

Delegated Decisions by Cabinet Member for Adult Social Care

***Friday, 8 September 2023 at 2.00 pm
Room 2 - County Hall, New Road, Oxford OX1 1ND***

Please note that due to guidelines imposed on social distancing by the Government the meeting will be held virtually.

If you wish to view proceedings, please click on this [Live Stream Link](#).
However, that will not allow you to participate in the meeting.

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on Friday 15 September 2023 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Martin Reeves
Chief Executive

August 2023

Committee Officer: **Committee Services**
E-Mail: committeesdemocraticservices@oxfordshire.gov.uk

Note: *Date of next meeting: 19 September 2023*

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. Declarations of Interest

2. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. Petitions and Public Address

Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection.

Requests to speak must be submitted by no later than 9am four working days before the meeting. Requests to speak should be sent to committeesdemocraticservices@oxfordshire.gov.uk.

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.

4. Supported Living Contracts to be awarded through the Live Well (Adults) Supported Services Framework (Pages 1 - 12)

Forward Plan Ref: 2023/251

*Contact: Sharon Paterson, Commissioning Manager – Live Well,
sharon.paterson@oxfordshire.gov.uk*

Report by Corporate Director for Adult Social Care.

Retender supported living contracts.

The Cabinet Member for Adult Social Care is RECOMMENDED to

- a) **Note the creation of the Live Well Supported Services Framework as a vehicle to commission care and support of adult services.**
- b) **Note the award of contracts at the end of the stand still period as per delegation to the Director of Adult Social Care to finalise and complete the contract document as agreed by the Directorate Leadership Team in November 2022 and the Council's Strategic Provisioning Board's decision in May 2023, to begin operating the framework for the Live Well Supported Services Framework element.**
- c) **Agree the mini-competition contract awards with hourly rate range of £21.69 - £25.69 from the Live Well Supported Services Framework for both new services and re-tenders of existing services in the procurement pipeline as set out at Appendix 1.**

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

Members Code – Other registrable interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships
- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.

- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Members Code – Non-registrable interests

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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Divisions Affected – N/A

Cabinet Member for Adult Social Care

8 September 2023

Supported Living Contracts to be awarded through the Live Well (Adults) Supported Services Framework

Report by Corporate Director for Adult Social Care

RECOMMENDATIONS

The Cabinet Member for Adult Social Care is RECOMMENDED to

- a) Note the creation of the Live Well Supported Services Framework as a vehicle to commission care and support of adult services.
- b) Note the award of contracts at the end of the stand still period as per delegation to the Director of Adult Social Care to finalise and complete the contract document as agreed by the Directorate Leadership Team in November 2022 and the Council's Strategic Provisioning Board's decision in May 2023, to begin operating the framework for the Live Well Supported Services Framework element.
- c) Agree the mini-competition contract awards with hourly rate range of £21.69 - £25.69 from the Live Well Supported Services Framework for both new services and re-tenders of existing services in the procurement pipeline as set out at Appendix 1.

Executive Summary

1. The All-Age Support and Accommodation Framework has been created with the intention to improve quality standards for people whose care and support needs require more specialist services.
2. The Framework will enable the procurement of care and support including adult services such as: outreach, respite and supported living to meet the Council's duty under the Care Act 2014.

Background

Establishing the All-Age Support and Accommodation Framework (recommendation 1)

3. The requirement to create a new framework comes from the need to better provide individual choice and sustainable accommodation with support solutions, whilst raising the quality standards expected of providers. This would involve managing the market and encouraging new providers to enter Oxfordshire market to deliver strengths-based services.
4. 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.
5. To facilitate this vision most effectively, the Council has procured an All-Age Support and Accommodation framework. Within the framework are 3 component parts;
 - i. Start Well Framework for provision of services for Children and Young People 16+
 - ii. Live Well Framework for provision of services for Adults and Adults with Complex Needs 16+, called Live Well Supported Services Framework.
 - a. Lot 1: Improve and Enable
 - b. Lot 2: Support and Protect, Complex Needs
 - c. Lot 3: Forensic Support
 - iii. Accommodation Only Framework / DAPL for Landlords, Registered Providers and Developers

