

Committee Name and Date of Committee Meeting

Cabinet – 19 September 2022

Report Title

My Own Place: Supported Living for Autistic People and People with a Learning Disability

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

Yes

Strategic Director Approving Submission of the Report

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Ward(s) Affected

Borough-Wide

Report Summary

The Council has a strong commitment to expanding supported living for people with a learning disability and autistic people through the *My Front Door Project* referenced in the 21st May 2018 Cabinet report and subsequently in a further Cabinet report from the 19th October 2020. This is because it enables better outcomes for people and is more cost-effective than traditional forms of housing.

Supported living is a service designed to help people with a wide range of support needs retain their independence by being supported in their own home. People in supported living have their own tenancy and are responsible for their own bills and cost of living. To afford these, the person may be entitled to a wide range of benefits and grants. In single-person-supported living, they will also have their own front door. In Supported Living, the support provided is not dependent on the provision of housing (and vice versa.) so if the support provider changes, this doesn't affect the tenancy. The person has the security of tenure in line with their tenancy agreement.

It has been calculated that Rotherham needs to develop 12 new units of supported living a year for people with a learning disability and autistic people.

Rotherham's population of people with a learning disability and autistic people is changing, both in complexity and with an ageing population. As an example, some young people with SEND needs often require a home that is specially adapted and includes support which will enable them to be more independent.

Speaking to people with a learning disability and autistic people across all communities, people told us that they want good quality homes that are close to friendship circles and their families. People want homes that offer flexibility and choice and are places "*where we can relax, unwind and work off that stress*".

In the past, the provision of supported living in Rotherham has been market-led or commissioned via a traditional framework and this has led to mixed results with some excellent provision being developed. However, these approaches have led to over-concentration of supported living in different parts of the borough, also some providers such as Rotherham's micro-enterprise have been excluded.

It is proposed that Rotherham develops a Flexible Purchasing System for supported living that will achieve:

- High quality supported living provision across the borough.
- Flexibility for suppliers to be added to the Flexible Purchasing System at any stage of its lifetime,
- Cost savings through increased competition,
- Opportunity to stimulate development in the Supported Living Market,
- Potential to increase access for Rotherham's small-medium enterprises and support the delivery of Rotherham Council's social value ambition

Recommendations

1. That Cabinet approve the creation of a Flexible Purchasing System (FPS) to ensure that for the development of future Supported Living contracts, providers are aligned to Rotherham's vision of providing housing for people with learning disabilities and autistic people. This will be based on the principles contained in 'Building the Right Home'.

List of Appendices Included

Appendix 1: Think Local Act Person – Making It Real - Summary

Appendix 2: Co-Production Plan – Supported Living

Appendix 3: Initial Equality Screening Assessment

Appendix 4: Carbon Impact Assessment

Appendix 5: Supported Living 'Easy Read' RMBC

Background Papers

Supported Living, Housing Support, and Autism - Learning Disability/Autism –
Developing Commissioning Solutions, Cabinet – 19th October 2020

My Front Door - The Transformation of Services and Support for People with a Learning
Disability, Cabinet - 21st May 2018

Building the right home (2016) – NHS England, LGA and ADASS

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

My Own Place: Supported Living for Autistic People and People with a Learning Disability

1. Background

- 1.1 *“I want to have my own place, live with my friends and be a part of my local community”* was a comment made by a person with a learning disability when Officers met with Rotherham Speak Up in May 2022 to discuss what good, supported living looks like.
- 1.2 The main principles of supported living are that people with learning disabilities own or rent their home and have control over the support they get, who they live with (if anyone) and how they live their lives. Supported living assumes that all people with learning disabilities, regardless of the level or type of disability, can make choices about how to live their lives (see 2.1).
- 1.3 Supported living for autistic people will have the same principles as supported living for people with a learning disability. Supported living services for autistic adults will be shaped to provide extra help to enable autistic adults to live in their own homes or within accommodation built to an appropriate specification, whether as tenants or owner-occupiers, living alone or with others.
- 1.4 There are currently 206 people living in supported living funded by the Council. Most people living in supported living live within Rotherham (198), with 8 people living outside Rotherham. The Council has a strong commitment to expanding supported living for people with a learning disability and autistic people through the *My Front Door Project* referenced in the 21st May 2018 Cabinet report and subsequently in a further Cabinet report from the 19th October 2020. This is because it enables better outcomes for people and is more cost-effective than traditional forms of housing.
- 1.5 There are 8 people living in supported living outside of the Borough. Some of this activity is appropriate – living close to family. Where people are living in supported living schemes due to a lack of sufficiency in Borough, then they will be offered an opportunity to return to Rotherham if they wish.
- 1.6 Outcome attainment and personalisation are evidenced in the ‘Think Local, Act Personal – Making It Real’ I and We statements that were developed by and with people with disabilities to ensure that the right care and support are provided. Appendix 1 explains this in more detail and includes a link to the TLAP website.
- 1.7 Rotherham’s population for people with a learning disability and autistic people is changing both in complexity and with an ageing population. People often remain in provision with limited move-on opportunities to access their own tenancy.
- 1.8 There is a lack of specialist autism provision nationally and in Rotherham. In drafting Rotherham’s Autism strategy, autistic people indicated that they needed housing which could accommodate sensory needs with acoustic/noise reduction. As one autistic person said: *“Home needs to be the place where we can relax, unwind and work off that stress.”*

