

Report to: **STRATEGIC COMMISSIONING BOARD**

Date: 23 June 2021

Executive Member: Councillor Eleanor Wills – Executive Member Health, Social Care and Population Health

Clinical Lead: Ashwin Ramachandra (Living Well, Finance and Governance)

Reporting Officer: Stephanie Butterworth, Director of Adult Services

Subject: **ADULT SERVICES COMMISSIONING INTENTIONS 2021 - 2022**

Report Summary: The report details Adult Services commissioning intentions for 2021 – 2022. The report sets out specific details on six service agreements namely:

- Extra Care Support for people with a physical and/or sensory disability
- Integrated Community Equipment Service
- Independent Advocacy Service
- Deprivation of Liberty Safeguards (DoLS) Assessors
- Daytime Activity Service Options

Intensive Support Service for Adults with a Learning Disability (extension from 1 April 2022 up to 2 years)

The Council are working with STAR procurement on all areas.

Recommendations: That the Strategic Commissioning Board be recommended to approve:

- 1) Tender the provision of extra care support for people with a physical and/or sensory disability aged 18–65 at Lomas Court for a new contract to commence 1 April 2022
- 2) Tender for the provision of the Integrated Community Equipment Service for a new contract to commence 1 April 2022
- 3) Tender for the provision of an Independent Advocacy Service for a new contract to commence 7 July 2022
- 4) Tender for a Framework for DoLS Assessors to commence no later than 1 April 2022
- 5) Consultation with current service users and providers regarding a proposed daytime offer. In addition, approval is also sought following the review to procure a new commissioning model for daytime offer/activity/service options for a five year period.
- 6) That permission is given for the Director of Adult Services to approve the contract awards following the tenders, subject to compliance with the Council's Procurement Standing Orders.
- 7) Extend the contract for the provision of an Intensive Support Service for Adults with a Learning Disability where there is provision to do so in the contract for up to 2 years from 1 April 2022
- 8) Authority for the Director of Adult Services to approve the contract awards following the tenders, subject to compliance with the Council's Procurement Standing Orders.

Financial Implications:
(Authorised by the statutory Section 151 Officer & Chief Finance Officer)

Budget Allocation (if Investment Decision)	Funding for these services is currently within Budget allocation
CCG or TMBC Budget Allocation	TMBC and CCG
Integrated Commissioning Fund Section – S75, Aligned, In-Collaboration	Section 75
Decision Body – SCB, Executive Cabinet, CCG Governing Body	SCB
Value For Money Implications – e.g. Savings Deliverable, Expenditure Avoidance, Benchmark Comparisons	All of these services / contracts are due to expire in 2022 with the current extension in place. By reviewing the market and working with STAR through the procurement process should lead to improved value for money. Any potential future savings will only be realised during that process.

Additional Comments

This report is not requesting for any additional funding over and above the existing contracts / services that are already in place and funded within the 21/22 budgets. However, this does request that budgets are to be committed again from 2022 when most of these contracts expire.

As this is seeking approval to progress the tender process, it should ensure that future contracts reflect current market prices and ensures the Council continues to support vulnerable people in the borough who are eligible and supports their needs within the financial affordability.

Legal Implications:
(Authorised by the Borough Solicitor)

This report is not seeking any decisions in relation to the commissioning exercises detailed in the report as they will be subject to their own decision-making, but to provide Members with an overview of the overall commissioning programme.

In light of the demands on the council's budget robust commissioning and procurement is more critical than ever to ensure that appropriate services are delivered consistently and provide good value for money for the council. Therefore a robust commissioning and procurement process is critical to ensure that previous commissions are reflected on to drive improvement, needs are assessed, value for money is built into any procurement strategy and that there is robust contract management for the duration of the commission.

As with all procurement exercises the Council is required to comply with all relevant legislation particularly the Public Contract Regulations 2015 and the Treaty of Rome as well as the Council's own Contract and Financial Procedure Rules. Advice should therefore be sought from STAR prior to the commencement of any procurement.

