

Divisions Affected – N/A

Cabinet Member for Adult Social Care

23 January 2024

Learning Disability and Autism Supported Living contract extensions and new contracts

Report by Corporate Director for Adult Social Care

RECOMMENDATIONS

The Cabinet Member for Adult Social Care is RECOMMENDED to

- a) Agree to contract extension awards using the maximum available contract extension provision within each contract. All contract extensions will fall between an hourly rate range of £21.65 - £25.69 (23/24) and will be in accordance with the contract price review mechanism. The contract extensions are for existing supported living contracts in the procurement pipeline as set out within Annex 1.
- b) Agree to the procurement and award of new supported living call-off contracts as replacement tenders using the call-off contract award process under the Live Well Supported Services (Adults) Framework Agreement where the provision to extend existing contracts has been exhausted. The hourly rate for the new call-off contracts will be in the range £21.65 - £25.69 The Supported Living contracts in the procurement pipeline are set out within Annex 1.
- c) To delegate authority to the Corporate Director for Adult Social Care, in consultation with the Head of Legal, to enter such call-off contracts following the completion of the procurement process

Executive Summary

- 1. A range of supported living contracts exist within the council to ensure quality of life standards for people whose care and support needs require more specialist services. These contracts enable people to live as independently as possible within Oxfordshire.
- 2. The provision to extend supported living contracts allows consistency of support for individuals who require ongoing support and ensures efficiency of procurement activity for the Council to extend, where the contract is

meeting an acceptable quality standard alongside supporting market sustainability.

3. Where a contract for supported living has reached its maximum extension or it is not appropriate to extend and there is a continued need for individual's ongoing support a new replacement contract will be required.

Background

4. The requirement to extend contracts for supported living and provide replacement contracts enables Oxfordshire County Council to meet people's needs with a Learning Disability and / or Autism as identified by a Care Act Assessment (2014).
5. This is in line with the vision of Oxfordshire County Council (The Council) to provide adult social care for our residents, enabling everyone to live as independently as possible, for as long as possible. The Council seeks to provide residents good quality support that will have a positive impact on their lives.
6. The decision to extend contracts identified in Annex 1 was agreed at the Adult Social Care Provision Board and agreed by the Departmental Leadership Team in January 2024.
7. The extension procurement pipeline outlined in Annex 1 shows the maximum extension period allowed (60 months for these contracts). The period of extension can be staggered when needed up to the maximum time period allowing for a more detailed review and / or flexibility to improve quality standards with the provider. This will be supporting recommendation (a) and is outlined in Annex 1 procurement pipeline.
8. The decision to replace contracts that require re-tender identified in Annex 1 was agreed at the Adult Social Care Provision Board and supported by the Departmental Leadership Team in January 2024.
9. Where the maximum extension has been utilised the Live Well Supported Services (Adults) Framework will be utilised to support the procurement of new replacement contracts through tender supporting recommendation (b) and outlined in Annex 1 procurement pipeline.
10. Where efficiencies can be made these will be identified to bring more than one replacement contract into a contract bundle of schemes to reduce the procurement and mobilisation resource required. Opportunities for larger contracts allows the council to support market sustainability for supported living providers working in Oxfordshire. This will be supporting recommendation (b) and procurement pipeline is outlined in Annex 1.
11. Approvals are being sought to award extended contracts and replacement contracts within a price range for supported living of hourly rate range £21.69 - £25.69 as outlined in Appendix 1. This range has been market tested with previous procurement activity through the Live Well Supported Services

(Adults) Framework. Previous tenders have generated 3 to 5 providers bidding across a range of 5 supported living tenders for a range of support complexity, with each contract being successfully awarded within the procurement pipeline in 2023 the price range is appropriate for supported living contracts. As the final uplift process for 24/25 has not been finalised it is recommended that all contracts and the hourly rate range is uplifted for 24/25 to ensure sustainable contracts that the market are able to deliver over the lifetime of the contract.

