

**Committee Name and Date of Committee Meeting**

Cabinet – 19 October 2020

**Report Title**

Learning Disability/Autism - Developing Commissioning Solutions

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

Yes

**Strategic Director Approving Submission of the Report**

Anne Marie Lubanski, Strategic Director of Adult Care, Housing and Public Health

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

The approach seeks to adopt a set of strategic commissioning intentions that strengthen independence, choice and control for people with a Learning Disability and/or Autism within Rotherham and supports the Adult Care Directorate's development programme *My Front Door*.

The outcomes of *My Front Door* are:

- All people will have the opportunity to make sure each day in their life is meaningful, of value and leads to them having a 'Good Day'.
- More people could participate in paid employment
- All have access to community-based services that promote independence, wellbeing and social inclusion

This report provides an overview of the current externally commissioned offer in Rotherham, particularly the state of the local market in terms of ability to meet current demand for service and the pressures that providers are facing.

The report highlights the case for change, before focusing on the key work needed to underpin a new delivery model for externally commissioned Learning Disability and Autism services.

The report focuses on the following key service areas:

### **Supported Living**

The current external offer in Rotherham does not always promote independence and can be reliant on a quasi-residential care model rather than an independent living approach. Individuals do not always have the option to appropriately move on to alternative accommodation or to regularly access community assets. There are a limited number of supported living providers operating within the borough and currently there is no established route to market for supported living. This has restricted genuine choice and has led to an inconsistency in quality and pricing which needs to be addressed. However, these issues are mainly contractual. Although people often remain in the same service with the same level of support for many years the people currently residing in Rotherham's Supported Living services are well supported both at home and out in the Community. Where they are able to they are supported to participate with daily tasks at home and make choices around the activities they undertake both at home and out in the community.

The work programme will improve services by developing and commissioning services based on co-produced service specifications that focus on person centred outcomes.

### **Day Opportunities**

The externally provided Day Opportunity offers in Rotherham have begun to transform the opportunities which are available, but further work is needed to ensure that there is choice and a vibrant offer for people with a Learning Disability and/or Autism in Rotherham, to access meaningful opportunities around employment, education and leisure time during the day as an alternative to a day centre or remaining within their accommodation.

The Day Opportunity Complex Needs Services that are commissioned with external organisations provide both building based and community outreach elements. The building-based services provide a base for people to return to for personal care needs and therapeutic sessions. The community outreach provides support to access the community and complete daily living tasks such as shopping, banking alongside support to access community groups.

Community Catalysts have been instrumental in the development of a vibrant and varied Day Opportunities offer for working age people in Rotherham, working closely with the many Community Enterprise organisations to ensure that the services they offer are of good quality, provide value for money and evolve to meet the changing needs of the people who access these services. The Community Catalysts work has had a positive impact on the economy in Rotherham by supporting small businesses

to develop locally, which in turn contributes to social value in local communities in line with the Council's Social Value Policy.

There is a need to develop the Employment Support Opportunities within Rotherham. Limited opportunities are available through some of the Community Enterprises, but this area needs to be developed further and will be addressed as part of any future tender opportunity.

### **The Method of Delivery:**

The intention will be to use a blended approach to deliver the transformation of the commissioned services. This will be carried out in three stages, in order to ensure current service delivery is maintained:

Stage One Service Continuity  
Stage Two Assessment, Planning and Procuring  
Stage Three Delivery and Implementation

This paper also seeks approval for the commencement of a project to develop a Flexible Purchasing System (FPS), including the approach adopted. The paper also asks that associated risks and mitigations are noted.

The proposed programme of work will be based on:

- *My Front Door* Vision and Principles as set out in the paper *The Transformation of Services and Support for People with a Learning Disability* which was approved at the Cabinet and Commissioners' Decision-Making Meeting held on 21st May 2018.
- Good practice in other parts of the country
- Planned consultation and co-production of outcome-based service specifications.

### **Recommendations**

1. Cabinet approve the Stage 1 (Continuity), including the use of grants for Speak Up and Community Catalysts, and Stage 2 (Assessment, Planning and Procuring) phases. These are to support the design, delivery and planning of new services, and are expected to be completed by June 2021
2. Cabinet approves the retendering of services outlined in 3.2. This is expected to be completed by June 2021.
3. Cabinet notes the process and timings associated with the Stage 3 (Delivery and Implementation). This to include the procurement (FPS approach or otherwise) of new Supported Living arrangements and Day Opportunities services.

4. Cabinet agree to receive a report in eight months' time with recommendations at the conclusion of Stage 1 & 2 in order that Stage 3 can progress. This to include benefits of the proposal and projected financial implications.
5. Cabinet approves the overall project timings and notes the approach, tasks, and associated risks.

