

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

**January 2021**

### **Extension of contracts for the provision of Specialist Health Services for people with Learning Disabilities and Autism in West Sussex**

**Report by Commissioning Lead All Age Services**

**Electoral division(s): ALL**

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#### **Summary**

West Sussex County Council (WSSCC) is the lead commissioner for the Learning Disability Pooled Budget and currently contracts for specialist health provisions for adults with learning disabilities and autism. The providers of the services are Sussex Partnership Foundation NHS Trust (SPFT) and Sussex Community Foundation Trust (SCFT). The services delivered under the Contract are specialist health services for people with learning disabilities and Autism who are Ordinarily Resident in West Sussex and/or for whom West Sussex is the Responsible Commissioner.

The combined value of both contracts is £3, 805,017 per annum. The contracts were let on a 3 year term, commencing 1 July 2018. The original Official Journal of the European Union (OJEU) notice and contract contain the option to extend for a further period of up to 4 years. The purpose of this report is to seek approval to invoke the provision under clause 2.4 of the contracts between WSSCC and SPFT and SCFT, to apply an extension for a period of four years until 30 June 2025, following the expiry of the initial 3 years of the current contract on 30 June 2021. The total contract value over the recommended four year extension period is therefore £15, 220, 068.

Authorisation is sought for the County Council to take up the opportunity to extend the contracts for a further four years to 30 June 2025.

#### **Recommendation**

The Executive Director of Adults and Health is asked to approve a four year extension to the contracts for the provision of specialist health services to 30 June 2025.

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#### **Proposal**

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

- 1.1 In November 2017, the Cabinet Member for Adults and Health approved the formal commencement of a procurement process (Cabinet Member Decision

[Report Ref No. AH2 17-18](#)) for the award of contracts for specialist health services for people with Learning Disabilities and Autism. This approval delegated the decision for award of contracts to the Executive Director Adults and Health. The Council undertook a robust open competitive tender process for the services and contracts were awarded to two providers on 1 July 2018. Tender evaluation panels approved the award of contracts to each provider having met the Council's minimum requirements of economic and financial standing and technical and professional ability.

1.3 The Services aim to improve and/or maintain a person's health in ways that mitigate the impact of health needs on their wider wellbeing and quality of life, in particular each Customers independence, safety and community inclusion.

1.4 The key principles of the Services are:

- Person centred and enabling approaches. Services are designed and delivered around the needs of individuals working on an equal basis with customers and family carers.
- Integration - assessment and service delivery is well coordinated and integrated from the Customer perspective.
- Least Restrictive Interventions. Services are community based wherever possible and delivered in the least restrictive way.
- Promotion of equality of access to health and community facilities through working in partnership with customers, families, health and social care and community organisations, to put reasonable adjustments in place.
- Prevention and early intervention.
- Best Value – Services are delivered in the most efficient and cost effective ways and deliver best value in the context of both the Services and the wider health and social care system.
- Continuous improvement and development - the Service Provider(s) will work with the Council and partners over the duration of the contract to deliver this.

1.5 The key aims of the services are:

- Reduced health inequalities experienced by people with learning disabilities and Autism.
- Promotion of safety and wellbeing and protection of customers from avoidable harm.
- Maximisation of independence, choice and control for Customers and their family carers within the context of available resources.
- Promotion of citizenship and access to universal health and community services, thereby providing an ambassadorial role for Customers.
- Delivery of the Services in the context of life long approach.
- Ensuring positive Customer experience and satisfaction.

- 1.6 Contracts were awarded for 3 years with the option to extend for up to a further 4 years. A contract term of this length was considered necessary to deliver the key aims and outcomes in relation to service integration and partnership working. Examples of this include; developing Lifelong Services for people with lifelong disabilities, developing integrated service delivery and pathways; delivering against key national long term strategic policies, such as Transforming Care.
- 1.7 The Services provided by SPFT comprise of three elements: i) Community Learning Disability Teams (CLDTs), ii) Service for Vulnerable Adults and iii) Parenting Service. Most of the staff providing the services work within the 3 Community Learning Disability Teams which are delivered in partnership with WSCC learning disability social work services. The Service for Vulnerable Adults provides assessment, diagnosis, formulation and signposting for people who fall outside eligibility for learning disability services. The Parenting Service works in partnership with WSCC Children's Services to support adults with learning disabilities who are parents.
- 1.8 Across these three service elements, the health disciplines and functions delivered by SPFT are: Learning Disability Nursing, Occupational Therapy, Psychology, Speech and Language Therapy, Behaviour Practitioners, Psychiatry, Physiotherapy. The services delivered by SCFT (Service Element 4) are Health Facilitation and Hospital Liaison.
- 1.9 Taking up the full four year extension will allow the County Council and its health partners to:
- Work to deliver the service developments and improvements as identified
  - Maximise opportunities to share best practice and achieve scale and partnership efficiencies, by continuing to work with the current providers that deliver services across Sussex and who work strategically with key system partners such as Sussex CCG's, the Sussex Health and Care Partnership and NHSE.
  - Make best use of resources, including WSCC staff resources (in particular commissioning and contracting staff) that are temporarily diverted to manage the additional pressures and challenges presented by COVID19.

