

## **Report to Interim Executive Director of Adults and Health**

**November 2020**

### **Extension of Supported Living Framework Contracts**

#### **Report by Head of All Age Commissioning**

**Electoral division(s): All**

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#### **Summary**

The County Council currently commissions Supported Living services from the independent market through two Frameworks, the Supported Living & Personal Support for Adults with Learning Disability Framework (SLFSSF), which ends on 31<sup>st</sup> March 2021 and the Mental Health Framework which has been extended until 31<sup>st</sup> March 2021, but has provision to extend within the contract to 31<sup>st</sup> March 2022.

Cabinet Member decision ([AH08 20/21](#)) agreed to the procurement of a new single Supported Living Framework to commence April 2021.

The procurement timetable has been impacted by the Covid-19 pandemic, particularly for the Supported Living Provider Market, where the Council acknowledges additional challenges as a result of responding to a Covid-19 second wave, winter pressures and the national roll out of testing for supported living services in October/November 2020.

Authorisation is sought to extend the current contract arrangements under both Frameworks for 4 months until 31st July 2021, under the existing contractual terms. A revised procurement timetable will enable the Council to offer an extended period for Providers to respond and offer support to the market at this difficult time.

#### **Recommendation**

The Interim Executive Director Adults and Health is asked to approve a 4-month extension of contracts, up to 31<sup>st</sup> July 2021, to the Supported Living Providers on the SLFSSF and Mental Health Frameworks.

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#### **Proposal**

##### **1 Background and context**

- 1.1 Supported Living is the term given to personal support services including personal care and includes the provision of accommodation based supported living schemes, outreach services and live-in carers. Supported living outreach are services provided to people who live in their own tenancy or with a family

member and where there is no sharing of care with others; for example, people who live at home with family members and require care and support to help them to get ready in the morning to access their community. There are also a small number of people who have 24/7 support in their own home.

Supported Living accommodation-based schemes enable people to hold tenancies and have care provided in a shared model and are widely seen as the model of choice for accommodation and support for people who do not live with their families. Live-in care is where the professional carer lives with the person they are caring for.

- 1.2 Currently the Council commissions Supported Living services from two WSCC frameworks. The current Supported Living Framework (SLFSSF) and the Framework Agreement for the Provision of Community Based Mental Health Support Services. Mental Health contracts have extension provision until March 2022, however the SLFSSF has no further provision to extend.
- 1.3 The Cabinet Member for Adults and Health approved the formal commencement of a procurement process (Cabinet Member Decision Report Ref No. AH08 (20/21) refers) for a new Supported Living Services Framework.
- 1.4 There are approximately 780 adult customers from Lifelong services (770 LD and 10 PSI), 292 people from mental health and 31 children/young people in receipt of supported living services. There are currently 65 providers on the Supported Living Framework of which 47 are actively delivering support. On the Framework Agreement for the Provision of Community Based Mental Health Support Services, there are 21 providers of which 15 are actively delivering support.
- 1.5 The provision of effective high-quality Supported Living services is key to the delivery of the West Sussex strategy. The continued availability and continuity of current provision and the ability to develop and expand availability to people with complex health and social care needs will be supported by the new framework and the development of an associated accommodation strategy.

## **2 Proposal details**

- 2.1 This proposal is to extend the current contracts for 4-months from the current expiry date of 31<sup>st</sup> March 2021. This will enable the Council to revise the procurement timetable to consider the urgent circumstances related to Covid-19 pandemic, which are outside of the Council's control, in order to meet a critical need and continuity of service delivery.
- 2.2 The procurement has been affected by the Covid-19 pandemic for the following reasons:
  - 2.2.1 The Supported Living Provider market consists of primarily small, local providers rather than big, national companies. During various provider communication, key and strategic Supported Living Providers have continued to express increased concern about their ability to submit tenders, particularly with the increased prevalence of Covid-19 cases at the current time (2nd wave). The Council has recognised this in its timetable for the re-procurement by increasing the time providers have to return tenders.

2.2.2 Core Council staff and teams across contracts and commissioning have been significantly impacted by the need to respond to the pandemic in a number of ways including, but not exclusively: Ensuring efficient and timely payment of Infection Control Grants and other financial support to the market; support and guidance to the provider market including proactive ring arounds; Responding to Government requests for data returns; Supporting providers impacted by Covid-19 in their settings; Support with PPE issues; Supporting operational teams manage placement breakdowns where people's care or presentation has been impacted by the lockdown. The Council has recognised in the procurement planning that a new contracts post is required dedicated to the Supported Living contracts and the delay will enable this postholder to be recruited ahead of Award.

2.2.3 Notification from the Government in September that Supported Living services are to be included in a national single roll out of testing across their staff and customers taking place in Oct/Nov 2020. Providers have expressed that the testing programme and maintaining service delivery (including training staff, managing implications from positive test results, etc) will be their priority during the forthcoming months, this also has an impact on the Contracts/Commissioning team who are required to hold a co-ordinating role between the market and the Department of Health and Social Care.

