

Summary Sheet

**Council Report: Cabinet/Commissioner's Decision Making Meeting –
11th April, 2016**

**Title: Framework Agreement for Support Workers – Learning Disability
Services**

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Graeme Betts Interim Strategic Director of Adult Care and Housing

Report Author(s)

Mick Moorhouse – Interim Strategic Commissioning Manager

Ward(s) Affected

ALL

Summary

This report describes a Commissioning process to establish a framework agreement that will have within it a list of accredited providers to provide support services over a four year period, as Supported Living Schemes are developed. The support provider will provide a service that reflects people's choices in a variety of supported living settings, such as:

- Individual Tenancies
- Small group settings
- Shared accommodation

This report seeks approval to commence the commissioning process for a framework agreement to supply a range of support services for people with a learning disability, who have been assessed as suitable for Supported Living.

The framework agreement would be for 2 years with an option to extend for a further two years one year at a time (2+1+1).

Recommendations

That Commissioners and Cabinet Members:

- 1.1 Receive the information covered in the report**
- 1.2 Approve a tender process to establish a framework agreement to supply a range of support services for people with a learning disability:**

List of Appendices Included

Background Papers

- Think Autism: Fulfilling and Rewarding Lives, the strategy for adults with autism
- Care Act 2014
- Valuing People(2001),
- Valuing People Now (2009)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

Yes

Exempt from the Press and Public

No

Title: Framework Agreement for Support Workers – Learning Disability Services

1. Recommendations

That Commissioners and Cabinet Members:

1.1 Receive the information covered in the report

1.2 Approve a tender process to establish a framework agreement to supply a range of support services for people with a learning disability:

2. Background

2.1 This report describes a Commissioning process to establish a framework agreement that will have within it a list of accredited providers to provide support services over a four year period, as Supported Living Schemes are developed. The support provider will provide a service that reflects people's choices.

They will work with service users to help them achieve their goals and develop independence. The commissioning process will stimulate market development and the value of the contracts although not quantifiable at this stage, has the potential to attract new providers to Rotherham Metropolitan Borough Council.

This report seeks approval to commence the commissioning process for a framework agreement to supply a range of support services for people with a learning disability:

- Who have been assessed as suitable for Supported Living
- Who wish to seek alternative forms of day care
- Who wish to seek alternatives to traditional respite care services
- Who may require support in their own homes

The framework agreement would be for 2 years with an option to extend for a further two years one year at a time (2+1+1).

Commissioner and Cabinet approval is required due to the expected value of the services which is in excess of £500,000 and the nature of the framework agreement

3. Key Issues

3.1 Adult Services is faced with a rising number of people with increasingly complex care needs. According to the Projecting Adult Service Needs Information (PANSI) and Projecting Older Peoples Population Needs (POPPI)

the number of adults aged 18 years to 85 years and over with a learning disability will increase from 4,800 in 2015 to 4,879 in 2020. The system for providing social care for adults is being transformed, so that the emphasis is on the individual's dignity, right to self-determination, choice, control and power over the support services they receive. Supported Living (supporting people to live in their own homes) is one of a number of options, offering the choice, control, independence, security and flexibility for those who choose this option. Supporting people in their own homes, will also require providing the necessary level of support to enable individuals to access alternative forms of respite and community based services.

- 3.2 Valuing People (2001), Valuing People Now (2009) and the Care Act (2014) state that people with a learning disability should have choice about where they live, who they live with, and how they are supported. As many people as possible, should be enabled to live in their own home with appropriate support.
- 3.3 Support will be provided through a support work agency and the support provided will be expected to enable people with learning disabilities, to develop their independence, realise their potential and over time, reduce their dependency on statutory support. The aim is to create opportunities for people with a learning disability to have the same experience as other citizens and to live and play a part in their local community. As such, providers will be expected to work closely with care managers to ensure the support levels reflect the assessed needs of the individual.
- 3.4 The support work agency will provide a service that reflects people's choices. They will work with individuals to help them to achieve their outcomes and develop independence. The tender process is designed to establish a framework of providers for a programmed development of supported living services and could attract new providers into Rotherham.
- 3.5 In 2016 21.4% of adults with a learning disability who currently receive a funded service from Adult Services, live in residential care. In order to facilitate choice, a range of alternative support models need to be developed. The current care market in Rotherham is dominated by residential care provision with 37 care homes with a capacity of 343 beds supporting people with Learning Disabilities. Whilst there is a relatively large domiciliary care market, there are only a few organisations with proven experience of delivering support to people with complex and/or challenging needs.

It is acknowledged that in order to offer choice to all individuals with a learning disability, the support worker market needs to be expanded and developed.

4. Options considered and recommended proposal

- 4.1 A framework agreement is a general term for agreements with providers, who have gone through a full tendering process. It sets out the terms and conditions under which specific purchases can be made.

- 4.2 The move to a Framework Agreement in the short term is likely to be cost neutral but, in the medium to long term is expected to deliver a range of benefits including better value for money.
- 4.3 It is envisaged that a diverse range of providers will sit under the framework agreement, which will result in a competitive care market environment.

The benefits of a framework are:

- Allows for flexible and responsive services, across service areas,
- Meets the needs of the individual – flexibly,
- Allows for innovation and creative response to assessed needs,
- Gives no guarantees regarding business volume,
- Mini competition process ensures competitive pricing and quality assurance.
- Can be used with an e-market place option – retaining commissioning control for individuals utilising personal budgets or the LA commission on their behalf,
- Gives flexibility to Rotherham MBC to manage the market and the risk,
- Reduces the requirement for repetitive tendering reducing administrative cost, approved services can be allocated without the need for tenders as and when need arises,
- Stimulates providers to give value for money, the LA can go to alternative providers if not.

