



Although a formal committee of Brighton & Hove City Council, the Health & Wellbeing Board has a remit which includes matters relating to the Clinical Commissioning Group (CCG), the Local Safeguarding Board for Children and Adults and Healthwatch.

<i>Title:</i>	Commissioning of a Supported Living Service for People with Cognitive Impairments	
<i>Date of Meeting:</i>	12 th November 2019	
<i>Report of:</i>	Rob Persey, Executive Director of Health & Social Care	
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<i>Wards Affected:</i>	ALL	
FOR GENERAL RELEASE		
Executive Summary		
<p>The report sets out the need for further supported living services for adults with cognitive impairments in Brighton & Hove and directly supports the Health & Wellbeing Strategy of the Council Living Well agenda by helping people to live as independently in their community.</p> <p>It asks for permission to procure and award a contract to a suitably qualified and experienced provider to provide a supported living service to four adults in 4 self-contained flats in the Poet's Corner area of Hove.</p>		
Glossary of Terms		
<i>FCL – Families Children and Learning</i>		
<i>HASC – Health & Adult Social Care</i>		
<i>PCR – Public Contracts Regulations</i>		
<i>PIN - Prior Information Notice</i>		



1. Decisions, recommendations and any options

- 1.1 The purpose of this report is to seek approval from the Health and Wellbeing Board for the procurement of a Supported Living Service for 4 persons with cognitive disabilities living in independent accommodation in the area of Poet's Corner Hove.
- 1.2 It is recommended that the Board approve the two optioned approach of procuring Support Services as outlined in paras 2.9 – 2.13
- 1.3 That the Board confirm the agreed procurement route following a review of the procurement options appraisal. This could take place through an urgency meeting if this does not fit with current Board timelines.
- 1.4 Following the agreement of the procurement route it is recommended that the Board grant delegated authority to the Executive Director of Health & Adult Social Care (HASC) to:
 - 1.4.1 Undertake the procurement of a suitably qualified Provider to deliver a Supported Living Service to the value of £250,000 per annum, and to award a contract for three years to the successful Provider
 - 1.4.2 Extend the contract at the end of the three year term for a further period of up to two years if it is deemed appropriate and subject to available budget.

2. Relevant information

Background

- 2.1. In 2011 a Supported Living Service was commissioned for people with learning disabilities in the Poets Corner area of Hove. A private landlord bought and developed four self-contained flats and leased the property to Dimensions who provided support and housing management for people with complex needs. The flats were designed to meet the needs of four named individuals with very high, complex needs. The site is split into two separate properties each accommodating two 1 bedroom self-contained flats.
- 2.2. In 2016 Dimensions gave notice on the support service due to issues with recruitment and retention of staff and difficulty supporting service users with complex needs and behaviours. Southdown Housing Association took over the support with Dimensions retaining the housing management function. The Council entered into a Nominations Agreement with Dimensions to secure the right to nominate appropriate tenants in to the accommodation.
- 2.3. On 1st July 2019 Southdown Housing Association gave notice to the Council terminating their contract to provide the Supported Living Service at the

properties as in their view the design of the properties is not conducive to meeting the complex needs of three of the service users placed there. These service users were moved in August and September into other Southdown services and Dimensions approached HASC to gauge interest in the property as they have a lease and continue to have a rental liability.

- 2.4. Families, Children & Learning (FCL) Assessment Services have not been able to find alternative accommodation for one resident who continues to successfully live there and Southdown Housing Association will continue to support them until an alternative support provider has been procured. FCL have confirmed that they no longer have a use for the other three flats but will continue to fund the support costs for the current resident.

Proposed Service

- 2.5. Commissioners within HASC are currently carrying out a needs assessment to inform the commissioning intentions for people under 65 who require physical and /or social support due to a physical or mental impairment or illness. This directly supports the Health & Wellbeing Strategy of the Council Living Well agenda by helping people to live independently in their community. Commissioners have identified a significant shortage of supported living options and an over reliance on residential care and out of area placements, particularly for people with acquired brain injuries and people with physical conditions such as Multiple Sclerosis and Huntington's.
- 2.6. Currently in the city services for this group include a residential care home for people with acquired brain injuries in the city with (31 beds), a supported living service for people with brain injuries (7 flats) and an Extra Care service for people with physical disabilities (10 flats). All of these services are in great demand and people are ready to move on from the care home but have nowhere to move on to. Freeing up beds in the care home would also prevent those with brain injuries being placed out of city and enable some of the people placed out of the city to move back.
- 2.7. Commissioners consider the remaining three flats would suit people with cognitive impairments who do not have behaviours that challenge but have been in rehabilitation or residential care and require a step down to supported living or are no longer able to manage at home. Support would be shared across all four flats and provided by an organisation with experience of supporting people with learning disabilities and autism and also people with cognitive impairments due to brain injury or other neurological conditions.
- 2.8. Early engagement will take place with local residents to keep them informed of the Council's intentions and the Lead Member for Health & Adult Social Care is keen to be involved in this work with officers from the Council.