- 1.9 To ensure that the future needs of young autistic people and people with a learning disability are captured appropriately, work has been undertaken to identify the future cohorts likely to require ongoing care and support as they reach adulthood. This promotes effective transitions from childhood to adulthood for young people with Special Educational Needs or Disabilities (including social and emotional mental health). The work undertaken along with the recommendations provides positive and sustainable outcomes for all teams involved in the transition process from children to adult services.
- 1.10 The activity to support transitions into Adult Care falls in line with the duties set out under the Care Act 2014 and Children, and Families Act 2014. It positively influences the Preparing for Adulthood (PFA) agenda and aligns with the aims set out by the Rotherham Health and Wellbeing Strategy:
- “ensuring pathways are robust, particularly at transitions points.”
 - “provide accessible services to the right people, in the right place at the right time”.
- 1.11 It has been identified that the transition process between adult and children services for young people with an Education, Health and Care Plan (EHCP) can be improved collectively. A project team from across the two Departments has reviewed the core principles of effective transitions and the current Rotherham transitions processes. This has been supported by utilising the Council’s existing data intelligence.
- 1.12 The project has created a 5-year cohort database of young people with an EHCP aged 14 to 25 between 2021 and 2026. The data will allow the Council to predict the young people who will require support from Adult Care services and the most appropriate housing options. Thus, promoting proactive adult commissioning of bespoke support reflects young people's and their families' aspirations. This will also improve the efficiency of the service and have financial benefits for the Council due to the reduced reliance on commissioned emergency placements that may not be suitable for the individual.
- 1.13 A Preparing for Adulthood future cohort profile has been formulated to understand the specific number of young people who are likely to require Adult Care services or a commissioned placement. The cohort profile identifies individuals requiring a high level of support and will allow officers to prioritise individuals and plan for the transition to adulthood pro-actively. This will allow the Council to understand which individuals will need to access and use the universal offer within Rotherham. This data is invaluable to service delivery and will help to ensure services meet current and predicted needs.
- 1.14 Over the next 10 years, Rotherham is expected to see an:
- Increase in the complexity of people transitioning to adult services.
 - Increase in the number of autistic adults accessing support.

1.15 The current prediction of new service users over the next 3 years based on current provisions pre-18 are

Year	2022-23	2023-24	2024-25
Number of people	46	27	21

1.16 Research conducted on behalf of the South Yorkshire Integrated Care System (SYICS) found that over the next 10 years, Rotherham needs to be building/creating 12 units of supported living per annum to meet the future needs of the identified cohort.

2. Key Issues

2.1 How Does Supported Living as a Housing Option Work?

Supported living enables adults with support needs to live in their own home with the help they need to be independent. It allows them to choose:

