1. **SUMMARY**

1.1 This report seeks permission to establish a framework agreement for spot purchases for learning disabilities supported living placements which are funded through Adult Social Care budgets and to delegate the approval of organisations to join the framework to the Deputy Chief Executive – Families.

1.2 The aim of establishing the framework for learning disabilities supported living spot placements is to ensure value for money placements in high quality supported living services in line with the Council’s duties under the Care Act to promote prevention, care and control for service users.

1.3 The proposals set out in this paper have been developed through the Council’s new approach to commissioning services which is led by the new Service Design Hub function.

2. **RECOMMENDATIONS**

2.1 For the reasons set out in this report, Cabinet is recommended to agree the tender exercise to commission a framework agreement for spot placements in supported living for people with learning disabilities.
3. **PROPOSALS**

3.1 There is currently no framework agreement or over-arching governance agreement for spot placements to supported living for people with learning disabilities and placements are made on an individual basis funded through Adult Social Care budgets. In February 2015, the top 41 most expensive spot placements in supported living for people with learning disabilities had an average weekly cost of £1,264 compared with an average weekly cost of £585 per week in block contracts for supported living for this client group. These spot contracts are not regulated by CQC but also the Council does not have formalised monitoring arrangements in place. The proposed framework agreement will achieve efficiencies by applying a financial banding model based on levels of support (Appendix 1) and ensure service user’s needs/outcomes are met at the best value and minimise variations in cost. The proposed framework will also enable structured monitoring arrangements and quality assurance thus ensuring best outcomes and due diligence to safeguarding in line with the recommendations of the Winterbourne and Francis reviews.

3.2 The new framework agreement will provide quality and price governance for spot placements and is intended to secure additional capacity for supported living for people with learning disabilities. The framework agreement will also provide the Council with an opportunity of having a market of contractors with specialist, varied and targeted skills, that are service user centred and focused in delivering a safe and effective service in line with duties under the Care Act.

3.3 Waltham Forest has increasing demand in this area: demographic projections indicate an increase from 1857 Waltham Forest residents with learning disabilities in 2015 to 1956 people in 2020. There is an increase in number of young people in transition and people living in the community with older carers, this cohort of service users will need high support placements to ensure that their needs and aspirations are met. It is anticipated that approximately 231 pupils will go through transition between now and 2017. Some of these pupils are currently supported in specialist residential educational settings, and they are high risk of becoming new high cost residential service users unless their transitions are carefully planned and managed. With the advent of personalised care offering greater choice and freedoms for people who need support and their carers the public sector is invited to develop innovative care solutions.

3.4 This provision relates to efficiencies targets under the *Redefining Waltham Forest* programme for the Families Directorate including the reduction of high cost placements and the promotion of supported living as an alternative to higher cost residential placements.
3.5 **Development of proposals through new commissioning process**

Led by officers from the Service Design Hub working with Adult Social Care service leads, the project to re-commission learning disabilities supported living services has been reviewing options for block contracts for which permission to tender was given by Cabinet in December 2012. The block contracts have been extended until September 2015, with a view of also transitioning these to the banded financial model. The need to address and regularise the spot placement provision was identified as part of the supply analysis and financial modelling as part of the project plan.

3.6 The new approach to commissioning places an emphasis on an outcomes focused approach, with a structured and evidenced based process for designing and appraising options for service delivery. This emerging approach was followed by the project team in the development of these proposals. The key steps taken in developing and appraising options for service delivery are summarised below:

3.6.1 **Needs assessment and demand modelling** – The needs assessment utilised existing national and local data to assess the level and characteristics of future demand for learning disabilities supported living in the borough. This analysis concluded that increased capacity is required to support the needs of young people in transition and people living with older carers in the community and to provide alternatives to higher cost residential care.

3.6.2 **Defining the outcomes** – The Council’s new approach to commissioning has a focus on outcomes at its heart. Key outcomes delivered in supported living services include enabling residents to live a good quality of life, promote independence and choice and to improve access to education, training and employment. The proposed framework will be driving these outcomes through personalised individual budgets promoting choice and control.

3.6.3 **Analysis of good practice and innovation** – Officers conducted extensive research, including consulting best practice Councils and reviewing best practice and benchmarking to inform the design of the service. This suggested that the Council pilot, through a framework agreement, a move towards a banding model on levels of support to improve efficiency and provide high quality support services and the promotion of community based supported living with greater independence and personalisation of services.

3.6.4 **Market engagement and analysis (Appendix 3)** – A market engagement event was held in March 2015, in which a wide range of service providers were consulted on the Council’s emerging proposals and this has informed the development of the preferred option.

3.6.5 **Options appraisal** – The final stage involved using information from the previous stages to develop and appraise a range of options for providing learning disabilities supported living services in the future.

3.7 **New Model for Supported living spot purchases for people with learning disabilities**
From the needs and supply analysis and financial modelling, it is recommended to establish a framework agreement for supported living placements for people with learning disabilities. This will ensure supply and quality assurance and promote value for money in spot placements.

Through the tendering process and on-going contract management the Service Design Hub will ensure that the service that is being delivered will meet the diverse range of need and outcomes of the clients that are referred to it.

