

# Disabled Facilities Grant Framework

Cabinet Member for Finance & Commissioning

Date: 7 May 2024

Agenda Item:

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Key Decision? YES

Local Ward N/A

Members



Lichfield  
District Council

**Cabinet**

## 1. Executive Summary

- 1.1 Lichfield West Midlands Trading Services (LWMTS) have been commissioned to deliver Disabled Facilities Grants (DFG) adaptations on behalf of the Council (LDC) since 1<sup>st</sup> April 2023. The company are currently using a third-party Dynamic Purchasing System (DPS) to award works to contractors. However, this has proven to be very complicated and time consuming. This is resulting in longer than necessary time frames for the service user to have the works completed.
- 1.2 As such we are proposing to develop our own 'fit for purpose' Framework. LDC are proposing to conduct a tender process to establish a 'DFG Works Framework' that can be used by LWMTS and other public sector organisations to award DFG works to Contractors for a maximum term of four years. This report is to seek approval from Cabinet to proceed with this exercise which is for the full value of the framework. LDC/LWMTS direct spend via the Framework will be constrained to the agreed capital budget for DFGs as outlined in the financial implications section of this report. Due to the opportunity for other organisations to utilise the Framework, we are proposing to set the value of the Framework as high as possible, £1 billion.
- 1.3 The value of the Framework will therefore need to be tendered in accordance with the Public Contracts Regulations 2015 and LDC Contract Procedure Rules.

## 2. Recommendations

- 2.1 To approve the recommendation of this framework/associate works/service to the value of up to £1 billion, noting that direct LDC/LWMTS spend via the framework will be constrained to the agreed capital budget and Better Care Fund grant financing for DFGs.
- 2.2 To delegate authority to Cabinet Member for Finance & Commissioning to approve the award of Contractors appointed to the Framework

## 3. Background

- 3.1 The Council has a statutory duty to provide DFGs, since 1<sup>st</sup> April 2023 LWMTS have been delivering this service on behalf of LDC.
- 3.2 In the first year of delivering DFGs, LWMTS have transformed the service beyond recognition, awarding significantly more grants and delivering more adaptations than the previous provider. A full review of the first year of operation is due to be considered by Cabinet in June.

- 3.3 LWMTS currently use the Independence Brokerage Services CIC (“INCIC”) DPS system to award works to Contractors but have found this that DPS can be a complicated and time-consuming to use. The DPS has also proven to more profit driven rather than service focussed. The system does not encourage applications from smaller, local contractors as the registration and mini-competitive process is too onerous for smaller businesses. As such we are proposing to develop our own ‘fit for purpose’ Framework.
- 3.4 LDC are looking to run a tender process to put a DFG works Framework in place that can be used by LWMTS to award DFG works to contractors. LDC and LWMTS are not the only organisations that are finding the current DPS challenging. As such, by developing our own Framework there is an opportunity to allow other public sector organisations to utilise it, for an access fee. This would generate additional funds, that can be invested back into our District. The income from the access fee will sit with LWMTS, with LDC recharging for the costs associated with the support of its Procurement Team in the ongoing management of the Framework. The Procurement team have confirmed they are confident to lead on the procurement process but are seeking support from Anthony Collins legal team in the drafting of the Framework and call off terms and conditions.
- 3.5 Direct LDC/LWMTS spend via the Framework would be constrained to the funding we receive from the Better Care Fund for DFGs, as detailed in the financial implications section of this report. In 2024/25 we have been allocated £1.2 million from the Better Care Fund for DFGs. Due to the opportunity for other organisations to utilise this Framework, we have been advised to set the value of the Framework as high as possible, therefore we are proposing to set it at £1 billion.
- 3.6 It is anticipated that the Framework will be nationwide split into ‘lots’ per region and by works type. Contractors will be pre-assessed in order to get on the Agreement following the evaluation of their quality including finances, insurance, previous experience, relevant accreditations, social value criteria and commercial submission.
- 3.7 The framework will allow for direct award (against submitted framework pricing) or further competition among Contractors.