How do proposals align with Health & Wellbeing Strategy?

The proposals align with the Living Well and Working Well and Aging Well programmes for action

How do proposals align with Locality Plan?	The service links into the Council's priorities :- <ul style="list-style-type: none"> • Help people to live independent lifestyles supported by responsible communities. • Improve Health and wellbeing of residents • Protect the most vulnerable
How do proposals align with the Commissioning Strategy?	The proposals follow the Commissioning Strategy principles to: <ul style="list-style-type: none"> • Empower citizens and communities • Commission for the 'whole person' • Take a 'place-based' commissioning approach to improving health, wealth and wellbeing • Target commissioning resources effectively
Recommendations / views of the Health and Care Advisory Group:	This is a contracting decision so has not been discussed at HCAG
Public and Patient Implications:	Those accessing the service have been identified as having eligible needs under the Care Act 2014 or are assessed as requiring preventative services to delay eligibility and entrance to eligible services.
Quality Implications:	These services support quality outcomes for people to be able to continue living well in their own homes and local communities.
How do the proposals help to reduce health inequalities?	The service delivers whole life support to vulnerable people including ensuring individuals have access to healthy lifestyles.
What are the Equality and Diversity implications?	There are no negative equality and diversity implications associated with this report. Equality Impact Assessments have been produced and are available from the report author.
What are the safeguarding implications?	There are no safeguarding implications associated with this report. Where safeguarding concerns arise as a result of the actions or inactions of the provider and their staff, or concerns are raised by staff members or other professionals or members of the public, the Safeguarding Policy will be followed.
What are the Information Governance implications? Has a privacy impact assessment been conducted?	Information Governance is a core element of all contracts. The necessary protocols for the safe transfer and keeping of confidential information are maintained at all times by both commissioner and provider. Privacy Impact Assessments have not been carried out.
Risk Management:	Risks will be identified and managed by the appropriate officers.
Access to Information:	The background papers relating to this report can be inspected by contacting Trevor Tench – Head of Commissioning Adults Telephone: 0161 342 3649 e-mail: trevor.tench@tameside.gov.uk or Denise Buckley, Team Manager Commissioning and Performance Telephone: 0161 342 3145 e-mail: denise.buckley@tameside.gov.uk

1. INTRODUCTION

1.1 The report details Adult Services commissioning intentions for 2020 – 2021. The report seeks authorisation to:

- Tender the provision of extra care support for people with a physical and/or sensory disability aged 18–65 at Lomas Court for a new contract to commence 1 April 2022.
- Tender for the provision of the Integrated Community Equipment Service for a new contract to commence 1 April 2022.
- Tender for the provision of an Independent Advocacy Service for a new contract to commence 7 July 2022
- Tender for a Framework for DoLS Assessors to commence no later than 1 April 2022
- Consult with current service users and providers regarding a proposed daytime offer. In addition, approval is also sought following the review to procure the new commissioning model for a five year period.
- Extend the contract for the provision of an Intensive Support Service for Adults with a Learning Disability where there is provision to do so in the contract for up to 2 years from 1 April 2022
- The Director of Adult Services to approve the contract awards following the tenders, subject to compliance with the Council's Procurement Standing Orders.

2. EXTRA CARE SUPPORT SERVICE FOR PEOPLE WITH A PHYSICAL AND/OR SENSORY DISABILITY

2.1 The contract is for the provision of personalised extra care support for people with a physical and/or sensory disability aged 18–65.

2.2 The Service is delivered from Lomas Court, which offers 20 tenancies in individual flats. The building is provided and managed by a registered social landlord, Mosscafe St Vincent's and the support element by Liberty Support Services.

2.3 The contract commenced 1 April 2017 for a period of 3 years to 31 March 2020 with the option to extend for up to a further 2 years – this option was exercised and the contract is due to end on 31 March 2022.

2.4 The contract delivers support 24 hours a day, 365 days a year, to individuals with a physical and or sensory disability living in their own flat within the extra care scheme. The service is based on the principles of person-centred support, the promotion of independence, enablement and community engagement providing people with the opportunity to make a positive contribution to the communities they live in.