### **List of Appendices Included**

- Appendix 1 Part A - Equality Analysis screening
- Appendix 2 Part B - Equality Analysis Form
- Appendix 3 My Front Door – Commissioning Overview

### **Background Papers**

*The Transformation of Services and Support for People with a Learning Disability - Cabinet and Commissioner's Decision Making Meeting 21 May 2018*

*To Launch a New Building Based Respite Offer to Replace Current Provision – Cabinet – 17 February 2020*

*Financial Support for Learning Disability Day Opportunity Providers during the Covid19 Pandemic  
Cabinet - 11th May 2020*

*Further Financial Support for Adult Social Care providers to mitigate the impact of the Covid-19 Pandemic  
Cabinet - 20th July 2020*

### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Name of Committee – [Click here to enter a date.](#)

Name of Committee – [Click here to enter a date.](#)

### **Council Approval Required**

No

### **Exempt from the Press and Public**

No

## Learning Disability/Autism - Developing Commissioning Solutions

1.	<b>Background</b>
1.1	<p>The Cabinet and Commissioners Decision Making report, '<i>The Transformation of Services and Support for People with a Learning Disability</i>', 21 May 2018', made a commitment to transform Learning Disability Services in Rotherham. The report stated that:</p> <ul style="list-style-type: none"> <li>• All people with a Learning Disability will have the opportunity to make sure each day in their life is meaningful, of value and leads to them having a 'Good Day'. Doing things which have a purpose, being in ordinary places doing things most other people in the community would be doing, doing things that are for the individual, making sure they receive the right amount of support and are in touch with local people, developing friendships.</li> <li>• More people with a Learning Disability will have the opportunity to participate in paid employment.</li> <li>• A strength-based approach will be taken to develop a range of opportunities and making sure more people have their own front door</li> </ul>
1.2	<p><i>My Front Door</i> was launched as the vision for delivering this transformation of services for people with Learning Disability and/or Autism in Rotherham. <i>My Front Door</i> aims to support people with Learning Disabilities and/or Autism and their Carers to live their best life by supporting choice, together with building and maintaining independence. It is built around the vision for Adult Social Care of developing <i>active independence</i>.</p>
1.3	<p>The key to <i>My Front Door</i> is being person centred - people being able to co-produce and design what they want to do when they go outside their door and understanding what they do once inside their front door. It is about discovering and acting on what is important to a person and what is important for them and finding the balance between them.</p>
1.4	<p>Since 2018 work has been undertaken to improve the offer for people with a Learning Disability and/or Autism and their Carers. The Council has built upon existing bespoke services and developed additional services since 2018 to enhance formal support, ensure that there is choice in the borough and that people are supported to make these choices. These include the commissioning of:</p> <ul style="list-style-type: none"> <li>• <b>Rotherham SpeakUp Self Advocacy</b> who are a nationally recognised, peer led organisation in Rotherham. Speakup is run by and for local people with learning disabilities and autistic people. SpeakUp provide peer, group and self-advocacy support for people with learning disability, autism or both to ensure people can 'have their say' and be listened to. They develop and produce accessible information and support with people with a learning disability, autism or both to access job opportunities and work experience placements. The Partnership with this organisation will ensure that support with co-production and self-advocacy is available to the Council whilst future services are in development. The current contract for Rotherham Speak Up ends in December 2020.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Community Catalysts</b> who support small organisations wishing to provide Day Opportunities in Local communities. The Community Catalysts have been instrumental in the development of a vibrant and varied Day Opportunities offer for working age people in Rotherham, working closely with the many Community Enterprise organisations to ensure that the services they offer are of good quality, provide value for money and evolve to meet the changing needs of the people who access these services. Community Catalysts work has a positive impact on the economy in Rotherham by supporting small businesses to develop locally which in turn contributes to social value in local communities in line with the Council’s Social Value Policy. The contract for this service ends in December 2020</li> </ul>		
1.5	The continuation of the above two services is crucial for delivering the infrastructure to support the <i>My Front Door</i> principles that will deliver the transformation of care and support services for people with a Learning Disability and/or Autism in Rotherham. Securing further provision beyond the existing contract term is vitally important to enable the Council to carry on with the positive changes and service development, whilst ensuring strong customer engagement and independent support.		
<b>2.</b>	<b>Key Issues</b>		
2.1	People with a Learning Disability and/or Autism have been telling people who commission and provide services that they want the same quality of life as everyone else. That they have the same dreams and wishes as other people, and they want the same chance as anyone else of being able to realise their dreams.		
2.2	The Council wants to continue through <i>My Front Door</i> to respond to what people with Learning Disabilities and/or Autism and their families are telling us they want: more choice and control, to have healthier lives, to gain relationships and employment and volunteer opportunities in their community. Commissioning knows this from consultations that the Council and partners have been undertaking.		
2.3	<p>The Vision for Rotherham’s Learning Disabilities in the May 2018 report ‘The Transformation of Services and Support for People with a Learning Disability’ remains:</p> <table border="1"> <tr> <td><b>The Services</b></td> <td> <ul style="list-style-type: none"> <li>• will provide high quality care and support to people with a learning disability and their families.</li> <li>• will actively promote people’s wellbeing, helping them have a good life and be as independent, healthy and well as possible.</li> <li>• will be more diverse so all people with a learning disability in Rotherham, whatever their age, background, or level of need, will have more choice in their support.</li> <li>• will move away from traditional building based or institutional form of support and will focus on support, which is personalised, flexible and meets people’s individual needs.</li> <li>• will help people work together and pool their personal funds so they can share their support and sustain meaningful and rewarding relationships.</li> </ul> </td> </tr> </table>	<b>The Services</b>	<ul style="list-style-type: none"> <li>• will provide high quality care and support to people with a learning disability and their families.</li> <li>• will actively promote people’s wellbeing, helping them have a good life and be as independent, healthy and well as possible.</li> <li>• will be more diverse so all people with a learning disability in Rotherham, whatever their age, background, or level of need, will have more choice in their support.</li> <li>• will move away from traditional building based or institutional form of support and will focus on support, which is personalised, flexible and meets people’s individual needs.</li> <li>• will help people work together and pool their personal funds so they can share their support and sustain meaningful and rewarding relationships.</li> </ul>
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		<ul style="list-style-type: none"> <li>The Services will provide the best value for the people of Rotherham.</li> </ul>
	<b>Improved Accommodation and Support</b>	<ul style="list-style-type: none"> <li>will enhance the local offer and ensure that there is support for people who live away from their families. Housing will be of high quality, with more people having their own “front door” and the support will promote people’s independence and wellbeing, offering dignity and privacy.</li> <li>will ensure fewer people with a learning disability live out of Rotherham, and people who need and want to return will have been helped to do so.</li> </ul>
	<b>A Focus on Work and Skills</b>	<ul style="list-style-type: none"> <li>A Focus on Work and Skills will ensure that more people with a learning disability will be in paid work and volunteering opportunities, working alongside the rest of the community.</li> </ul>
	<b>An Inclusive Approach</b>	<ul style="list-style-type: none"> <li>will be promoted throughout everything the Council does. More people with learning disabilities will be doing more within their community. Support will build on resources in the community, tackle barriers to social inclusion and reduce dependence on social care services alone. The Council will stimulate creative and innovative ways to make this happen.</li> <li>will enable people to say they have been fully included and involved in the planning and implementation of changes.</li> </ul>
	<b>Enhanced Information and Advice</b>	<ul style="list-style-type: none"> <li>will enable more coordinated information about services and support to be shared across all relevant agencies.</li> </ul>
	<b>Carers</b>	<ul style="list-style-type: none"> <li>will have improved support available to them, making life better for people with learning disabilities who live in the family home. This will include comprehensive carers assessments and a diverse approach to respite.</li> </ul>
	<b>Improved Transition</b>	<ul style="list-style-type: none"> <li>will enable young people with a learning disability to positively move into adulthood.</li> </ul>
	<b>Strong Partnerships</b>	<ul style="list-style-type: none"> <li>will ensure that services and support are joined up across Rotherham in both the voluntary and statutory sectors.</li> </ul>
2.4	<p>Despite work being done to improve the service offer provided by externally commissioned organisations, two areas of ongoing work remain outstanding to deliver the <i>My Front Door</i> vision. These relate to:</p> <ul style="list-style-type: none"> <li>Services: improving externally commissioned day opportunities and focusing on work and skills</li> <li>Accommodation and support: expanding supported living and other models.</li> </ul>	
2.5	<p><b>Improving day opportunities and focusing on work and skills</b></p> <p>In 2016 it was identified that there was a lack of day opportunities for people with a Learning Disability and/or Autism with complex needs. In response, a Day Opportunity Complex Needs Framework was established in 2017 to ensure there was an increased choice available. In addition, Community Catalysts were commissioned to develop local Community Enterprises (also known as micro-enterprises).</p>	
2.6	<p>The current model for the externally commissioned services includes both building based and community outreach elements. The building-based services provide a base</p>	