Governance and Decision Making

12. Decision making and recommendations to date has been via papers to Adult Social Care Strategic Provision Board with this paper agreed by Adult Social Care Directorate Leadership Team (ASC DLT).

Procurement Process

13. As per Annex 1 there are 8 contracts for extension and 2 new replacement contracts for tender.
14. For the extensions procurement will provide written notice to the contracted provider of the contract extension to meet the terms of the existing agreement.
15. The prices for the contract extensions will be maintained at a market sustainable level to reflect level of complexity of the contract and support required. This price range has been identified as £21.69 to £25.69 for 23/24, with contracts to be uplifted as per the council's uplift process for 24/25 onwards annually.
16. For the contracts to be tendered as replacement contracts these will be bundled into 2 tenders through the Live Well Supported Services (Adults) Framework as outlined in Annex 1 to allow for efficient procurement and mobilisation resource.
17. The replacement contracts will be price set at £21.69 to £25.69 for different contracts applying the level of complexity and specialism to each scheme. The sleep-in rate will be set at £74 per night with both rates set having an uplift applied to the contracts once the uplift percentage has been confirmed for the council, the uplift will then apply annually.
18. The mobilisation period post contract award for replacement contracts will be set at between 8 and 12 weeks dependant on the complexity and urgency for new contracts to commence.

User and Family Involvement

19. Where contracts are being extended feedback regarding contract performance is obtained through the council's contract monitoring process, including experts by experience who use support and family members through quality checker questionnaires and interviews.
20. With replacement contracts to be tendered experts by experience and family members will be involved in providing feedback to inform updated specifications,

questions. The provider will fully involve people who use support and their families during the mobilisation period to contract delivery go live and for the lifetime of the contract.

Council Priorities & Policies

21. The prevention and relief of homelessness and achievement and maintenance of independent living continues to be a priority for Oxfordshire County Council. The Supported Living contract extensions and replacements contribute to this priority.
22. Accommodation based support services adopts a person-centred and outcomes focused approach to secure and maintain a sustainable housing tenancy with the opportunity to maximise independence and potentially step down / move on as assessed.

Social Value

23. Social Value has been considered in the design of the supported living services and is built into the template specifications for the replacement contracts.

Financial Implications

Supported Living Contract Costs

24. Financial assumptions have been made with the supported living contracts in terms of support delivery and existing hours of support individuals require. The supported living contracts are set up with core shared hours and 1 to 1 hours that can increase or decrease dependant on individual needs. Estimates on the level of core hours of support and the 1:1 hours have been predicted from previous spend on existing contracts including input from Social Workers, Brokerage and Commissioning. Care Act assessments will determine the level of support each person requires. Models to determine how to maximise the core support within and between properties (core and cluster) has been developed for each scheme.

Hourly Rates & Uplifts

25. The price range developed should set hourly rates that are sustainable, reflective of Oxfordshire as a market whilst reflecting quality value for the level of expertise and specialism needed for the provider.
26. The prices will be set based on existing contracts and review of needs to be met by Adult Social Care and will then be uplifted in accordance with an annual review mechanism considering inflationary changes, changes to National Minimum Wage and the National Living Wage and local market factors in Oxfordshire.

Finance Comments Checked by;
Name – Thomas James

Legal Implications

The statutory duty for the Council to provide these services is set out at paragraph 3.

Contract Extensions

27. All contracts outlined in Annex 1 recommended for contract extension have the provision to extend for a maximum of 60 months set out in the current contracts. For any contract which will be extended in accordance with the extension option available under the contract any changes to the contract price must be made in accordance with the existing review mechanism of the contract.

Replacement Contracts

28. It is worth noting that the contracts outlined in Annex 1 for replacement have been extended to take them to their maximum extension period to allow the time to go out to a competitive tender process. The proposed call-off contracts must be procured in accordance with the award mechanism set out in the Live Well Supported Services (Adults) Framework Agreement. Providers on such framework agreement were themselves selected competitively under the Council's Contract Procedure Rules and the Public Contract Regulations 2015 (as amended).