## **2 Proposal details**

- 2.1 The contracts commenced on 1st July 2018. The initial contract period was for 3 years (until 30 June 2021) with the provision to extend for up to a further four years (until 30 June 2025) to a maximum contract period of 7 years. Existing contract agreements for the Services expire on 30 June 2021 and action must be taken to ensure that there is a continuation of services. A four year extension period is requested, up to 30th June 2025.
- 2.2 In recommending the term of the extension consideration has been given to the following:
- The services continue to deliver a service which is meeting people's needs.
  - The services continue to deliver Value for money, particularly in respect to their focus on prevention and early intervention thereby promoting better outcomes

for customers and best use of resources (cost avoidance) both in the context of the LD Pooled budget and wider NHS system.

- The views of customers and carers (see 4.0 below)
- The performance of the services since contract award have been monitored through Key Performance Indicators and have allowed for regular benchmarking activity around performance and best value. Future service developments and improvements have been identified and agreed with current Service Providers – see 2.5 below.
- To maximise opportunities to share best practice and achieve scale and partnership efficiencies, by continuing to work with the current providers that deliver services across Sussex and who work strategically with key system partners such as Sussex CCG's, the Sussex Health and Care Partnership and NHSE.
- Make best use of resources, including WSCC staff resources (in particular commissioning and contracting staff) that are temporarily diverted to manage the additional pressures and challenges presented by Covid 19

2.3 Further work in relation to service development and performance during the remaining four years of the contract term includes the following:

#### **Service Element 1, Community Learning disability Team's (CLDT) (SPFT)**

- Further development of Joint working protocols to improved joint working from the customer and carer perspective
- Realign investment in services for Children and Young People, merging this investment with other areas of service across the system of support for Children and Young People and their families, to deliver improved partnership and performance
- Improvements to customer service, focussing on timely communication and easy read information
- Developing how customer and carer outcomes are captured and evaluated.

#### **Service Element 2 Parenting Service (SPFT)**

- Partnership with WSCC Children's Services and CAMHS - work will be undertaken around developing joint operating policies and protocols and shared standards.
- To develop to stakeholder feedback systems. The challenges of customer feedback are acknowledged, due to sensitivity of the work and outcomes for parents. Links to Springwell can be developed as appropriate, such as plans to train more people with LD as experts by experience.

#### **Service Element 3, Service for Vulnerable Adults (SPFT)**

- Review of demand, capacity and pathways, in the light of caseload numbers and significant waiting time for accessing services
- Development of stakeholder feedback processes

## **Service Element 4, Health Facilitation (SCFT)**

- A relaunch of work to promote Annual Health Checks, to boost performance
- Quality mark developed for GP's to be implemented
- Hospital passports to be put on NHS System 1, to improve take up and outcomes for customers

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

3.1 Retender Contracts - this option would not be best use of WSCC officer time and corporate resources as:

- The provider market is specialist and very limited, as evidenced during the market testing and tender during 2017/18.
- The majority of the costs in the provision of this service relate to staff. The specialist staff required to provide this service are in protected professions and require registration with the Health and Care Professions Council (HCPC). Whilst an individual registered with the HCPC could work for a private sector entity, the reality of the current supply market for these specialist skills is heavily concentrated in NHS provider health trusts.
- Provider performance is satisfactory and both providers are strategic system partners.
- In terms of value for money, since the contract was awarded the provider has received zero annual uplifts and for the remaining four year term, the contracts will not be subject to Annual inflationary uplifts. If the contracts were retendered it is likely that the inflation effect would increase the contract price.

3.2 Contract extension for less than four years (e.g.,2+2) - the market for these services may be more competitive in two years' time but it is highly unlikely that any other provider would take on a contract for a remaining period of two years. Service improvements and developments take time to deliver and embed and WSCC officer time would be required to administrate another contract extension.

3.3 Contract extension for four years (recommended option) - This option represents best use of WSCC officer time and corporate resources. Areas for service development and improvement have been discussed and agreed with current providers, subject to contract extension. This option allows sufficient time to deliver and embed these improvements. Both Brighton and Hove and East Sussex contract with these providers for similar services, offering opportunities for sharing best practice, efficiencies of scale and partnerships. In terms of value for money, since the contract was awarded the provider has received zero annual uplifts and for the remaining four year term, the contracts will not be subject to Annual inflationary uplifts.