	for people to return to for personal care needs and therapeutic sessions. Community outreach provides support to access the community and complete daily living tasks such as shopping, banking alongside support to access community groups.																		
2.7	The Day Opportunity Framework initially comprised of four organisations providing both building based and community-based opportunities. During the course of the framework, two of the four providers have voluntarily left the framework, primarily for financial reasons. Although the two remaining providers still operate in Rotherham the original framework has now come to an end and needs to be re-procured to encourage more choice and to ensure existing customers continue to be supported with quality provision.																		
2.8	There is also a need to develop further Employment Support Opportunities within Rotherham. With the Councils service Ad-Pro having a small customer base, the ending of City region led Working Well programme and the European Social Fund (ESF) Pathways Programme in its infancy, there are limited opportunities available to support people with a Learning Disability and/or Autism to access employment support. There are some opportunities provided by Community Enterprises, but this area needs to be developed further and will also be addressed as part of any future tender opportunity.																		
2.9	Community Catalysts have developed and provide support to 15 Community Enterprises. The Community Enterprises provide both building based and community support these include leisure opportunities, Education, life skills opportunities and employability skills.																		
2.10	People with a Learning Disability and/or Autism and their carers will be involved in the development of future offers both for Supported Living and Day Opportunities to ensure that people are able to access the right level of care and support they need to live their best life. The support to ensure people have a voice and are listened too has been and remains one of the roles of SpeakUp.																		
2.11	<p><b>Accommodation and support: expanding supported living</b></p> <p>There are a limited number of organisations providing supported living operating within the borough and currently no framework for supported living. This has restricted genuine choice and has led to an inconsistency in quality and pricing which needs to be addressed. Rotherham has the following supported living schemes (this compares to 37 residential and nursing care schemes – with a capacity to support 412 people):</p> <table border="1"> <thead> <tr> <th>Type and number of schemes</th> <th>Provider</th> </tr> </thead> <tbody> <tr> <td>2 supported living services, delivered in shared houses and self-contained flats</td> <td>Turning Point</td> </tr> <tr> <td>1 supported living service, delivered in a shared house</td> <td>CIC</td> </tr> <tr> <td>18 supported living services, delivered in shared houses</td> <td>Mencap</td> </tr> <tr> <td>6 supported living services, delivered in shared houses and 12 self-contained flats</td> <td>Eden</td> </tr> <tr> <td>14 supported living services, delivered in shared houses.</td> <td>Voyage</td> </tr> <tr> <td>2 supported living services, delivered in shared houses:</td> <td>Sense</td> </tr> <tr> <td>1 supported living service, delivered in a shared house:</td> <td>Horizon Care</td> </tr> <tr> <td><b>Total people supported in supported living:</b></td> <td><b>236</b></td> </tr> </tbody> </table>	Type and number of schemes	Provider	2 supported living services, delivered in shared houses and self-contained flats	Turning Point	1 supported living service, delivered in a shared house	CIC	18 supported living services, delivered in shared houses	Mencap	6 supported living services, delivered in shared houses and 12 self-contained flats	Eden	14 supported living services, delivered in shared houses.	Voyage	2 supported living services, delivered in shared houses:	Sense	1 supported living service, delivered in a shared house:	Horizon Care	<b>Total people supported in supported living:</b>	<b>236</b>
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2.12	<p>There are a range of inherent issues with the existing model of supported living that need to be addressed to best meet people’s outcomes. In some instances, the current model conflates supported living and residential care and often does not enable genuine move on to greater independence. Individuals do not always have the option to appropriately move on to alternative accommodation or to regularly access community assets. The service offer, specification and ethos is out of date and does not always reflect best practice or the aspirations of the Council, individuals and families. However, these issues are mainly contractual. Although people often remain in the same service with the same level of support for many years the people currently residing in Rotherham’s Supported Living services are well supported both at home and out in the Community. Where they are able to they are supported to participate with daily tasks at home and make choices around the activities they undertake both at home and out in the community.</p>
2.13	<p>Despite the number of supported living services already in Rotherham, when compared to its neighbours’, Rotherham lags in its on-going reliance in the use of residential models of care. A residential model works for some people, but for others, the model can limit opportunities to grow skills and develop. Rotherham has a growing population projected over the next 10 years which requires flexible responses and creative solutions.</p>
2.14	<p><b>Challenges:</b> There are also the ongoing national challenges with regard to the Adult Social Care market and these relate to:</p> <ul style="list-style-type: none"> <li>• Market Shaping: Meeting the increased costs of care and supporting providers to retain a skilled workforce.</li> <li>• Demographics pressures: meeting the needs of a diverse population</li> </ul>
2.15	<p><b>Market Shaping</b></p> <p>The hourly rates at which the contracts were awarded vary considerably as services have been commissioned on an ad hoc basis over several years. These contracts have been subject to annual inflationary increases year on year to keep pace with increases in the National Living Wage (currently £8.72/hr 1<sup>st</sup> April 2020), compulsory employer contribution to pension schemes and increasing regulatory registration fees. Providers have started to challenge the level of fee rates, especially as a result of the impacts of Covid-19. The Council is currently undertaking a Cost of Care consultation with Commissioned Providers. This consultation will inform plans to address these issues and will inform the fee setting which will be outlined in the Council’s Budget report for 2021/22. The Council will also aim to resolve some of the longer-term pricing challenges through the proposed procurement process.</p>
2.16	<p>The average rates for services in Rotherham are as follows:</p> <ul style="list-style-type: none"> <li>• Supported Living: £16.60 per hour</li> <li>• Day Opportunities: £17.28 per hour</li> </ul>