Legal Comments Checked by;
Name – Jonathan Pool
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Staff Implications

29. With respect to the contracts outlined in Annex 1 they are delivered by providers from the voluntary, community and independent sector. None of the contracts included within recommendations involve services or staff directly provided by the council. Therefore, there is no impact on the Council's workforce as a result of these recommendations.

Equality & Inclusion Implications

30. The supported living contracts outlined in Annex 1 are designed to meet the specific needs of people with a disability and those people with autism and / or mental health needs. The expectation of care providers is to deliver person centred support which ensures;
- a Provision of in-county accommodation so people with Care Act needs are not moved away from their networks.

- b The least restrictive care to support greater independence for people. People are integrated into their local communities, with their individual needs and preference are met.
 - c Their cultural and religious beliefs are supported to be observed, specific dietary requirements.
 - d People can become economically sufficient by supporting people to access training, learning, voluntary and employment opportunities.
 - e People are supported to have better access to universal services.
 - f Competition in the market to support people to have choice in their care provider.
31. The Supported Living contracts include the requirement for providers to have an Equalities Policy. Providers are required within the replacement contracts to self-certify that their organisation has an active Equality & Diversity Policy in keeping with the Equality Act 2010 (a requirement under the Live Well Supported Services Adults Framework).
32. For the replacement contracts all providers self-certified that their organisation had no court, industrial or employment tribunal cases brought against them regarding unlawful discrimination within the last 3 years (a requirement under the Live Well Supported Services Adults Framework). In addition, the Quality & Improvement Team carry out regular monitoring of services and include equality items in their reviews.
33. The Care Act assessment and subsequent support planning will be done in conjunction with the individual, their family and support network to ensure the support is tailored to their specific needs and is made clear to the care providers. Routine reviews of care alongside contract monitoring reports will enable the Council to monitor how the provider is upholding.

Sustainability Implications

34. As the replacement contracts outlined in Annex 1 will be tendered through the Live Well Supported Services (Adults) Framework the evaluation process included mandatory disclosure from providers to answer questions regarding their environmental management as well as that of their sub-contractors. At present a Climate / Environmental Policy is not required by providers. All successful providers self-certified that their organisation had no prior convictions of breaching environmental legislation, or had any notice served upon it within the last 3 years by any environmental regulator or authority.

Recruitment

35. Recruitment for care and support mostly attracts a local workforce, therefore limiting the amount of extensive travel time.

Staff Travel

36. The supported living contracts outlined in Annex 1 are for existing accommodation-based services. These are static workplaces unlike domiciliary care calls to multiple locations.

37. People living in supported living are unlikely to attend day centres as support is generally provided by the main supported living contract and therefore are less likely to access vehicles which transport people to and from the day services. Instead within the course of supporting someone staff will be required to travel alongside the individual often on public transport both for accessing the community and for travel training where this is part of an individual's support plan.

Staff Training

38. Many of the support providers contracted offer training online so their staff are not having to travel.

Medical & Health Appointments

39. Where possible support staff will work with an individual to access online appointments. If a face to face appointment is required then staff will use public transport, unless this is not possible e.g. risks posed to travel.

Shopping

40. Where possible support staff will work with an individual to access their shopping online. Where it is practical to do so they will carry out online shopping for several people to limit the number of deliveries. Where online shopping is not possible staff will endeavour to use public transport unless it is unsafe to do so.

Risk Management

Risks in agreeing these recommendations

41. There are no risks to the recommendations. The Recommendations to extend where possible and to tender replacement contracts where required would enable appropriately qualified providers to deliver the level of quality support required to support people with a disability with more complex and specialist needs within their local communities in Oxfordshire.

Risk in not agreeing these recommendations

42. Not agreeing these recommendations would have a negative impact on the continuity of services and contractual arrangements. It may also lead to less effective market shaping and impact on the Council's compliance with the new CQC assurance regime and the Care Act (2014).
43. For those vulnerable adults already living in services within the procurement pipeline, the inability to extend or re-tender the contracts could put their existing placements and 24/7 support at risk.