Alternative options	<ol style="list-style-type: none"> <li>Take no action – this would result in significant delays in being able to get DFG cases on site and completed in an acceptable timeframe.</li> <li>It could also result in non-compliance with the PCR 2015 (Procurement Act 2023)</li> </ol>																				
Consultation	<ol style="list-style-type: none"> <li>Leadership Team</li> </ol>																				
Financial implications	<ol style="list-style-type: none"> <li>The Approved Capital Programme from 2024/25 to 2027/28 together with a projection for 2028/29 is shown in the table below with funding provided by the Better Care Fund: <table border="1" data-bbox="435 1632 1517 1816"> <thead> <tr> <th rowspan="2"></th> <th colspan="4">Approved Budget</th> <th>Projection</th> <th>Total</th> </tr> <tr> <th>2024/25 £000</th> <th>2025/26 £000</th> <th>2026/27 £000</th> <th>2027/28 £000</th> <th>2028/29 £000</th> <th>£000</th> </tr> </thead> <tbody> <tr> <td>Disabled Facilities Grants - 100% funded by Better Care Fund</td> <td>1,220</td> <td>1,337</td> <td>1,300</td> <td>1,100</td> <td>1,100</td> <td>6,057</td> </tr> </tbody> </table> </li> </ol>		Approved Budget				Projection	Total	2024/25 £000	2025/26 £000	2026/27 £000	2027/28 £000	2028/29 £000	£000	Disabled Facilities Grants - 100% funded by Better Care Fund	1,220	1,337	1,300	1,100	1,100	6,057
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Disabled Facilities Grants - 100% funded by Better Care Fund	1,220	1,337	1,300	1,100	1,100	6,057															
Approved by Section 151 Officer	Yes																				
Legal implications	<ol style="list-style-type: none"> <li>A compliant procurement procedure will be undertaken.</li> </ol>																				
Approved by Monitoring Officer	Yes																				

Contribution to the delivery of the strategic plan	<p>1. This project will support the Council to focus on what is important locally, and support the following Strategic aims:</p> <p><b>Enabling People</b> – to collaborate and engage with us  <b>Shape place</b> – to make sure sustainability and infrastructure needs are balanced  <b>Develop prosperity</b> – to encourage economic growth, enhance the district for all, invest in the future  <b>A Good Council</b> - that is responsive, and customer focussed</p>
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Equality, diversity and human rights implications	<p>1. An open tender process will be used for this exercise – therefore enabling a fair, inclusive, and accessible process. All suppliers will be treated equally.</p>
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EIA logged by Equalities Officer	Not required
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Crime & safety Issues	<p>1. Checks have been undertaken to ensure that the Supplier has full SSIP accreditation (competent in health and safety practices and procedures)</p>
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Data assessment	<p>1. The procurement team use the <u>social progress index</u> as part of the social value standard question template. Suppliers are encouraged to review the local data provided by the SPI to tailor their social value responses and contractual commitments.</p>
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Environmental impact (including climate change and biodiversity)	<p>1. The use of a local supplier employing people local to the area will have a positive impact on travel and therefore carbon emissions.</p>
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GDPR / Privacy impact assessment	<p>1. Anthony Collins solicitors will incorporate the necessary GDPR clauses into the framework and call-off terms and conditions</p> <p>2. Customer details are held in a CRM system called Foundations Case Manager; this is a secure software which is only accessible by members of the DFG Team</p>
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	Risk description & risk owner	Original score (RYG)	How we manage it	New score (RYG)
A	Unqualified and inexperienced Contractor on site – Health & Safety risks LWMTS DFG Manager	Likelihood: Yellow Impact: Red Severity of Risk: Red	Carry out procurement process and award contract to complaint and qualified Contractor – evidence of qualifications, accreditations and previous experience including case studies to be submitted as part of the process.	Likelihood: Green Impact: Yellow Severity of Risk: Yellow
B	Noncompliance with PCR 2015 / Procurement Act 2023	Likelihood: Yellow Impact: Red Severity of Risk: Red	Procurement process will be in accordance with the relevant legislation. LDC are also seeking external legal support to ensure process is compliant due to value of the Contract.	Likelihood: Green Impact: Red Severity of Risk: Yellow
C	Subsidy control re LWMTS	Likelihood:	LDC will invoice LWM for the relevant set up and	Likelihood:

	income and LDC management costs.	Yellow Impact: Red Severity of Risk: Red	management fees of the Framework to be taken from the income received. Fees will be calculated by hourly rates of the procurement team.	Green Impact: Yellow Severity of Risk: Yellow
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Background documents	N/A
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Relevant web links	N/A
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