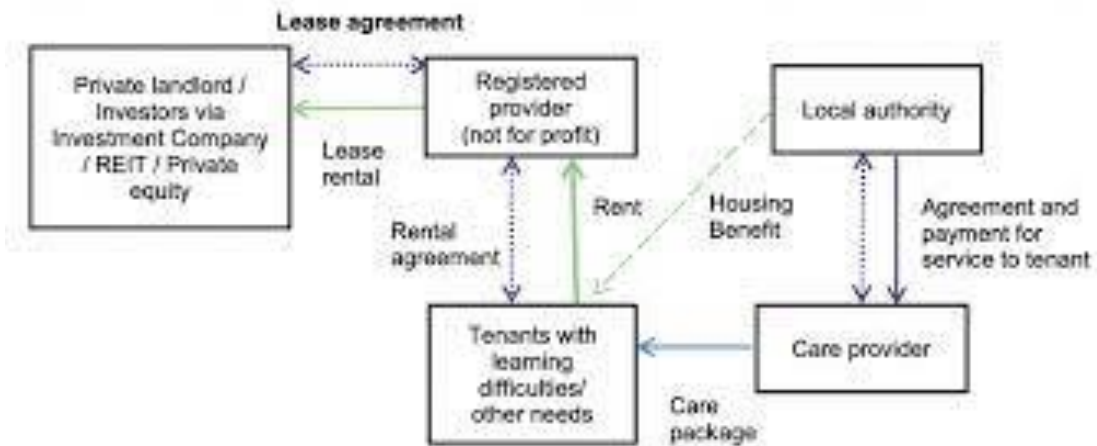
- where they want to live
- who with
- how they want to be supported
- what happens in their own home (see 'I' statements in appendix 1)

2.2 Supported living is typically defined as housing where support and/or care services are provided to help people to live as independently as possible. Supported living provides people with individual tenancies. This means that they have a home of their own and will benefit from a greater level of autonomy as far as their environment is concerned.

2.3 Supported living offers a high level of support for people for whom a residential home would usually be the only viable alternative. It provides accommodation for a range of people including older people, people with a learning disability, autistic people, people with mental health-related needs, vulnerable young people and people who have experienced homelessness.

2.4 Funding supported living schemes:

People in supported living have their own tenancy agreement and are responsible for their own bills and cost of living.



2.5 Figure 1 (above) shows that the personal care and accommodation parts of supported living must be covered by separate agreements (referred to as the real tenancy test).

2.6 Figure 1 also shows that there are 5 elements involved in creating supported living:

1. **Developer - Investment made to build the property-** this can come from various sources – private and public – to build a suitable property. Best practice says this should be done in collaboration with the commissioning authority and indeed if this support isn't forthcoming investors often won't invest.
2. **Registered Provider:** The developer will need to appoint a landlord (referred to as the registered provider) who will manage and maintain the property – repairs etc and support the tenants. The landlord will need to be registered (and in compliance) with the Regulator for Social Housing. The figure above shows that there will be a lease agreement between the developer and the landlord.
3. **Tenants:** Each tenant will have a tenancy agreement. If the person lacks capacity the landlord (supported by an appropriate professional) will ensure that the tenancy agreement is signed following the best practice set out in the Mental Capacity Act. The tenant will be entitled to a range of benefits such as the housing benefit part of Universal Credit, Personal Independence Payments (PIP, up to state pension age only), Employment and Support Allowance (ESA, up to state pension age only) and Attendance Allowance (AA).
4. **Care Provider:** The care provider provides the tenant with support. The level of support will vary depending on the needs of the individual tenant. Supported living services which offer support with personal care are regulated by the Care Quality Commission (CQC). Supported living providers that do not provide the regulated activity 'Personal care' are not required by law to register with CQC. Best practice (see National Statement of Expectations) states that there needs to be a separation between the landlord and the care provider. There is typically a connection made between the care provider and the landlord in the form of a service-level agreement. Rotherham insists that provider and landlord service level agreement isn't long terms and contains 'break clauses' to ensure that if the tenant chooses to change care provider, that the person's tenancy is not impacted. This ensures that the Real Tenancy Test is fulfilled.

5. **Local Authority:** The Council commissions the care provider. Ensures they have the right values and skills to deliver the person's care package. The Council will connect with the developer to 'shape' the scheme – the right design and the right location.

2.7 Where are we now?

The Council is the principal commissioner of supported living for people with learning disability and autistic people. The Council commissions 206 units of supported living. Most of the commissioned supported living is in shared accommodation.

2.8 There is a prevalence of accommodation in Maltby and Wath. These properties are long-standing supported accommodation developed around the locations of day centres in these areas at the time. More recently, there has been a series of 'one-off' developments in these areas where people wished to live, and a developer sourced a suitable property.