2.2.4 Providers have advised that the implementation of local Winter Contingency Plans alongside the increased prevalence of COVID-19 cases is challenging and time consuming and will impact on their ability to dedicate staff to support the tender submission. Providers have informed the Council that as children have returned to school and the introduction of Test and Trace has had a significant impact on managing staff resources as staff and families are required to follow social isolation rules, resulting in less availability of staff when service delivery is of paramount importance.

2.3 Whilst the timing of any procurement will not suit all, the revised timetable allows an extended time for Bidders to respond to the tender, approximately 12-weeks.

2.4 Commissioners leading this procurement will ensure the procurement momentum is maintained and the milestones are achieved.

### **3 Other options considered (and reasons for not proposing)**

3.1 The option to do nothing and let the contracts expire was not considered as continuity of care is a primary goal. Customers benefit from being in stable, long-term settings whereby they can gain confidence and increase their independence. Ending contracts would cause disruption for customers. In many cases the customer or their families have been involved with or have chosen the service provider. Providers have long standing agreements in place with landlords. Customers hold individual tenancies where they live in supported living accommodation schemes. Therefore, not to recommission, will put tenancies at risk and may result in customers losing their accommodation and having to be placed in alternative provision at higher costs. Furthermore, providers may have to redesign their own business models including re-

negotiating tenancy agreements, which may impact on their ability to deliver the services.

- 3.2 Another option would be to undertake a competitive procurement at this stage. This would again impact on the Providers who have limited capacity for returning Tender Submissions during this Autumn/Winter. The risk is that Providers will not respond, or responses may be non-compliant which puts continuity of service delivery at risk.
- 3.3 The Council may also not be able to meet the evaluation deadlines due to the continued requirements to respond to tasks resulting from the ongoing pandemic.

#### **4 Consultation, engagement and advice**

- 4.1 The Supported Living Provider market has been asked for their views on the original procurement timetable. Three of the strategic providers raised concerns which are reflected in 2.2.1, 2.2.3 and 2.2.4 of this report.
- 4.2 Contracting authorities must act to support suppliers so they are better able to cope with the current crises and maintain business continuity and to take a pragmatic approach.

#### **5 Finance**

- 5.1 All costs will be met within planned budget limits.

|                  | Year 1 (4 months)<br>2021/22<br>£m |
|------------------|------------------------------------|
| Revenue budget   | 12                                 |
| Cost of Proposal | 12                                 |
| Remaining budget | 0                                  |

- 5.2 The total budget for Supported Living in West Sussex is circa £35.8m per annum. This is a figure that covers all customer types, some of which is subject to pooled arrangements with the West Sussex Clinical Commissioning Group. The majority of this (£29m) falls within Learning Disabilities, where it makes up 28% of the budget.
- 5.3 The value of extending the framework contracts for the proposed 4-month period will be approximately £12m. This does not require any additional funding as the existing budgets can meet the cost of extending the duration of the arrangements during the procurement period. The extension will not have any budgetary impact in terms of anticipated savings. The Council is seeking as part of its long-term strategy to make savings by better placement decisions into Supported Living Services away from residential care which will not be affected by the extension of the existing framework as proposed.
- 5.4 Annual inflationary uplifts on the Supported Living contracts will be subject to decision making through the annual Council review of fees and charges.

## 6 Risk implications and mitigations

| <b>Risk</b>   | <b>Mitigating Action<br/>(in place or planned)</b>   |
|---|--|
| Covid-19 pandemic remains an ongoing significant pressure on Suppliers into the New Year.   | The Tender has been designed on the basis that many Providers are already delivering these services and the Council has reduced the requirement to provide supporting paperwork to a minimum whilst still meeting its legal duties.  |
| That key issues which make the current framework a challenge to work with are not addressed in April as originally planned.       | The key issues which have been identified during the procurement process will now be addressed when the extension is complete and the new 2021 Framework is open for Applications, and the Accommodation Strategy can be progressed. |
| Delayed discharge from hospital, over provision in residential care or people placed out of county because of no local provision. | A short extension will minimalise the impact. The Covid-19 pandemic is having an overriding impact on this and is outside of the Council's control.  |
| Delayed procurement backs-up contract and commissioning Projects  | Planning is underway concerning procurement and sourcing activity in adult social care and prioritisation in light of Covid pressures.   |

- 6.1 Senior officers in strategic commissioning and finance have been consulted on this decision and no market or competition issues have been identified.

## 7 Policy alignment and compliance

- 7.1 All Providers, on both Frameworks, have passed the evaluation criteria for the current framework and the contracts are regularly reviewed to ensure that that service delivery is maintained to expected standards. The Council will continue to pay providers as required under the terms of both Frameworks which is compliant with Standing Orders. Any fees or charges uplift awarded to the market will be applied during the extension in accordance with the current terms and will be subject to a separate Cabinet Member decision.
- 7.2 The provision of Supported Living services is a statutory service as it enables the Council to meet the care and support needs of residents who have been assessed as having eligible social care needs in line with the Care Act 2014.
- 7.3 The West Sussex commissioning strategy is to reduce the number of people in hospital, residential beds and placed out of county and to increase the number in settled and 'most suitable' accommodation.

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**Appendices** None

**Background papers** None