Awarding from the Live Well Supported Services Framework (recommendation 2)

6. The recommendations for the purposes of this report relate specifically to the Live Well Supported Services Framework component ('the framework') usage, and the contracts to be 'called-off' within it. The procurement team and the commissioning team jointly agreed on the design, allowing for inbuilt flexibility to respond to future need and enable the incorporation of additional frameworks into the service requirement.
7. The framework includes both group and individual support and / or accommodation according to the service type and needs of those eligible for support. Supported services include, but are not limited to, the following groups of people;
 - Mental Health
 - Learning Disabilities
 - Autism
 - Physical disabilities
 - Sensory impairment
 - Brain injury and neurological conditions

- Degenerative conditions
 - People whose behaviour may challenge
 - Complex needs
 - Forensic needs
 - Any combination of the above
8. The framework has a term of ten years commencing 1 July 2023 and does not include a provision to extend that term. The lengthy contract duration demonstrates the Council's commitment to market sustainability, a flexible approach to market shaping and is intended to instil confidence for framework providers.
 9. A hugely successful procurement exercise saw 76 providers apply for the framework, with 14 providers now able to provide services under lots 1 (Improve and Enable) and 2 (Support and Protect, Complex Needs), and with 9 providers able to provide services under lot 3 (Forensic Support)
 10. Call-offs under the framework can be made via a range of call-off processes including 'mini-competitions' for groups of individuals managed by commissioning and procurement and individual support packages managed by Brokerage via the e-brokerage system.
 11. The framework itself is zero value as it is merely a mechanism from which care and support services can be purchased. However, it has been given a value of a maximum of £1 billion over the course of the 10-year contract.

Call-off contract award recommendations (recommendations 2a)

12. The business case for the framework approved by ASC DLT in November 2022 also referred to tendering requirements for new services to meet the growing demand in adult social care. In May 2023 the Provisioning Board received a paper with information about new housing developments for supported living underway to create increased capacity to meet the demand. A list of new services is given in annex 1 with their estimated hourly rate, estimated annual values and contract length alongside re-tender pipeline for existing contracts where extensions have been exhausted.
13. Approvals are being sought to award contracts for priority procurement pipeline with price set hourly rate range of £21.69 - £25.69 as outlined in annex 1.

Governance and Decision Making

14. Decision making and recommendations to-date has been via the papers referred to in the 'Background Papers' section of this report.
15. The Adult Social Care Directorate Leadership Team (ASC DLT) considered options for delivering Live Well supported services in August 2022. In

November 2022 it subsequently agreed a recommendation to undertake the procurement exercise to establish the framework.

16. Following a successful procurement exercise an award report from the Council's procurement team was received by the Council's Strategic Provisioning Board in April 2023, and in May 2023 to ASC DLT. Also in May 2023, a paper outlining recommendations for the first round of call-off contracts on the framework was tabled to ASC DLT.

Framework Procurement Process Undertaken

Invitation to Tender

17. The initial Invitation to Tender (ITT) was advertised through the Find a Tender service (FTS Ref: 2022/S 000-034236) and a Notice via Pro-contract electronic procurement portal on 2nd December 2022.

As the framework is a dynamic framework further prospective providers will be able to apply to join through periodic opening of the invitation to tender. Any unsuccessful provider may reapply in future rounds. Round 2 opened in April 2023 for submissions. When reapplying, previously unsuccessful providers need only answer questions where they previously failed to meet the minimum requirements.

Evaluation

- 23 providers met the minimum criteria for Lot 1.
- 14 providers met the minimum criteria for Lot 2.
- 9 providers met the minimum criteria for Lot 3.

Call-Off Procurement Process

18. The planned tender approach for the call off contracts in recommendation 2 is as follows;
 - i. Timetable a staggered number of mini competitions through the framework. Some tenders are anticipated to take a shorter time where they are smaller projects.
 - ii. Having benchmarked pricing with other Counties it is recommended that the
 - a. submissions focus on quality and social value. The approach taken for pricing is to ensure that submissions focus on quality and social value.
 - iii. The approach taken for pricing is to test the market with the first mini competitions at a range of £20.69 to £25.69 dependant on complexity and specialism required. With Sleep in rates remaining static at £74 per night, these rate are outlined in appendix 1 for each contract award requiring a key decision.