	When benchmarked against neighbouring Councils Rotherham's hourly rates paid for Supported Living and Day Opportunities under current contracts were between 2-6% lower.																																																							
2.17	No provider has exited the Rotherham market recently, however, providers have indicated challenges with staff recruitment and retention. This also has implications for providers around recruitment, induction and training costs. High staff turnover can cause negative experiences for people with a Learning Disability and/or Autism as they often need routine and consistency and can find it challenging to build up rapport and trust.																																																							
2.18	The cost of care exercise currently being undertaken with Commissioned Providers will be used to assess actions required to ensure market viability and this will include aligning future proposals and contracts to the Council's Social Value Policy and commitment to the Real Living Wage.																																																							
2.19	The Council utilised a proportion of the Governments allocation of Covid-19 Financial Assistance and Infection Control Grant to support Adult Social Care providers in Rotherham and further Infection Control Grant monies have now been released to continue to support the increased costs associated with Covid-19 through to March 2021.																																																							
2.20	<p><b>Demographic Pressures</b></p> <p>The Council currently provides financial support to <b>767</b> people with a Learning Disability who are accessing a total of 1,349 placements/services. The cohort has an aging demographic together with increased complexity from young people transitioning into the services</p>																																																							
2.21	There is a significant amount of overlap between people with a Learning Disability and people with Autism. Almost half of adults with Autism over the age of 25 continue to live in the family home and moving out is one of the biggest milestones of their lives.																																																							
2.22	<p>Meeting the needs of young people transitioning to adult services is a significant challenge for Adult Care. The table below shows an estimate of the number of young people with a Learning Disability that are likely to transition to adult services at the age of 18, over the next 10 years. In particular, the table highlights that Rotherham is expected to see 355 young people transition to adult social care services, within a 6 year period (highlighted in red).</p> <table border="1"> <thead> <tr> <th colspan="11">Young People Transitioning to Adult Services over the next 10 years</th> </tr> <tr> <th>Ages</th> <th>8</th> <th>9</th> <th>10</th> <th>11</th> <th>12</th> <th>13</th> <th>14</th> <th>15</th> <th>16</th> <th>17</th> </tr> </thead> <tbody> <tr> <td>Barnsley</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Doncaster</td> <td>60</td> <td>39</td> <td>62</td> <td>74</td> <td>61</td> <td>62</td> <td>80</td> <td>68</td> <td>57</td> <td>62</td> </tr> <tr> <td>Rotherham</td> <td>47</td> <td>42</td> <td>57</td> <td>58</td> <td>54</td> <td>50</td> <td>52</td> <td>64</td> <td>40</td> <td>42</td> </tr> </tbody> </table>	Young People Transitioning to Adult Services over the next 10 years											Ages	8	9	10	11	12	13	14	15	16	17	Barnsley											Doncaster	60	39	62	74	61	62	80	68	57	62	Rotherham	47	42	57	58	54	50	52	64	40	42
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	Sheffield	18	8	19	31	35	22	23	40	30	60	

