requirements of the specification as it covers people with varying needs.</p> <p>Ensuring opportunities for small local providers and Third Sector organisations.</p>	<ul style="list-style-type: none"> Cost to provider to ensure business meets requirements and the cost associated with preparing documentation for the tender. The service specification and scoring mechanisms do not exclude small providers. 	Medium
5.	Insufficient Resources/budget	<ul style="list-style-type: none"> The framework agreement does not guarantee provider a set amount of hours therefore will to an extent mitigate the risk of having an insufficient budget. As Supporting People is grant based, it does not have a statutory duty. Therefore the proposed the spend for all four years of the framework has been pre set. Adult services budget allocation for the framework will also be set as a far as reasonably practical for a statutory service. Pre set budget will also factor an element for new service users and changing needs. 	Medium
6.	<p>Possibility of a change in support providers and the impact on service users</p> <p>Provider's issue contract terminations</p>	<ul style="list-style-type: none"> Capacity for alternative providers to take on additional services. Consultation will also need undertaken with existing service users to identify any impact of a change in 	Low

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	<p>notices prior to the tender process commencing.</p>	<p>service provider and to ensure service users are satisfied with their care and support arrangements. Timescale for potential consultation factored into the project plan. Disability equality impact assessment will have been undertaken relating to the potential of changed providers through the tender exercise.</p>	
7.	<p>Service Transfer</p> <p>TUPE may apply where an existing provider is not awarded a new contract.</p> <p>Transfer of packages to new providers – Adult Social Services.</p>	<ul style="list-style-type: none"> • Timetable has built in capacity for TUPE transfer negotiations to take place before start of new contract (3 months required). • Capacity would need to be built in within Commissioning for service users to be reviewed and up to date assessment/care plan information to be drawn up prior to transfer to a new provider. 	Low
8.	<p>Supporting People Strategic Review</p> <p>The strategic review has produced a revised eligibility criteria for learning disability services. This has been impact assessed, in relation to individual service users. As support hours for individual service users may reduce or be required to transfer to more appropriate funding sources. The results of which require negotiation and agreement between Supporting People and Adult Social services.</p> <p>The revised arrangements will become effective upon new contract award.</p>	<ul style="list-style-type: none"> • Reallocating of service user hours will place a budget pressure on existing budgets and requires negotiation between departments to achieve the required supporting people efficiency savings as a result of the national budget reduction. 	High

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9.	DBC/Supporting People set the same hourly rate. Presently as Supporting and Adult services separately contract with providers the hourly rates vary.	<ul style="list-style-type: none"> Does not promote competition, value for money, best value and meet procurement rules. There is a risk to particular provider who presently have varying and high hourly rates. 	Medium
10.	If Tenderers have a free range to set their own hourly rate.	<ul style="list-style-type: none"> Budget implications. As Supporting People is grant based and facing a budget reduction high rates would mean less people would be supported, including potentially less people than presently supported. 	High
11.	DBC/Supporting People set the same ceiling rate and request bids below.	<ul style="list-style-type: none"> Creates capacity for VFM to be explored, enables risk assessment to be carried out regarding potential costs and numbers of people supported. There is a risk to particular providers who presently have varying and high hourly rates. Which are considerably higher than the rate which would be set for bids below. 	Low
12.	Streamlining payments methods so the providers receive a single payment as presently the provider receive two payments one from Supporting People and one from Adult Services.	<ul style="list-style-type: none"> Existing payment process require review so a robust single system can be develop which is fit for purpose for Adult Services and Supporting Peoples individual requirements. 	Low
13.	Cost of CRB checks being undertaken.	<ul style="list-style-type: none"> Insufficient Budget allocated through tender process. 	Low
14.	Timeframe for undertaking CRB checks.	<ul style="list-style-type: none"> Could compromise the tender process as the CRB 	

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		checks are undertaken at the first stage of the tender process. CRBs are not guaranteed to be completed within timeframe and could hold up awarding of contracts.	Medium
15.	Through a framework agreement providers will not be guaranteed hours. Hours are allocated with the budget allocation in response to individual service user needs.	<ul style="list-style-type: none"> • New providers may not want to take the risk of setting up in Darlington when they are not guaranteed any hours to ensure their viability. 	Medium
16.	Ensuring that a robust system is in place for awarding work from the framework, which is fit for both purpose for adult services and supporting people.	<ul style="list-style-type: none"> • Clear protocols need to be established relating to how additional hours will be allocated through the framework covering care and support. • Care Managers not awarding Supporting Hours in line with the new eligibility criteria. • Care Managers or other stakeholders allocating support hours to an individual without checking the budget provision first. 	High
17.	The existing Supporting People models of support are accommodation based so the support is tied to the property. The revised model will be floating support so the support can move around with a person in line with National and Local Strategic priorities.	<ul style="list-style-type: none"> • Management agreements in place between the property owner and support provider need to be reviewed to ensure there are no rigid stipulations regarding support delivery. 	Medium