User Involvement in Evaluation

19. The priority focus is to involve expert by experience and family panels where mini-competitions are re-tendered existing services, whilst working with key

stakeholders at design and mobilisation phases of new supported living services.

Council Priorities & Policies

20. The prevention and relief of homelessness and achievement and maintenance of independent living continues to be a priority for Oxfordshire County Council. The All-Age Support and Accommodation framework will support this priority.
21. 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

22. Social Value was not included in the tender requirements to join the Framework. The Council's Social Value policy will be included in all subsequent call-off contracts where the contract value is assessed to be more than £100,000. In these cases, social value will make up 16% of the evaluation criteria.
23. Providers will be asked to identify how they can contribute to a set of themes, outcomes and measures developed to reflect the Council's social value priorities.

Financial Implications

Initial Call-off Costs

24. Financial assumptions have had to be made with the new properties in terms of care delivery and existing services have core and 1 to 1 hours already set. Estimates on the level of core hours of support and the 1:1 hours were developed with Social Workers, Brokerage and Commissioning from the waiting lists. Care Act assessments will determine the level of support each resident 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 start to 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 in the call-off process by ASC 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
Title – Finance Business Partner

Legal Implications

Call-off contracts

27. It is worth noting that the HFT and Camden contracts have been extended via a contract variation to take them to their maximum extension period to allow the time to go out to a competitive tender process. Further time is now needed to continue with a competitive process and an exemption has been appraised and signed off by legal and finance this is awaiting final sign off.

Finance Comments Checked by;

Name – Jonathan Pool

Title –Solicitor

Email – jonathan@pool@oxfordshire.gov.uk

Staff Implications

28. With respect to the services and contracts secured through the new framework they are delivered by the voluntary, community and independent sector. None of the call-off contracts included in recommendation 1.3 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

29. The Framework specifications have been diligently prepared for the specific needs of disabled people and those people with mental health needs. The expectation of care providers is to deliver person centred support which ensures;
- Provision of in-county accommodation so people with Care Act needs are not sent away from their networks.
 - The least restrictive care to support greater independence for people.
 - People are integrated into their local communities
 - Their individual needs and preference are met.
 - Their cultural and religious beliefs are supported to be observed, specific dietary requirements.
 - People can become economically sufficient by supporting people to accessing training, learning, voluntary and employment opportunities.
 - Competition in the market to support people to have choice in their care provider.
30. The Framework evaluation process includes the requirement for providers to have an Equalities Policy. In accordance with the requirements of the ITT

documentation, all successful providers self-certified that their organisation has an active Equality & Diversity Policy in keeping with the Equality Act 2010. All providers also self-certified that their organisation had no court, industrial or employment tribunal cases brought against them regarding unlawful discrimination within the last 3 years. In addition, the Quality & Improvement Team carry out regular monitoring of services and include equality items in their reviews.

31. 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

32. The Framework evaluation process includes 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

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

Staff Travel

34. The initial focus of purchasing care from the framework is for existing and new accommodation-based services (supported living). These are static workplaces unlike domiciliary care calls to multiple locations.
35. In line with the Council's policy, people living in supported living do not attend the day centres and therefore do not access the 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 a support plan.

Staff Training

36. Many of the care companies offer training online so their staff are not having to travel.

New Accommodation

37. Any new buildings created for supported living will need to achieve minimum building regulations and it is anticipated Contractors will source labour and materials locally. This will be monitored by colleagues from Housing.

38. Once building works start many Developers and Contractors fit CCTV cameras on site as a safety measure. Once developments are underway Commissioners and Housing Officers will be required to monitor the sites periodically and can where possible utilise the cameras instead of an onsite visit.

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

Call-off contracts (recommendation 2a)

Risks in agreeing these recommendations.

41. There are no risks to the recommendations. Recommendation 2a would enable appropriately qualified providers to deliver the level of quality of care required to support vulnerable people with more complex needs.