2.9 The Council currently commissions supported living from the following providers:

Provider	(b) Total annual budget
Birtenshaw (Bolton) (OOB)	£177,765
BPU - Woodlands Bungalows (In Borough)	£49,186
Chartwell Care Services Limited (OOB)	£76,360
Community Integrated Care (In Borough)	£500,123
Eden Supported Living Ltd (In Borough)	£2,167,829
Horizon Care Homes Ltd (In Borough)	£149,616
House of Light Trust Limited (In Borough)	£328,423
Housing and Support Solutions Limited (OOB)	£8,310
Isand (Domiciliary Care) Ltd (CAS Ashfield) (OOB)	£61,670
Lifeways Community Care (Doncaster) (OOB)	£60,000
Starcover(In Borough and OOB)	£1,704,348
Morley Care Services Ltd (In Borough)	£313,953
Newfield View Supported Living Ltd (OOB)	£91,353
RMBC – Sandygate (In Borough)	£192,251
RMBC - Acres View (In Borough)	£136,159
Royal Mencap Society (In Borough)	£3,419,172
Sense, The National DeafBlind and Rubella Association (In Borough)	£370,332
Turning Point Services limited (In Borough)	£1,985,593
Upward Care (OOB)	£110,000
Voyage 1 Ltd (In Borough)	£2,972,801

2.10 The following observations of Rotherham's Supported Living market can be made:

- The development of Rotherham's supported living market has been 'market led' and therefore development has been 'ad-hoc' this has reduced the ability of the Council to shape the local market. It is felt that market management and engagement are required to shape the future of supported living in Rotherham.
- There is a dominance of national providers in Rotherham's externally commissioned providers. Rotherham's Social Value Policy aspirations are to develop locally sourced solutions, for example, to enable Rotherham's micro enterprises to provide supported living solutions. The implications may mean that choice is being restricted.
- There is a dominance of the shared model of supported living. Although valued – (for example where friends want to live together), this model can create problems with finding a compatible person. The impact can result in creating voids. There is a risk that housing can be allocated based on availability rather than what an individual needs. Furthermore, long-term voids can arise where there are difficulties matching referrals to the other residents in a shared house.
- A lack of core and cluster accommodation in Rotherham. Core and cluster accommodation involves purpose-built 'core' accommodation on a single site with 24-hour staffing cover. The Cluster element of the accommodation is provided through independent dispersed housing onsite or nearby. The staff at the core site provide a 'back up', or 'response', service for those living in the cluster properties, which would also receive planned one-to-one care and support from a team of carers.
- There are no dedicated supported living units in the area for autistic people.
- There is a concentration of supported living provision in Maltby and Wath-upon-Dearne.
- Learning Disability providers have raised that there is a difficulty in meeting the demand for supported living services, particularly the challenge of identifying suitable accommodation.

2.11 **Flexibility, choice, being more independent and being near to friends and family**

At the initial co-production events in June and July 2022 with Rotherham Speak Up, people with a learning disability, autistic people and their families told Officers that in expanding the supported living offer, they want supported living which is:

- flexible – can adapt as a person needs change or life changes,
- offers a choice - people can access supported housing close to their families and friendship circles of support
- able to support them to further develop their independence skills at home and provide opportunities to be more independent in the community

- 2.12 Rotherham needs to refresh and create a market that builds on the strengths of the Borough, for example, Rotherham's micro-enterprise providers and the Employment is for Everyone movement. This movement aims to build an alliance between people with a learning disability, autistic people, their families, school, colleges and employers to ensure that the benefits of Employment and apprenticeships are made more widely available. The 'new offer' Rotherham needs to create is highlighted in the case study presented below at 2.17.
- 2.13 This project aims to create a social movement and opportunities across South Yorkshire (Sheffield, Doncaster, Rotherham and Barnsley) that promote the benefits of employing people with learning disabilities and autistic people.
- 2.14 If Rotherham is to deliver the vision set out in Building the Right Home, Rotherham has to ensure that it has access to providers aligned to this vision (see 2.15). Building the right home was housing guidance developed by NHSEI concerning the Transforming Care Programme. The guidance supports NHS and local authority commissioners to work with housing providers to expand the housing options available for people with a learning disability, autistic people or both who display behaviour that challenges.
- 2.15 These principles involve offering people with a learning disability and autistic people the following;
- A choice of housing to enable them to access the right home and support at the right time
 - A choice of location and community in which they live
 - A choice of who they live with (if the accommodation is shared)
 - Support to live independently in their own homes in the community
 - Settled accommodation including owning their own home and supported living
 - Housing in which they can feel happy, safe and able to remain in their own home even where their care and support needs change (i.e., those providing housing and those providing support must be separate)

2.16 Flexibility:

A person's use of housing often changes as they grow older. Currently, in Rotherham, when a person with a learning disability enters a supported living tenancy, they will remain in the same property for life. A home for life is a positive outcome. However, it can mean that a person remains in a housing model that no longer meets their needs. There is a need in Rotherham to develop a range of housing and support options to offer flexibility as a person's needs change, meaning that they can choose to live in a suitable property supported by people who know them well.