2.23	<p><b>Anticipated Future Demand for Supported Living</b></p> <p>In order to deliver <i>My Front Door</i> and meet the market and demographic challenges, research, commissioned by the Council on behalf of the South Yorkshire Transforming Care Partnership, estimates that the Council needs to be creating 150 units of supported living in the next 10 years to meet demands. This means creating approximately 15 new units of supported living per year.</p>																
2.24	<p>In delivering the transformation, Commissioning intend to:</p> <ul style="list-style-type: none"> <li>• Increase the number of options available to people both inside and outside their front door.</li> <li>• create a model where there are detailed outcomes to ensure progress towards greater independence for the people within the services. These outcomes will be reviewed regularly and will support acknowledging the person's increased independence, the reduction in support as people become more independent and will promote people living their best life in the way they wish.</li> <li>• Both supported living and day opportunities will be built on new specifications, the final specifications will be co-produced with people who access services and their families, supported by SpeakUp. Together with other Stakeholders and Partners, some examples are Rotherham Parent Care Forum and Genuine Partnerships, together with Social Care staff and colleagues from Rotherham Clinical Commissioning Group. This will require using virtual platforms to hold events and meet with stakeholders.</li> </ul>																
3.	<p><b>Options considered and recommended proposal</b></p>																
3.1	<p><b>The Proposed Next Steps to realise our ambitions</b></p> <p>In order to ensure delivery, it is proposed to use a 'blended' approach to deliver the transformation of the commissioned services. This will be carried out in three stages, in order to ensure current service delivery is maintained. Stage three will complete the service transformation.</p>																
3.2	<p><b>Stage One – Service Continuity:</b></p> <p>There are several externally commissioned contracts coming to an end that need to be maintained in the short term, so that the Council can continue current service delivery whilst Stage 2 and 3 are completed. What Commissioning want is for the providers to have head room for creativity and innovation. The table below contains the details of these current contracts (including commencement dates, cost).</p> <table border="1" data-bbox="284 1749 1501 1937"> <thead> <tr> <th data-bbox="284 1749 930 1816"><b>Contract</b></th> <th data-bbox="938 1749 1082 1816"><b>Annual Value £</b></th> <th data-bbox="1090 1749 1249 1816"><b>Start date:</b></th> <th data-bbox="1257 1749 1501 1816"><b>Notes:</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="284 1816 930 1850">Speak Up Advocacy</td> <td data-bbox="938 1816 1082 1850">£55,000</td> <td data-bbox="1090 1816 1249 1850">14/01/2019</td> <td data-bbox="1257 1816 1501 1850">Ends Dec. 2020</td> </tr> <tr> <td data-bbox="284 1850 930 1883">Community Catalysts (Micro-Enterprise support)</td> <td data-bbox="938 1850 1082 1883">£55,172</td> <td data-bbox="1090 1850 1249 1883">01/01/2019</td> <td data-bbox="1257 1850 1501 1883">Ends Dec. 2020</td> </tr> <tr> <td data-bbox="284 1883 930 1937">KeyRing Living Support Networks</td> <td data-bbox="938 1883 1082 1937">£90,000</td> <td data-bbox="1090 1883 1249 1937">01/04/2015</td> <td data-bbox="1257 1883 1501 1937">Contract end date Mar 2019</td> </tr> </tbody> </table>	<b>Contract</b>	<b>Annual Value £</b>	<b>Start date:</b>	<b>Notes:</b>	Speak Up Advocacy	£55,000	14/01/2019	Ends Dec. 2020	Community Catalysts (Micro-Enterprise support)	£55,172	01/01/2019	Ends Dec. 2020	KeyRing Living Support Networks	£90,000	01/04/2015	Contract end date Mar 2019
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Complex Needs Day Opportunities (Sense/ Mencap)	£950,000	01/04/2017	Contract end date: Mar 2020 - ongoing