- 4.4 There are two types of framework agreements.

Option 1. Call Offs - where the terms of the framework have providers services with clearly identified costs. Where the needs of the service users meet the clearly identified costs, then 'call offs' can be made without the need to reopen competition. Officers would make that decision.

Option2. Mini Competition - where the terms of the framework do not have providers services with specific costs attached. Providers are subject to a 'mini competition' where they need to demonstrate how they would meet individuals outcomes as identified through the support planning process and at what cost. Although difficult to quantify at this stage, there is the potential to achieve cost efficiencies.

Option 2 is the recommended option as a Mini Competition would involve service users, carers and relatives in the selection process, giving real choice and control.

5. Consultation

- 5.1 Tender documents will be advertised both locally and nationally to stimulate market interest and introduce new providers into Rotherham.
- 5.2 Providers will be subject to an open and transparent tendering process. Evaluation criteria will be designed and developed between operational and commissioning staff, providers and carers for tenders to be scored against.

Service users will be involved in key areas of the evaluation and interview stages. Those providers who are successful at the evaluation and interview stages will be placed onto the framework agreement.

- 5.3 The strategic plan is to move away from residential models of care to person centred and outcomes focused support in the person's own home. Support packages will be determined with the individual, or group of individuals and the framework will enable 'mini competitions' to be run to identify suitable service providers rather than going through a full tendering process. It is envisaged that service users will be an integral part of this process.
- 5.4 New and existing providers wanting to join the Framework Agreement will be able to do so through the open tender process. Once the Framework Agreement has been established, new providers into the market will not be eligible to join the Framework Agreement for the duration of the contract, which will be in place for 4 years. However, we expect a high degree of interest from providers as the framework will be advertised both locally and nationally. A number of provider events will be held to publicise the framework and enable dialogue with providers about future commissioning intentions and opportunities.
- 5.5 As part of the future arrangements and in consideration of future commissioning arrangements, a market consultation exercise will need to be undertaken with learning disability provider organisation about the following areas:
- Those service users who have been assessed as suitable for Supported Living
 - Those who wish to seek alternative forms of day care
 - Those who wish to seek alternatives to traditional respite care services
 - Those who require support in their own homes

6. Timetable and Accountability for Implementing this Decision

- 6.1 It is proposed that the application of the agreed option should commence from 30th September 2016.
- 6.2 It is proposed that a one stage tender process be undertaken and market engagement and soft market testing commence.

Tender Timetable 2016 (Approximate)

	Commence
Issue ITT	1 st May
Evaluation	7 June
Clarification	3 July
Select Providers	10 July
Due Diligence	1 August
Commissioner Approval	September
Establish Framework	September / October
Transition	September / October

7. Financial and Procurement Implications

- 7.1 Whilst some further financial analysis needs to be undertaken, the Framework will provide a clear and transparent maximum hourly rate ceiling. The Framework will assure a supply across the borough, with a consistent rate for core services.

8. Legal Implications

- 8.1 Rotherham MBC's compliance with the principles set out in Valuing People (2001), Valuing People Now (2009) and the requirements of the Care Act (2014) in that it promotes choice and control for service users, in determining their own support needs in the adult social care market.
- 8.2 Early involvement is required from Rotherham MBC Legal Services, to enable them to provide robust terms and conditions of service in a timely manner.

9. Human Resources Implications

- 9.1 This report seeks approval for an open procurement exercise, with formal access to suitable accommodation through an approved landlord, to offer supported living to this group of people. Financial savings are sought but these cannot be quantified at this point. A caveat is that some staff, employed by existing contractors, may retain employment rights through TUPE.
- 9.2 The Framework Agreement will provide new schemes for those people requiring accommodation that is non-residential based e.g. Young people through transitions and those people who transfer from residential care into Supported Living Schemes. TUPE will not be applicable and savings should be made when measured against high cost residential care placements.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The recommendation will positively impact on vulnerable adults in that it will enable supported living schemes to be developed and provided within a planned and timely structure.

11 Equalities and Human Rights Implications

- 11.1 The recommendation in this report, if agreed will contribute to supporting commissioned organisations to meet the needs and requirements of those people who access those services.
- 11.2 Service user's personal choice and wishes as to who they would like to provide their personal care will be taken into account through the Framework Agreement

12. Implications for Partners and Other Directorates

- 12.1 Key partners and stakeholders will be consulted on the development of a sustainable supported living provision.

13. Risks and Mitigation

- 13.1 **Risk:** High quality providers will not tender for the service. By offering contracting opportunities over a four year period the Council is providing security for prospective providers and an opportunity to re-shape their business to meet the person centred approach. A nationwide advert will be placed and it is anticipated that this will stimulate interest among new providers which could enhance the local LD market.
- 13.2 **Risk:** Providers on the Framework will not meet the expectations of the service users. The interview process will seek to identify providers who have the structure, experience and desire to deliver services to this highly personalised model. Rotherham Metropolitan Borough Council will manage risk through adult protection, monitoring and safeguarding procedures.

14. Accountable Officer(s)

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Mark Scarrott

Director of Legal Services:- Ian Gledhill

Head of Procurement:- Helen Chambers

Mick Moorhouse, Interim Strategic Commissioning Manager

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