2.17 Support to be more independent:

People with a learning disability and their families want to see models of supported living created where people continue to improve their independent living skills, can access Employment and/or apprenticeships in a supported living environment and

then be able to move through a pathway to more independent housing where reliance on paid support is reduced. It is felt that this model may be suitable for some young people coming through transitions.

Case Study: The Old Bakery

The Old Bakery is a development of 5 self-contained and 1 shared apartment. The flats are a gated development with monitored external CCTV and an intercom entry system providing a safe setting to begin to live independently.

There will be a low-level support service available with staff on site 24 hours a day to provide both shared and 1-1 support to improve independence skills and guidance around what it means to be a good tenant.

The service will support improving independence skills and, if the person wishes, will link to an existing Day Opportunity service offering employability skills and work placements which can lead to future paid employment.

The intention is that this will be an opportunity for people to move on from traditional supported living services as people's independence skills improve and also directly from home for people with low-level support needs.

This supported living model is not intended to be a service that is a 'Home for Life'; it is seen more as a stepping-stone to achieving an independent 'Home for Life'.

The service will provide a safe place for people who are ready for more independence to be able to experience living in their own accommodation with support onsite, to continue to improve their skills and be able to learn from any mistakes without the long-term consequences that rent arrears and not looking after property would have in a standard tenancy.

The service will support people to continue increasing their independence skills, ready for their move to permanent accommodation.

Step down/step up support will be available if needed through the service as part of a cluster option or a peer support network when someone is ready to move on to greater independence. This ongoing support will ensure that their next move to greater independence is well supported and successful.

The link into a peer support network will also allow people to support the next cohort accessing this type of service and give an opportunity to help others and build confidence and self-esteem.

2.18 Linked to the development of new models of supported living is the expansion in the use of digital technology to enhance independence. The Integrated Care System (ICS) is looking at bringing digital platforms such as 'Brain in Hand' into South Yorkshire, which enables autistic people to plan their days. It gives prompts if an autistic person is becoming anxious. The opportunity to link supported living provisions to the new digital offers is an excellent opportunity to increase independence.

2.19 Rotherham needs to work with providers with the ambition and capacity to tap into these new opportunities and have the flexibility to develop new and innovative models of supported living.

2.20 Choice:

Ensuring choice has been at the heart of Rotherham Council's commissioning objectives for autistic people and people with a learning disability – see cabinet reports

- Learning Disability/Autism - Developing Commissioning Solutions, Cabinet 19th October 2020.
- My Front Door - The Transformation of Services and Support for People with a Learning Disability – Cabinet 21st May 2018

2.21 The growth of Rotherham's micro-enterprises has demonstrated the success of this approach. In a recent conversation with the micro-enterprises, there is a great appetite to expand into providing supported accommodation.

2.22 In speaking to Rotherham's autistic community, there is a great desire to see services (including supported living) working and operating in Rotherham with dedicated autism expertise.

2.23 A clear message that autistic people and people with a learning disability have said is that they wish to use services which are close to their friendship circles and their families. In expanding supported living, there is a need to ensure a spread of supported living which covers the whole Borough.

2.24 **Ensuring the Right Design in the Right Place**

In expanding supported living, the Council needs to ensure that any new properties are designed to meet needs and are located in the right place. The South Yorkshire ICS Market Position Statement states that newly built general needs housing designated for people with learning disabilities and/or autism will need some design adjustments, e.g., more robust internal walls and acoustic insulation.

2.25 Purpose-built supported living will also be required to meet some of the assessed eligible needs. Purpose-built housing will be developed through Rotherham's Council Housing programme and working in partnership with Registered Providers.

2.26 Rotherham's development of supported living that can encourage peer support is particularly important. This means developments where there are opportunities for individuals to meet and support each other, particularly core and cluster

developments and the community living model. This approach aims to create small communities and reduce reliance on paid staff.