Three options were considered:

- Direct Award of a Grant Agreement
- Competitive Grant Agreement
- Procurement

The outcome reached was that the direct award of a grant agreement would be the best fit to support the objectives on My Front Door. As it supported commissioning and procurement models to allow local provider organisations to collaborate and make best use of local assets.

The following is proposed:

**Community Catalysts** – move to a grant agreement when the current contract ends on the 31<sup>st</sup> December 2020. This will ensure that development of existing and new Community Enterprises is maintained and continue to increase the choices of Day Opportunities in the local communities.

**Rotherham SpeakUp** – move to a grant agreement when the current contract ends on the 13<sup>th</sup> January 2021. This will ensure that support with co-production and self-advocacy is available whilst future services are in development.

It is proposed that the grant agreements are in place for one year with an option to continue the grant into a second year.

Further detail around the risks associated with a grant agreement are detailed in section 6.2 (Procurement) and section 7 (Legal) of the report.

### Options for Supported Living and Day Opportunities for Complex Needs

The Council will look to maintain the current provider base to transition to the new service offer. However, Commissioning will utilise any opportunities to further improve current service by tendering the following services:

KeyRing Living Support Networks	£90,000 (per annum)	01/04/2015	Contract end date Mar 2019
Cherry Tree House Supported Living (Community Integrated Care)	£400,344 (per annum)	16/11/2015	Contract end date Mar 2019 - ongoing
Complex Needs Day Opportunities (Sense/ Mencap)	£950,000 (per annum)	01/04/2017	Contract end date: Mar 2020 - ongoing

	This procurement will be undertaken in stage 2 (see 3.3).
3.3	<p><b>Stage Two – Assessment, Planning and procuring:</b></p> <p><b>Supported Living</b></p> <p>Benchmark with other local authorities to understand best practice, outline the budget and financial envelope. Undertake market engagement to test provider appetite, pricing, offer, and undertake public engagement to help design the new offer. Procurement options will be explored, and plans made to implement the preferred choice.</p> <p>As indicated in 3.2, this stage will put out to tender the care provision for the service provided to people living at Cherry Tree House. The current supported living service at Cherry Tree House was procured through a competitive tender in 2015. Community Integrated Care were the successful bidders. The contract was originally delivered at Cranworth Close and the service moved to more suitable accommodation in early 2018. The ambition is to have completed the procurement (and commencement) of the new provider by June 2021.</p> <p><b>Day Opportunities and employment support</b></p> <p>An audit/assessment of current provisions will be undertaken this will include a mapping of needs vs offer as well as financial/contractual assessment.</p> <p>There will be creation of new specifications for meeting the day opportunity needs for people with a learning disability with complex needs that reflects best practice.</p> <p>As indicated in 3.2, this stage will use refreshed service specifications to tender for new providers to provide complex needs day opportunities. The ambition is to have completed the procurement (and commencement) of the new providers by June 2021.</p> <p>It should be noted that once the procurement approach (if FPS) has been agreed, full details will come back to Cabinet based on the recommendations and plans of the Finance/Procurement Group.</p> <p>At Stages 1 and 2, the procurement implications to be considered are the use of grants and procurement to continue and develop services.</p>
3.4	<p><b>Explore how the Council build flexibility in shaping the market in Rotherham:</b></p> <p>In Stage 2 there will be a thorough exploration of procurement options which will ensure that there is:</p> <ul style="list-style-type: none"> <li>• Flexibility.</li> <li>• Provision for natural progression as people’s confidence and independence increases and their need for support reduces.</li> <li>• Opportunities for small, medium and large providers to be commissioned by Rotherham Council.</li> </ul>

