

Report to Keith Hinkley, Executive Director of Adults and Health

June 2021

Extension of contracts for A Place to Live and Supported Living Services

Report by Alison Nuttall, Head of Children Families and Working Age Adults Commissioning.

Electoral division(s): All

Summary

The Council holds specific contracts with 3 providers under the auspice of A Place to Live and Supported Living , outside the Supported living framework, to deliver essential adult social care provision delivered as outreach and supported living accommodation based schemes, to adults with Learning Disabilities .

This report sets out the proposal to extend the current contracts, in accordance with existing contractual provisions which permits an extension until 30 June 2022.

Recommendations

The Executive Director of Adults and Health is asked to approve an extension to the existing A Place to Live and Supported Living Services contracts for people with learning disabilities for a period of up to 15 months until 30 June 2022 at a cost of circa £5.5m.

Proposal

1 Background and context

- 1.1 A Place to Live was initiated by the Council in 2006 as part of a Central Government directive to support the community resettlement of adults with learning disabilities who had been living in NHS Campus provision. Central Government capital funding was used to develop 42 purpose-built places to live under this scheme.
- 1.2 In 2010 the Council awarded three contracts via a competitive open tender process which appointed three provider organisations to deliver the care and support services at the new places to live.
- 1.3 In 2016 the Council retendered the APTL contracts and awarded these to the 2 incumbent provider organisations. Southdown Housing Association deliver the Coastal and Western contracts, with the Royal Mencap Society delivering the

Northern Contract. Each provider organisation was awarded a 3-year contract with the provision to extend each contract for a maximum of 3 further years ([Appendix 1](#) details the current service arrangements) up to 30th June 2022.

- 1.4 Former employees of Sussex Partnership NHS Foundation Trust were transferred to the provider organisations under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), with protected terms and conditions, including continuing access to the NHS Pension Scheme (NHSPS).
- 1.5 The Support Living Service (SLS) delivers outreach and accommodation based supported living services that were previously provided to adults with learning disabilities, by the Council until outsourced in 2012.
- 1.6 In 2016 the Council awarded the 2 SLS contract Lots to the incumbent provider, The Grace Eyre Foundation ([Appendix 1](#) details the current service arrangements).
- 1.7 Former employees of the County Council were TUPE transferred to The Grace Eyre Foundation with protected terms and conditions, including continuing access to the Local Government Pension Scheme (LGPS).
- 1.8 In June 2019 each APTL and SLS contract was extended for 21 months up until 31 March 2021.

2 Proposal details

- 2.1 The contracts commenced on 9th May 2016. The Initial contract period was for 3 years (until 30th June 2019) with the provision to extend for up to a further three years (until 30 June 2022). An extension was agreed in 2019 to extend for 22 months to bring the contracts in line with the Supporting Living Framework. However, the Framework was subsequently extended. Therefore, the proposal is to extend the current arrangements for a further period of up to 15 months until 30 June 2022 in accordance with the existing provisions of the contract(s).
- 2.2 In recommending the term of the extension consideration has been given to the following:
 - current pressures on the social care market including the impact and pressures of Covid, ability to recruit and retain staff and national living wage.
 - continued delivery of quality services to meet customer needs
 - continuation of housing provision and maintenance of tenancy arrangements with existing landlords to ensure customers remain in their existing accommodation arrangements
 - the services continue to deliver value for money, particularly in respect of promoting positive outcomes for customers, providing appropriate settings and a best use of resources
 - the performance of the services have been monitored through quality assurance activity and quarterly contract review meetings
 - all providers or individual accommodation settings are registered with the Care Quality Commission (CQC) and have demonstrated consistent quality provision achieving and maintaining an at least a "Good" CQC rating

- the original cohort of customers have gradually reduced as they have died or moved on. Resulting vacancies have been filled by referrals from eligible customers funded by the LD pooled budget. Therefore, these services meet new demand from the Council in the provision of support to meet complex customers need, offering alternatives to potentially higher cost residential care provision
 - current providers have highlighted opportunities for partnership working in the review of the service models to enable younger customers access and therefore support the objectives of the Lifelong Service programme.
- 2.3 During the extension period work will take place to develop and evaluate a range of options for the future commissioning and contract arrangements for these services.
- 2.4 An extension will enable a continuation of care, support and accommodation services for the existing customers whilst future options are considered. It will allow the Council to maintain the positive working relationships with existing providers; considering opportunities to enhance and optimise services to meet current and evolving customer needs and support quality assurance in high quality provision.