44. The ability to move people back to Oxfordshire and meet the needs of young people moving into adulthood will be reduced if there is less suitable housing and support contracted in County by the Council.

Consultations

- 45. Information sessions will be offered where contracts for supported living are to be extended, people who use support and family members have already been involved in feeding back on quality through quality monitoring processes.
- 46. Where replacement contracts are being sought people supported and family members will be offered the opportunity to input into contract design and mobilisation.

NAME Karen Fuller
Interim Corporate Director of Adult Social Care

Annexes:

Annex	Title
Annex 1	Table of contract extensions and new replacement contract for tender for supported living schemes requiring procurement support provider.

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January 2024

[END]

ANNEXES

Annex 1 Contract extensions and new replacement contracts for tender for supported living schemes requiring procurement of support provider.

Number	Title	Description	Contract Length	Hourly rate	Predicted Annual Value
1	Styleacre LD Supported Living Extension CPU 762-SL10 LD (C5991DOW)	Contract extension Learning disability supported living.	60-month extension	£21.65	£1.8 million
2	Autism at Kingwood Supported Living extension (Abingdon Didcot Oxford)	Contract extension Learning disability with autism supported living.	60-month extension	£23.69	£1.78 million
3	Autism at Kingwood Supported Living extension (Cumnor Hill)	Contract extension Autism specialist supported living.	60-month extension	£23.69	£648,748
4	Seeability LD and Autism Supported Living Sandford Lane and Kennington variation Extension	Contract extension Learning disability and / or autism specialist supported living.	60-month extension	£21.96	£481,885
5	Brandon Trust LD Supported Living extension (Lot1 – North)	Contract extension Learning disability supported living.	60-month extension	£21.65	£1.02 million
6	Brandon Trust LD Supported Living extension (Lot 2 – South)	Contract extension Learning disability supported living.	60-month extension	£21.65	£1.48 million
7	Advance LD Supported Living (BROWSAW Lot 1)	Contract extension Learning disability and / or autism supported living.	60-month	£21.65	£573,419
8	Real Life Options LD Supported Living (BROWSAW Lot 2)	Contract extension Learning disability and / or mental health / substance misuse issues or personality issues	60-month	£21.65	£485,238
9	Seeability LD and Autism Supported Living Old Place Yard and Hanwell Fields (Lot 1 and Lot 3) Fitzroy LD and Physical Disability Supported Living Old Place Yard and Hanwell (Lot 2 and Lot 4)	Replacement contract for tender through framework 4 contracts including acquired brain injury and learning disability and / or autism complex needs specialist supported living. These contracts will likely be re-tendered together to support efficient procurement activity.	6 years plus 4 years option to extend	£23.69	£1.3 million

10	HFT spot contracts and Dimensions Blue Mountain LD Supported Living re-tender (Didcot)	<p>Replacement contract for tender through framework</p> <p>A combination of legacy spot contracts for Learning disability supported living will be bought together into 1 supported living contract for general learning disability needs. This will include the service requirements of an existing contract being reduced by agreement with the current provider and added to the service requirements for the proposed call-off contract under the framework. This will enable the new services to work across the Didcot geographical area within the new call off contract to support recruitment in a challenging area and provide greater consistency of support reducing agency use, allowing the new provider to develop a broader pool of support staff across the contracted services.</p>	5 years plus 5 years	£21.69	£1.8 million
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Financial assumptions

- The Annual Value can only be predicted as the contract allows for voids and flexibility to enable 1 to 1 hours to increase and decrease over time to meet Care Act (2014) assessed needs of individuals, maximising people's independence and facilitating least restrictive support.
- 1 to 8 - Figures based on a December 2023 payments for contract extensions
- 9 - Figures based on hours of support hours for December 2023 plus voids at Old Place Yard estimates at an hourly price set rate for complex and specialist needs of £23.69
- 10 - Figures based on November 2023 with a procurement rate of £21.69 for replacement contract
- Contracts will have annual uplift applied where applicable and meets the council's annual criteria set for Adult Social Care.