3.5	There are various procurement models available to Local Authorities, to deliver the outcomes and flexibility to support local markets. One model that will be consulted on, is the opportunity to develop a Flexible Purchasing System (FPS). This is defined as a widely used mechanism which allows the Council to measure and monitor progress on sustainable market over time and conducted under the Light Touch Regime of the Public Contract Regulations 2015. The FPS enables providers to join the agreement at any time. This model is currently being utilised in relation to Rotherham's Home Care and support services.
3.6	<p><b>Building a Delivery Plan</b></p> <p>Stage 2 will see the development of a detailed delivery plan. This will be the subject of a follow up Cabinet report in June 2021 and will recommend an option about how Rotherham Council can transform the market and services for people with a Learning Disability and/or Autism and identification of the costs.</p>
3.7	<p><b>Stage Three - Delivery and Implementation</b></p> <p><b>Supported Living</b> Implement the delivery plan developed in Stage 2 and procure the new services. The new service model developed will ensure that choice is increased, address inconsistencies in pricing and ensure services are of good quality based on co-produced service specifications that focus on person centred outcomes.</p> <p>As part of the Project plan, there will be a period of Mobilisation for the new services.</p> <p>Appendix 3, My Front Door – Commissioning Overview is a visual plan of the 3 stages.</p>
4.	<p><b>Consultation on proposal</b></p> <p>The options and case for change has been subject to current engagement with:</p>
4.1	People with a learning disability and their carers: Engagement and coproduction has been at the centre of the My Front Door transformation. This has been undertaken through partnership boards and My Front Door events. In addition, a housing options survey was completed with people with a learning disability and their carers. People said they wanted their own homes and to live near their families and loved ones.
4.2	Providers and soft market testing: Through regular provider forums and dedicated My Front Door events. Providers have fed back that they are supportive of the vision of developing flexible procurement options.
4.3	Partners: Rotherham CCG and RDaSH have been kept informed of commissioning ambitions through regular discussion and engagement in the Mental Health and Learning Disability Partnership Board. Rotherham CCG support the delivery of My Front Door.
5.	<b>Timetable and Accountability for Implementing this Decision</b>

5.1	<p>The intention will be to use a blended approach to deliver the transformation, of the externally commissioned services, in 3 stages in order to ensure current service delivery is maintained:</p> <p>Stage One Service Continuity and Maintenance  Stage Two Assessment and Planning  Stage Three Delivery and Implementation</p>																																																															
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6.	<p><b>Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)</b></p>																																																															
6.1	<p>The proposed grant agreements and procurement activity will be at existing contract values as specified in 3.2 above. The Council does not anticipate any cost changes associated with maintenance other than potential inflationary uplift requests. Any additional costs for annual inflationary uplifts will be considered as part of the Councils Budget Report.</p>																																																															
6.2	<p>The proposed FPS will look to address future needs and as the system is developed will enable projected costs to be identified. This area will be explored at the end of Stage 2 and brought back to Cabinet for approval. This will involve the feedback from market testing and the benchmarking of costs with other Local Authorities.</p>																																																															
6.3	<p><b>Procurement Implications:</b></p> <p>The Learning Disability services described within this report would be classified as Social and Other Specific Services (“SOSS”) as defined in the Public Contracts Regulations 2015 (“the Regulations”).</p> <p>There are a number of proposals contained within this report, with variations to the procurement implications as detailed below.</p> <p>Firstly, at stage one the proposal is to provide grant funding arrangements, there are no direct procurement implications. Grant arrangements don’t fall within the scope of the Regulations and therefore any aggrieved bidder would not have recourse to the remedies set out.</p>																																																															



	<p>Financial and Procurement Procedural Rules provide a mechanism to provide grant arrangements to third parties.</p> <p>At stage two the planned procurement activity referenced within this report details 3 individual contracts to be tendered and plans for future procurement activity. Dependant on the length of contract to be agreed it is expected that each of these contracts including the potential FPS may exceed the threshold for SOSS (£663,540). Therefore, an advertised tender process will be required to be undertaken albeit through a Light Touch Regime (LTR), in compliance with the Regulation which offers additional flexibility to the commissioner.</p> <p>In terms of maintaining the contract until the tender process can be carried out, as current contracts have expired exemptions are required from Financial and Procurement Procedure Rules.</p> <p>Any procurement activity that is progressed as a result of this report will be carried out in compliance with the Council's Financial and Procurement Procedure Rules and Public Contract Regulations.</p>
7.	<p><b>Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)</b></p>
7.1	<p>The Council may issue grants as indicated in this report. Some legal issues:</p> <ul style="list-style-type: none"> <li>• The Council is party to the Rotherham Compact which places certain obligations on the Council in relation to grant funding the voluntary sector. The Compact is set out here:  <a href="https://www.varotherham.org.uk/wp-content/uploads/2017/03/The-Rotherham-Compact-2017.pdf">https://www.varotherham.org.uk/wp-content/uploads/2017/03/The-Rotherham-Compact-2017.pdf</a></li> <li>• The Compact is not legally binding on the Council, and therefore there are no legal consequences for the Council if it disregards the Compact. However, there may be some reputational issues for the Council if it disregards the Compact.</li> <li>• If the Council is to issue grants, the relevant grant agreement would need to be carefully drafted by Legal Services The grant agreement should not allow the Council to sue the grant recipient for breach of contract if the grant recipient does not perform the activities to which the grant relates. The only remedies for the Council would be reduction, delay or discontinuation of further grants and (in limited circumstances) a right to a refund (i.e. 'clawback') of grants already paid.</li> <li>• If the contract allowed the Council to sue for breach of contract, it is likely to be (in substance) a contract for services that ought to be subject to an appropriate procurement process.</li> </ul> <p>The Council is permitted to operate a flexible purchasing system (sometimes known as a 'pseudo dynamic purchasing system') given these services fall under the light touch</p>