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

- 4.1 The Cabinet Member for Adults and Health has been briefed and the Cabinet Member for Children's Services has been consulted. The Procurement Board has agreed the proposal to invoke the full 4 year extension period and has requested that the contracts become subject to regular reporting.
- 4.2 Engagement with West Sussex CCG's has taken place using existing joint commissioning and engagement mechanisms. Reports have been made to CCG Executive and Quality Committees.
- 4.3 Customers and carers were consulted as part of this process, including a survey of parents and carers supported by Carers Support West Sussex and on-line meetings with self-advocacy groups for people with learning disabilities and people with autism. Service providers have been asked to prepare a written response to the views of customers and carers, setting out actions to address the key issues raised.
- 4.4 Professionals working for both SPFT and WSCC, working within Service Element 1, CLDT's, were consulted in respect to joint working arrangements. As part of the on-going partnership working arrangements between SPFT and WSCC, CLDT staff will further develop joint working protocols to improved joint working from the customer and carer perspective.

## **5 Finance**

- 5.1 The Council is the lead commissioner of adult learning disability (LD) services under the terms of a Section 75 agreement between the Council and the three West Sussex Clinical Commissioning Groups (CCGs). For 2020-21 the LD pooled budget is £102m, of which the Council funds 81.45% and West Sussex CCGs fund 18.55%.
- 5.2 The current annual combined contract value is £3, 805, 017. The total contract value over the recommended four year extension period is therefore £15, 220, 068.
- 5.3 The annual contract price with SCFT is £530, 562.
- 5.4 The annual contract price with SPFT is £3, 274, 509 and broken down into 3 elements as follows:
- Community Learning Disability Health Services – £3, 023, 327
  - Service for Parents with Learning Disabilities – £61, 001
  - Service for Vulnerable Adults – £190, 271
- 5.5 The contracts are not subject to Annual inflationary uplifts and all costs for the contract extension will be met within planned budget limits.
- 5.6 *The effect of the proposal* - The proposal will provide stability for the providers and those who access their services
- 5.7 *Future transformation, savings/efficiencies being delivered*

See Section 2 – Proposal Details

- 5.8 *Human Resources, IT and Assets Impact* - There will be no increase in current IT requirements. There will be no additional staff resourcing implications on the Council save for the existing contract management function. The Council will not be providing additional assets or use of Council premises for delivery of the services.

## 6 Risk implications and mitigations

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
Demand for services is outstripping capacity to deliver within expected performance (High risk in some areas)	Regular dialogue with providers and system partners where appropriate, in respect to demand management, prioritisation and resources.
Provider performance (Medium risk)	Appropriate performance management and governance arrangements as specified in the contract
Contract extension challenged  (Low risk)	There is provision within the current contract(s) to extend for up to four years.
Provider failure (Low risk)	Both providers are NHS Trusts and strategic system partners.

## 7 Policy alignment and compliance

- 7.1 The Equality Act (2010) containing the Public Sector Equality Duty, places a legal duty on public bodies to promote equality of opportunities for disabled people. The fundamental purpose of the Services is to support and enable Customers to enjoy better physical and mental health and access to the necessary health care services and support that they need to achieve this. The Services will aim to improve and/or maintain a person's health in ways that mitigate the impact of health needs on their wider wellbeing and quality of life, in particular each Customers independence, safety and community inclusion.

This proposal is in line with the West Sussex Plan priorities; 'Independence for later life', 'A prosperous place', and 'A strong, safe and sustainable place'.

- 7.2 The services contribute to the delivery of statutory functions including safeguarding, assessment and meeting eligible need (under the Care Act 2014). For a significant number of customers, this contribution is essential to enable the Council to complete accurate assessments and commission appropriate packages of care and support that are able to meet both health and social care needs. Other key national policy guidance includes Valuing People (2001) and subsequently Valuing People Now (2009); the Autism Act (2009) and NHS

England Transforming Care Programme, in particular Model Service Specifications (January 2017).

- 7.3 The Council is the lead commissioner therefore the services fall under the Public Contract Regulations 2015 and the value of the contract will be over the EU threshold for such services (£615,278). As such the services were competitively procured in accordance with the requirements of the Regulations and in compliance with the Council's Standing Orders on Procurement and Contracts.
- 7.4 No change of service provider is planned. No redundancies are anticipated as a direct result of this extension.
- 7.5 This proposal will support Officers of the council to develop improved options for people with care and support needs in West Sussex to have improved independence and control over their lives. This proposal is not expected to have an impact on crime and disorder.

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**Appendices:** None

**Background papers:** None