Procuring of Support Services

2.9. There is a limited market of providers locally with the experience and capability of providing supported living services for the identified cohort. In order to take advantage of the availability of the accommodation and to place those in need quickly with a support package in place it is proposed that officers undertake two exercises simultaneously. These are:

2.9.1. Seek expressions of interest from external providers

2.9.2. Investigate an in house option.

Having undertaken these exercises the Board will decide the best option forward.

2.10. The Council's Strategic Procurement Manager for HASC recommended the following: that the opportunity to tender for these Light Touch services under Schedule 3 of the Public Contracts Regulations 2015 (PCR 2015) be advertised by way of the publication of a Prior Information Notice (PIN) as a Call for Competition in the Official Journal of the European Union. Such a notice requests interested parties to submit an expression of interest for tendering for the service and tests the strength of the market interest in the opportunity.

2.11. A notice was posted on 25th October asking for expressions of interest from prospective bidders by 21st November 2019. Should there be multiple interested parties it is proposed to run a quick tender exercise amongst those expressing an interest. If there is only one bidder capable of providing the services the PCR permit negotiations with that party for delivery of the services. In the event that no bids are received the PCR permit the direct negotiation with potential providers.

Investigating an in house option

2.12 At the same time the Council will investigate if this specialist service could be provided by the Council directly that would meet the needs of the current individuals.

2.13 Whatever approach is adopted officers will ensure due diligence is carried out on potential providers that will include checks on financial stability, insurance arrangements, appropriate policies and procedures as well as ensuring that the proposed service represents value for money for the Council. The publication of PIN as a call for competition does not commit the Council to proceed with the procurement of an external provider for these services.

Cost and staffing of the Service

- 2.14 The service will provide 24 hour support with waking night staff shared across four people.
- 2.15 Assuming this similar level of staffing and hourly rate as an equivalent supported living service in the independent sector the cost is projected to be between £0.229m and £0.291m per annum depending on the individual amounts of 1:1 support provided.
- 2.16 There is the opportunity to make financial savings on this service as the potential service users are currently in or at risk of being admitted to residential care at a higher cost.
- 2.17 There is a staff team still supporting the current resident who may be eligible to TUPE to the successful Provider.

3. Important considerations and implications

3.1 Legal

The Council's Contract Standing Orders require that authority to enter into a contract valued at £500,000 or more be obtained from the relevant committee which in this case is the Health and Wellbeing Board.

As indicated in the body of the report the proposed contract falls within Schedule 3 of the Public Contracts Regulations 2015 and is therefore classed as Light Touch. The value of the contract exceeds the threshold of £615,278.00 above which Light Touch Contracts are required to be advertised in the Official Journal of the European Union by way of a contract notice or a Prior Information Notice as a call for competition.

The tender process must be conducted so as to ensure compliance with the principles of transparency and equal treatment of economic operators bidding for the contract.

Section 5 of the Care Act 2014 imposes a duty on the Council to promote diversity and quality in provision of services. The Council must promote the efficient and effective operation of a market in services for meeting care and support needs with a view to ensuring that any person in its area wishing to access services in the market has a variety of providers to choose from who (taken together) provide a variety of services and has a variety of high quality services to choose from. In performing that duty, a local authority must have regard to various matters including the need to ensure that it is aware of current and likely future demand for such services and to consider how providers might meet that demand. In having regard to this a local authority

must also have regard to the need to ensure that sufficient services are available for meeting the needs for care and support of adults in its area and the needs for support of carers in its area.

The Care and Support Statutory Guidance at paragraph 4.41 advises that local authorities should encourage a genuine choice of service type, not only a selection of providers offering similar services, encouraging, for example, a variety of different living options such as shared lives, extra care housing, supported living, support provided at home, and live-in domiciliary care as alternatives to homes care, and low volume and specialist services for people with less common needs.

Lawyer consulted: Judith Fisher and Nicole Mouton Date 15.10.2019:

3.2 Finance:

- 3.2.1 The potential cost of this service provided by the independent sector is projected to be between £0.229m and £0.291m per annum depending on the level of support.
- 3.2.2 There is significant increasing demand within this client cohort and securing this provision is likely to result in financial savings when compared to the costs of residential care.
- 3.2.3 There is potential financial risk if there are any voids within the service due to the high rental costs.

Finance Officer consulted: Sophie Warburton Date: 11/10/2019

3.3 Equalities:

- 3.3.1 An EIA is underway to support the commissioning intentions for people under 65 requiring physical and social support. This has identified equalities issues that include younger people being placed in older people's care homes, people being placed out of city away from their families and networks and a need for specialist supported living for people with autism, cognitive impairments, physical disabilities and complex needs locally.
- 3.3.2 This service will have a significant impact on the above equalities issues by offering supported living locally to people who may otherwise have been placed in residential care with older people or placed out of city.

3.4 Sustainability:

- 3.4.1 Procurement processes will take into account the sustainability of potential providers in the City and the principles of social value in order to achieve best value for money and sustainability of services.