2.27 More specialist developments could potentially be delivered in Rotherham through Registered Providers accessing Homes England and NHS England funding. Also, bespoke accommodation for individuals or groups of individuals could be delivered through Registered Providers using the exempt accommodation route.

2.28 As highlighted in 2.2, most of Rotherham's supported living is concentrated in Maltby and Wath. The plan in speaking to autistic people and people with a learning disability and their families is to identify areas where people would like to live. Rotherham Housing and Estates will look to identify opportunities for development in those areas.

2.29 **Investing in Rotherham**

Rotherham currently spends £2.2m of the £14m on Supported Living services with providers outside the Borough.

2.30 Rotherham's micro-enterprises wish to expand into supported living. Expanding the opportunity to develop supported living to enable Rotherham's micro-enterprises to create small, independent supported living schemes would bring further investment into the Borough and significantly contribute to the delivery of Social Value in Rotherham.

3. **Options considered and recommended proposal**

3.1 Market Led Approach: Not recommended

The Council does not have a current Framework to support the development of supported living. Therefore, the development of supported living schemes led by the market is the default position. This approach has the advantage that the risk of any development is retained by the developers and indeed some market-led developments are welcomed. However, there are clear intrinsic risks to the Council and the Community. These risks are:

- Developments are led and determined by market e.g. this means the type and location and the design will be difficult to steer. This would reduce the Council's ability to meet people's desire to live near to families and their communities.
- Mixed and uneven supply. With a risk of both under and oversupply. Undersupply will mean that the Council will not be building sufficient supported living units, this will increase the use of external, out-of-borough placements.

3.2 Bringing the future provision of supported living 'in-house': Not Recommended:

The Council currently provides supported living through an 8-bed shared house. There are no current vacancies and tenants have expressed a high level of satisfaction with the services. If the Council were to extend the in-house supported living at this time, the Council would need to:

- Find and purchase suitable parcels of land. (The Council asset team has highlighted that the Council does not have sufficient land resources to meet the development ambition highlighted by the South Yorkshire Market Position Statement).
- The Council would require additional capital and staffing investment to meet the demand for developing 12 units of supported living/year for the next 10 years. This is not currently factored into the Medium-Term Financial Strategy.
- Working with Housing colleagues, the Council intends to develop housing solutions to meet the demand articulated in this paper. However, to comply with real tenancy test and the CQC, the Council will need to either be the landlord or the care provider it cannot undertake both. Under current Housing Benefit rules, the Council cannot access the increased levels of Housing Benefit (Intensive Housing Management) for additional service charges that the Registered Providers, Charities etc can access. However, the Council can (and is in the process of) get a third-party Registered Provider to lease the property from the Council and manage the tenancy agreement.

3.3 Traditional Framework: Not recommended

Most local authorities commission supported living services through a framework agreement, which is an 'umbrella agreement' that sets out the terms of trade, such as price, quality and quantity, under which individual contracts can be made throughout an agreed period, normally a maximum of five years. Unfortunately, once the umbrella agreement has been awarded there is no opportunity for new suppliers to join until the next agreement is awarded.

A traditional framework imposes a limit on supplier numbers and provides a 'closed system' of procurement. A traditional framework has time restrictions imposed by the regulations for suppliers to apply. More significantly, a traditional framework will tend to put off small, medium (often local) providers to apply. Therefore, a traditional framework would be too rigid. It would prevent the Council from responding to needs and demands.

3.4 Creating a Flexible Purchasing System (FPS) for Supported Living: Recommended

3.5 Section 2 highlights that there are a limited number of organisations providing supported living operating within Rotherham, and currently, there is no formally established route to market to procure supported living. The lack of a commissioning vehicle has restricted genuine choice and flexibility and has led to an inconsistency in quality and pricing, which needs to be addressed.

3.6 Flexible Purchasing Systems (FPSs) are flexible alternatives to frameworks which impose no limit on supplier numbers and provide an 'open system' of procurement. With no time restrictions imposed by the regulations for suppliers to apply, FPSs offers the Council maximum flexibility to select from different providers.

3.7 This new approach will address these shortcomings while aiming to retain some of the excellent supported living services already within the Borough for people with a learning disability. This approach will also widen the potential use of supported living

provision to not just focus on people with a learning disability but also on autistic people with the option to add a specialist provision in the future for people with physical disabilities or experiencing mental ill-health. It also offers an opportunity to invest in local providers in Rotherham.