3 Other options considered (and reasons for not proposing)

- 3.1 Discontinuing the services is not considered a viable option given the incumbent Customer's living in the services who have separate tenancy agreements as well as the care and support provided under these contracts. The Council has duties to provide care and support to these Customers under The Care Act 2014 and identifying alternative options would be destabilising to customers and likely to incur additional costs to the Council given the complexity of these Customers.

4 Consultation, engagement and advice

- 4.1 Consultation has taken place with the providers who have all confirmed that they agree with extending the contracts for the time periods proposed.
- 4.2 The proposal is supported by the Council's Lifelong Services Operational Management whose teams provide care management to the customers living in the services.

5 Finance

- 5.1 The proposed decision results in a continuation of existing contractual spot purchase payment arrangements for a period of up to 15 months. Consequently, the recommendation does not create any additional financial implications and so the cost of the provision of the APTL and SLS services will remain in line with the assumptions on which the budget is based.
- 5.2 The effect of the proposal:

(a) **How the cost represents good value**

The core price and the sleep-in rates are compliant with the ceiling rates set within the Service and included in the tender evaluation. These rates match those provided under the Supported Living and Family Support Services for Adults with Learning Disabilities and Disabled Children and Young People (SLFSSF), which is

the overarching contract for provision of comparable services to customers with a learning disability.

Additional TUPE related costs have been built into the charges payable. The additional costs are due to the Council's obligation to protect public sector employment terms and conditions and pension benefits of the previously transferred staff.

(b) Future savings/efficiencies being delivered

Close and regular monitoring of the services is maintained to identify when TUPE impacted staff leave or reduce their hours. When this occurs, subsequent adjustments are made to the service rates and changes made to the pension contributions applied to ensure best value for money to the Council.

Over the course of this extension, it is anticipated that the service cost will reduce by up to £100k based on the trend over previous years.

(c) Human Resources, IT and Assets Impact

As described throughout, the Council retains ongoing TUPE responsibilities to former Council and NHS staff who were historically transferred to the provider organisations.

There are no IT or Assets Impact.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Contract extension challenge	There is provision within the current contracts to extend for up to fifteen months. The Council will undertake an options appraisal to inform future commissioning arrangements for these services.
Provider Performance	Appropriate performance management and governance arrangements are specified in the contract. All services are registered with the Care Quality Commission (CQC).
Provider Failure	Quarterly meetings are held with providers and financial data is shared and reviewed. Meetings will continue during the extension period.

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 customers and deliver necessary care and support services to maintain their independence and meet their needs. The Services will aim to improve and/or maintain customers wellbeing and quality of life, in particular each Customers independence, safety and community inclusion.
- 7.2 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'.

- 7.3 The services deliver in the communities of West Sussex and support the objectives of the Councils corporate Reset Plan by:
- keeping people safe from vulnerable situations by delivering care and support to people living in the community.
 - contributing to a sustainable and prosperous economy by creating jobs for West Sussex people and business for West Sussex care providers.
 - helping people fulfil their potential through person centred planning is and reablement support
 - making best use of resources by bringing health, social care, and housing together to deliver best possible outcomes for West Sussex residents.
- 7.4 No change of service provider is planned. No redundancies are anticipated as a direct result of this extension.

Appendix 1 Current overview of APTL and SLS services

Background Papers None

Alison Nuttall

Head of Children Families and Working Age Adults Commissioning.

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Appendix 1 – Current overview of APTL and SLS services

Service	Lot	Service Provider
A Place to Live	Coastal	Southdown Housing Association
	Northern	Royal Mencap Society
	Western	Southdown Housing Association
Supported Living Service	Northern	Grace Eyre Foundation
	Western	Grace Eyre Foundation