Risk in not agreeing these recommendations.

42. Not agreeing these recommendations may have a negative impact on 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.
43. For those vulnerable adults already living in services within the procurement pipeline, the inability to re-tender the contracts could put their existing placements at risk.
44. For new schemes under development the capital expenditure of the housing developers of the new buildings being created would be significant. The ability to move people back to Oxfordshire would be greatly reduced if there is no suitable housing to move them to.

Consultations

45. Consultation in respect of call-off contracts

People supported and their families will also be invited to assist in the development of service specifications, panels for re-tender awards and mobilisations.

NAME Karen Fuller
Interim Corporate Director of Adult Social Care

Annex:

Annex	Title
Annex 1	Table of newly purchased and new build developments for supported living schemes and re-tender contracts requiring procurement of care and support.

Contact Officer:

Name – Sharon Paterson
Title – Commissioning Manager, HESC – Live Well Team
Email – sharon.paterson@oxfordshire.gov.uk

August 2023

[END]

ANNEXES

Annex1 - New build supported living schemes requiring procurement of care and support.

	Description	Needs met	Contract length	Hourly rate	Predicted Annual Value
1	Lingmead, Fitzharry's Road, Abingdon RSL – Chrysalis Urgent as current tenancy ending due to Neighbour issues – also void liability will commence in 18 weeks (this is a very small mini competition to support 2 people with complex needs)	Support and Protect - Complex Needs	3 years plus 2 years extension Total 5 years	£23.69 additional due to complexity / specialism	£233k Based on estimated core and individual hours
2	Previous Womad bundle 8 current provider HFT Abingdon and Didcot Urgent due to extension issues.	Improve and Enable Profound & Multiple Learning Disabilities (PMLD)	4 years plus 3 years extension Total 7	£22.69 Plus any TUPE additional costs	£1.18 million Based on core and individual hours
3	Previous Womad bundle 5 Current provider HFT Marcham, Abingdon & Didcot Urgent due to extension issues.	Improve and Enable – Learning Disability and Autism general needs	5 years plus 3 years extension Total 8	£21.69 plus any TUPE additional costs	£1.02 million Based on core and individual hours
	Previous Womad Bundle 3 & 6 – Current Provider Camden Banbury, Witney and Carterton Urgent due to extension issues	Improve and Enable – Learning Disability and Autism general needs	5 years plus 3 years extension Total 8	£21.69 plus any TUPE additional costs	£621, 697 Based on core and individual hours
5	Hagbourne, Didcot new build Mix of flat shares and individual flats for 12 people RSL - Chrysalis	Improve and Enable – Learning Disability and Autism 18-25 year olds maximising independence	6 years plus 5 years	£21.69	£687k Based on estimated core only individual hours not

	Cherry Tree Way, Witney Resonance RSL – Golden Lane Housing	Improve and Enable – Lot 1 LDA 18-45 (age range to allow flexibility of how we use this house)	Total 11 years	£21.69	known at this stage
6	Kennedy Road, Bicester 4 Bed House (RSL – Golden Lane Housing) Charlbury New Build 6 individual bungalows with an additional staff bungalow core and cluster model	Support and Protect – complex needs Female Autism only may have secondary MH issues / eating disorder Improve and Enable (with a specialism) Autism only	5 years plus 4 years extension As above Total 9 years	£25.69 £22.69	£280,500B ased on estimated core only individual hours not known at this stage
7	Morton Avenue, Kidlington (RSL – Golden Lane Housing) 4 Flats for 6 people individual and shared core and cluster apartment site	Improve and Enable (with a specialism) Downstairs individual flats Mild LD, may have autism or some MH issues potential for chaotic lifestyle Upstairs shared flats - mild to moderate LD.	7 years plus 3 years Total 10 years	£22.69	£185k Based on estimated core only individual hours not known at this stage
8	Gidley Way, Horspath plus additional property to be confirmed	Support & Protect – complex needs	4 years plus 3 years Total 7 years	£25.69	Property A. £280,500 Based on estimated core only individual hours not known at this stage Property B. £280,500

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