3.8 Creating a Flexible Purchasing System has the following benefits:

- Represents a more flexible approach to procurement frameworks and councils might find that this flexibility helps them achieve better procurement outcomes through increasing competition and innovation.
- No time limit imposed by the regulations which benefit all parties. An FPS can run for as long as the contracting authority wishes as long as the period of validity is set out in the initial call for competition. This reduces the administration associated with repeat tendering.
- Increasing the supply base due to the nature of the 'open system' also could deliver greater value for money and a FPS offers the potential to reduce tender timeframes allowing for quick responses to changing procurement requirements. It also means new players have access to tender opportunities, supporting innovation.
- The creation of a flexible purchasing framework will allow small local organisations with local community-based networks who did not wish to bid to be on the wider regional framework to support people who display behaviours that challenge.

3.9 Flexible Purchasing Systems can have the following challenges and have been considered by the Commissioning Team:

- The level of resource required to keep an FPS maintained during its life as suppliers can apply to join at any time. To manage this risk, the opening and closing of the FPS will be monitored by the Commissioning Team and the Council Procurement Team.
- Oversaturation of suppliers: the FPS itself will create a ready list of providers whom the Council could commission with. This will be clearly communicated to the market. Future development of supported living schemes will be 'called off'. Schemes operating outside the FPS will not be supported by the Council commissioning team.

3.10 As agreed with Cabinet in October 2020, progress has been made on two key fronts, but within the context of the Council's Covid-19 response having to take precedence for officers and providers alike:

- Research into the recent approaches adopted by other local authorities to progress their offers, including specifications, legal frameworks, and prices (within the public domain). These include approaches from Cambridgeshire County Council, Hull City Council, Manchester City Council and Doncaster Metropolitan Borough Council.

- Applying the learning from applying the FPS approach in Rotherham to procuring Home Care and Day Services.
- Development of an assessment framework to qualify as a provider partner.
- Embedding the 'I' and 'We' statements from Think Local Act Personal's Making It Real will support better outcomes for autistic people and people with a learning disability – see Appendix 1.

4. Recommendations

Cabinet approves the creation of a Flexible Purchasing System (FPS) to ensure that for the development of future Supported Living contracts, providers are aligned to Rotherham's vision of providing housing for people with learning disabilities and autistic people based on the principles contained in 'Building the Right Home'.

5. Consultation on proposal

- 5.1 Through co-production engagements held with Rotherham Speak Up (May 22), Rotherham's Autism Partnership Board (June 2022), Rotherham LD Partnership Board (July 22), Rotherham Speak Up On Autism (online) and REMA (online – to inform Equality Impact Assessment). Autistic people and people with a learning disability and their families have highlighted that people want to be able to access a greater range of options, including high-quality housing and accommodation to assist with people's current and future social care and support needs. Supported living is a foundation for this as it empowers people to connect to employment opportunities and opportunities for better health and well-being.
- 5.2 In 2022 Rotherham Ethnic Minority Alliance (REMA) were commissioned by the Rotherham CCG (now SYICB) to undertake research around the experiences of Rotherham's South Asian Muslim Communities with regards to accessing health services for Autistic people and people with learning disabilities. The findings of the report, published in April 2022, will also be considered during the co-production and engagement sessions held during the summer.
- 5.3 Further co-production is planned throughout August and September and this plan is set out in Appendix 2 as there is a desire from micro enterprises (2.15 and 2.22) to engage with the development of supported living options in the Borough.

6. Timetable and Accountability for Implementing this Decision

- 6.1 It is envisaged that co-production activity and market engagement events will continue from October 2022 onwards, assuming Cabinet approval.
- 6.2 Following this, it is envisaged that the procurement activity for the new FPS will commence in early 2023. It is anticipated that the new FPS will be live by April 2023, subject to the completion of a successful tender process and acceptance of providers onto the FPS.

7. Financial and Procurement Advice and Implications

7.1 Financial Implications

There are no direct financial implications due to the recommendations in the Report. The Council's Budget and Medium-Term Financial Strategy includes the forecast cost of transitions which is based on individual eligible needs and incorporates the cost of supported living if required.

7.2 Procurement Implications

The services described in this report would be defined in the Public Contracts Regulations 2015 (as amended) ("the Regulations") as Social and Other Specific Services ("SOSS").