	regime. Officers should liaise with Legal Services to produce appropriate legal documentation.
<b>8.</b>	<b>Human Resources Advice and Implications</b>
8.1	There are no direct human resource implications for the Council as a result of the proposals contained in this report as any potential transfers of staff would be between external organisations.
8.2	Outgoing service providers transferring eligible staff to the incoming providers as part of the mobilisation of the new contractual arrangements under Transfer of Undertakings (Protection of Employment) Regulations 2006.
<b>9.</b>	<b>Implications for Children and Young People and Vulnerable Adults</b>
9.1	The new delivery models for Learning Disability and Autism services outlined in this report, and the co-produced service specification, will improve the service offer for all the adult cohorts supported by the Council. The proposals contained within this report support positive steps to meet objectives in the Council Plan to develop alternatives to traditional care, maximise independence and stimulate the market requirement in terms of the Joint Health and Wellbeing Strategy (Priority 2- Promoting independence and self-management and increasing independence of care for all people).
9.2	Young People who are in Rotherham's Preparing for Adulthood Cohort are in scope, though the impacts will be for people aged 18 and over.
<b>10.</b>	<b>Equalities and Human Rights Advice and Implications</b>
10.1	The proposals in this report support the Council to comply with legal obligations encompassed in the: <ul style="list-style-type: none"> <li>• Human Rights Act (1998), to treat everyone equally with fairness dignity and respect with a focus on those who are disadvantaged as a result of disability and</li> <li>• Equality Act (2010) to legally protect people from discrimination in the wider society.</li> </ul>
10.2	The Equality Analysis provides further detail, though the primary focus of the proposal will be to support the organisations who provide services to people with Disabilities and Long Term Conditions together with their Unpaid Carers as the services form part of the Council's statutory duties under the Care Act 2014.
<b>11.</b>	<b>Implications for Ward Priorities</b>
11.1	The outcomes from the proposed recommendations will positively impact on all Wards as people with a Learning Disability and / or Autism reside across the Borough.
<b>12.</b>	<b>Implications for Partners</b>
12.1	The proposed future model will be co-produced with a range of stakeholders throughout Stage 2.

12.2	The intention is to explore the development of the FPS jointly with the Rotherham Clinical Commissioning Group (CCG). This would be a positive move to ensure that both the Council and Rotherham CCG have a joint approach to procuring new services. Further work is required to develop this joint approach to best meet the needs of people funded through Continuing Health Care (CHC).
13.	<b>Risks and Mitigation</b>
13.1.	<p>There is potential risk that the provider uses the grant awarded by the Council for other than what it was intended for. The grant conditions would mean the Council would not be able to retrieve the funds, unless the provider committed fraud, but could cease further funding.</p> <p>As a mitigation, both providers have a long-term relationship with the Council. They are established specifically to address disadvantages of the client groups they support, and there is no evidence to suggest they would not spend the grant as intended.</p> <p>Any grant agreement established will include detail regarding eligible expenditure. Due diligence will be undertaken to ensure the risk to the Council is reduced.</p>
13.2	Project delivery: this project is being delivered in the current context of COVID-19. The risk is that delivery is delayed due to winter pressures or a second surge of COVID-19. The mitigation comes from the governance and priority that surrounds this project to support delivery.
13.3	Communication and involvement: There is a risk that people who use current services report they have not been included. This project in Stage 2 has a clear programme of co-production and involvement (see sections 3.2 and 4) and this will be underpinned by a communication framework.
13.4	In relation to the proposed tender for the Supported Living service and Day Opportunities for Complex Needs services, there is a potential risk that insufficient bids are received to allow for award of contract. Mitigation for this is that the Council will have undertaken engagement with the market, e.g. soft market testing prior to tender and ongoing engagement via Yortender (the Council's procurement portal). The tender will also ensure that Social Value is addressed as per the Council Policy.
13.5	In relation to the proposed tender for the Supported Living service, and the Day Opportunities for Complex Needs services in stage 2, there is a potential risk of the financial impact of increased hourly rates for these services. The Council will have undertaken engagement with the market, e.g. soft market testing prior to tender and ongoing engagement via Yortender (the Council's procurement portal), and Commissioning will work with Finance to develop the financial envelope for these services to understand any impact.
14.	<b>Accountable Officers</b>
	Nathan Atkinson, Assistant Director Strategic Commissioning. Adult Care, Housing and Public Health. 01709 822270 or <a href="mailto:nathan.atkinson@rotherham.gov.uk">nathan.atkinson@rotherham.gov.uk</a>

	Garry Parvin, Joint Head of Commissioning Learning Disabilities and Autism, Adult Care, Housing and Public Health. <a href="mailto:garry.parvin@rotherham.gov.uk">garry.parvin@rotherham.gov.uk</a>

Approvals obtained on behalf of Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	05/10/20
Head of Legal Services (Monitoring Officer)	Named officer	05/10/20

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