4. OPTIONS & ALTERNATIVES CONSIDERED

4.1 Continue commissioning these services on a spot basis without any regulation of pricing or monitoring - This option was ruled out because it would result in worse outcomes for people with learning disabilities and inconsistency and lack of control of the price that is paid for each spot contract.

4.2 Collaboration with another London borough – Officers explored the potential for joint procurement of learning disabilities supported living spot placements with neighbouring boroughs. Hackney and Haringey have expressed interest in joining the proposed framework agreement. Despite the potential financial benefits, this option was ruled out at this time because it would cause a significant delay to the timescale for putting new services in place and achieving better outcomes and regularisation on rates paid.

5. SUSTAINABLE COMMUNITY STRATEGY PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)

5.1 The recommendation in this report will enable the Council to deliver its core duty to protect vulnerable children and adults and the Council priorities of supporting affordable housing for everyone’s needs and helping all our residents enjoy a good quality of life. The recommendation will meet the strategic requirements in the Council’s Prevention Strategy and Supporting People Strategy 2010-2015 in promoting independent living and alternatives to residential care. The proposed framework agreement/ select list relates to the priorities of the Redefining Waltham Forest programme to ensure efficiencies, value for money, commissioning for outcomes and doing things differently.

5.2 The recommendation relates to the Council’s duties under the Care Act

- to promote people’s wellbeing
- to enable people to prevent and postpone the need for care and support
- to put people in control of their lives so they can pursue opportunities to realize their potential
to ensure people have high quality services and have a variety of providers to choose from who (taken together) provide a variety of services

5.3 The White Papers – “Valuing People, Valuing People now” and “Our Care Our Say” made it clear that people with learning disabilities should enjoy the same rights as other citizens through person focused community services that promote choice and control, independence, inclusion and fulfilling lives.

5.4 The spot purchase supported living services under the proposed framework agreement will deliver high quality support respecting dignity, ensuring safety and promoting choice. The Winterbourne investigation and Francis review highlighted abuse of people with a learning disability; services should be able to provide clear evidence that measures are in place to ensure that institutional and systematic abuse will not be tolerated. Commissioned providers will have a clear understanding of the Pan London Safeguarding procedures and ensure that they follow these and take appropriate action relating to any safeguarding concerns.

6. CONSULTATION

6.1 Officers consulted and involved a wide range of stakeholders, including providers, users and carers on the proposed objectives of the new service and the outcomes to be achieved. This involved consultation with specialist stakeholders and providers in the learning disabilities supported living field. The proposal to tender for a framework agreement for learning disabilities spot purchase placements was approved at Strategic Procurement Board on 20th March 2015.

7. IMPLICATIONS

7.1 Finance, Value for Money and Risk

7.1.1 The current highest cost 41 placements to learning disabilities supported living at an average weekly cost of £1,264 and an annual value of £2,703,452. The proposed tender for a framework agreement for supported living spot placements for people with learning disabilities together with the remodelling of block contracts will meet the target saving of £600,000 in the Redefining Families programme and ensure best value and efficiency. The care needs of all users will be assessed ahead of the procurement to ensure needs will be met within the framework and banding system.

7.1.2 The proposed framework/select list provides no guarantee of business and the Council will look to add sufficient break-clauses into the spot contracts with providers to account for any budgetary changes.
7.2 Legal

7.2.1 The Council has the power to provide these services under section 29 of the National Assistance Act 1948 and section 2 of the Chronically Sick and Disabled Persons Act 1970. The Council has further powers to provide these services under the Care Act 2014: in certain circumstances may have a duty under Part 1 of the Care Act to provide the services. There are also additional powers and duties to provide such services for young people with special educational needs aged up to 25 under Part 3 of the Children and Families Act 2014.

7.2.2 The recommendation is also in accordance with the Council’s Contract Procedure Rules (CPR) set out in Part 8 of the Constitution under which Adult Social care services packages managed by the Council on behalf of a client (managed budgets), Direct Payments and Individual Budgets are out of scope of the rules.

7.2.3 The Council must also comply with the Public Services (Social Value) Act 2012 which requires that the Council must consider:
   a. how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and
   b. How, in conducting the process of procurement, it might act with a view to securing that improvement.

7.2.4 The proposed procurement route will ensure compliance with the Council’s Contract Procedure Rules, the provisions of Public Contracts Regulations 2015 and the 2014 EU Procurement Directives.

7.2.5 It is important to note that the financial banding will only apply when considering how an individual’s assessed needs can best be met: it will not and cannot form part of the assessment process.

7.3 Equality and diversity

7.3.1 An Equality Analysis based on the latest available data has been completed. This describes implications of the proposed service model on different groups as well as suggested mitigation action where relevant (see Appendix 2).

7.4 Sustainability (including climate change, health, crime and disorder)

7.4.1 The proposal will support improvements in the health of people with learning disabilities by improving health and well-being through a range of interventions. From the sustainability assessment, it will be ensured that the preferred providers have up to date sustainability policies in place including recycling, building use, and transportation through the proposed tender process e.g. in the specification and Pre-Qualification Questionnaire (PQQ).

7.5 Council Infrastructure (e.g. Human Resources, Accommodation or IT issues)
7.5.1 This report has no direct effect on Council Infrastructure.

BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)

There are no background documents.