7.3 The indicative aggregate value of services to be procured via the FPS, over the full potential 10-year period, is c£8,060,000 net of VAT; which is above the threshold at which the Council are required to procure for SOSS (£552,950 net of VAT) and as such a full procurement in compliance with the Regulations must be undertaken in line with the Council's own internal Financial and Procurement Procedure Rules. However, given the services are SOSS these can be delivered under the Light Touch Regime of the Regulations allowing some flexibilities.

7.4 It is expected that the FPS will enable the Council to 'call off' provision for the delivery of Supported Living requirements from those providers who have successfully been appointed to the FPS and meet the Council's standards, achieving approved status with the Council.

7.5 A Flexible Purchasing System will therefore provide:

- Flexibility for suppliers to be added to the Flexible Purchasing System at any stage of its lifetime,
- Cost savings through increased competition,
- Opportunity to stimulate development in the Supported Living Market,
- Potential to increase access for niche providers, including small-medium enterprises.

8. Legal Advice and Implications

8.1 Social care aspects:

The report seeks to increase and improve supported living opportunities for people living with autism or a learning disability. The proposals support the Council's market shaping duties under s.5 of the Care Act. The proposals also support the principles around wellbeing, social inclusion, personalisation and choice and are therefore in line with health and social care legislative values.

8.2 Contracts/procurement aspects:

Flexible Purchasing System - 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 regime. Officers have liaised with Legal Services to produce appropriate legal documentation.

9. Human Resources Advice and Implications

9.1 There are no direct human resource implications for the Council due to the proposals contained in this report, as any potential staff transfers would be between external organisations. Outgoing service providers transfer eligible staff to the incoming providers as part of mobilising the new contractual arrangements under the Transfer of Undertakings (Protection of Employment) Regulations 2006.

9.2 Real Living Wage:

The Council's Social Value Policy holds a commitment to commissioning providers who pay the Real Living Wage. The proposals are introducing the requirement for a Real Living Wage in the Flexible Purchasing System. This will assist in the Council meeting this commitment.

Supporting local Employment:

The Council's Social Value Policy also looks at commissioning providers who will provide local employment. The creation of a Flexible Purchasing System will support the delivery of this commitment.

10. Implications for Children and Young People and Vulnerable Adults

10.1 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).

11. Equalities and Human Rights Advice and Implications

11.1 The proposals in this Report support the Council to comply with legal obligations encompassed in the following:

- 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
- Equality Act (2010) to legally protect people from discrimination in the wider society.

12. Implications for CO2 Emissions and Climate Change

12.1 This Report will support the commissioning ambition to build 12 new properties a year; this is expected to increase emissions, although the impact is unknown.

12.2 Potential Impacts are:

- Vehicle movements to and from sites will be generated during demolition, and construction will create emissions through the movement of building and waste materials and personnel.

- While new supported living schemes may increase vehicle movements, they may also reduce them, depending on where new residents work and access services. We do not know before development is built where new residents will move from and whether this move will increase or decrease vehicle movements.

12.3 Mitigations:

- Where appropriate, prospective contractors will be required to demonstrate how they will minimise and mitigate emissions from vehicle movements as part of the construction during the tendering process.
- The Council will ensure that the new homes are high quality, energy-efficient and able to meet the challenge of climate change.
- The use of modern construction methods will be considered for all new schemes, where value for money can be demonstrated as well as carbon reduction.

A Carbon Impact Assessment is attached as Appendix 4.

13. Implications for Partners

13.1 Implications for partners are set out in the main sections of the Report.

14. Risks and Mitigation

14.1 Risk: DPS Framework for Supported Living has a poor market response

- Mitigation: further market development, engagement, co-production, research on specifications, costs, framework structure.
- Comment: interest to date via limited market engagement has been solid and positive.

14.2 Risk: New providers (Supported Living/Housing Support) do not maintain changes

- Mitigation: rigorous contract and delivery management, including a detailed mobilisation and development plan.
- Mitigation: a robust framework that requires members to demonstrate effective change management and planning.

14.3 Risk: publicity for any criminal or historic CQC findings linked to a new provider

- Mitigation: robust procurement criteria & due diligence that assess any historical and current performance issues and combined with effective performance and contract management.

15. Accountable Officers

Ian Spicer, Strategic Director of Adult Care, Housing and Public Health.

Nathan Atkinson, Assistant Director, Strategic Commissioning, Adult Care, Housing and Public Health

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	05/09/22
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	01/09/22
Assistant Director, Legal Services (Monitoring Officer)	Phillip Horsfield	01/09/22

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