2.5 Service delivery is based on a block contract and spot purchase arrangement. The block contract covers the provision of a minimum of 224 core daytime hours per week and overnight support (sleep in or waking night as required to meet individual's needs). Where the assessed support for the 20 individuals accessing the service is over 224 hours per week, these are purchased at the tendered spot purchase rate. The current spend for the core element of the service 2021/22 is £228,367 – working with colleagues in Finance a tender value for 2022-23 will be agreed reflecting an inflationary uplift in line with the National Living Wage and any reasonable costs that are likely to impact during the first year of the contract.

2.6 Access to the support is highly valued by those who are tenants at the scheme and is essential in ensuring individuals are able to remain living in their own home. Not retaining this service will lead to the Council having to make alternative provision for the users of the

service and permission is therefore sought to tender the service with a view to awarding a new Contract for 5 years

- 2.7 Performance Information submitted through a validation pre visit questions indicates that the provider has identified and worked to improve areas around levels of staff training and person centred information for individuals supported.

3. INTEGRATED COMMUNITY EQUIPMENT SERVICE

- 3.1 Oldham MBC are currently the lead commissioners in a contract held jointly with the Council, CCG and Derbyshire CC for the delivery of an integrated community equipment service.

- 3.2 The current contract is delivered by Ross Care and commenced 1 October 2017 for a period of 3 years with the option to extend to 30 September 2022, which has been authorised and invoked.

- 3.3 The Integrated Community Equipment Service (ICES) supplies equipment to Tameside and Glossop residents prescribed by Occupational Therapists, Physiotherapists and Community Nurses. The service operates the supply, installation and statutory inspection of standard stock items of equipment issued by the prescriber, and the procurement of any specialist items of equipment that may be required and authorised by Commissioners. The current annual contract value is £1.5 million.

- 3.4 The contract also includes an element of minor adaptations, which includes such items as handrails, key safes, loop systems, etc. The approximate value of this element is £200k.

- 3.5 Operationally and in order to respond to prescriber requests, Ross Care operates a store of equipment that is supplied directly to service user's homes and to peripheral stores for use by prescribers. The Service operates a high recycle rate reducing the rate equipment is sent to landfill improving our social value with a percentage of the price of that particular equipment credited back to the account of the commissioners

- 3.6 With current "Discharge to Assess (D2A)" and Moving with Dignity" initiatives, ICES is continuing to support cost avoidance in adult social care as much as possible by making equipment available in a timely manner to support reduction in care packages and minimise a higher annual cost of care provision. ICES is currently working on educating prescribers on the most cost effective way of using the service to minimise cost and improve efficiency as a longer term plan.

- 3.7 The contract is essential in supporting the Council and CCG to achieve its health and social care goals for the population both children and adults by supporting individuals to remain living at home, maximise the use of community and family assets and reducing the need for higher cost care. During COVID-19 peak period, the service supported rapid discharge from hospital and admission avoidance with rapid response of equipment delivery and this is something that will continue.

- 3.8 The provider has continued to meet most of its performance indicators despite the high demand/challenges brought on by COVID-19, and the impact of Brexit on supply chain. The service provider has continued to keep us updated and has sourced alternative products/suppliers to keep the service running effectively and efficient. The ICES budget is leaning towards an overspend (approximately £120k) primarily impacted by the demand from peak periods of COVID-19, although the Minor Adaptations element of the service is on track to deliver the service within the allocated budget.

- 3.9 Given the essential role this service plays across the health and social care system permission is sought to tender the service with a view to awarding a new contract for up to 7

years (either 4+3 years or 5+2 years depending on further discussion and confirmation with Oldham MBC).

4. INDEPENDENT ADVOCACY SERVICE

4.1 The Council has a statutory duty under the Mental Health Act 2007 and the Care Act 2014 to provide independent advocacy for adults (aged 18 plus) who are vulnerable including the following client groups:

- People with mental health needs including the provision of Independent Mental Health Advocacy (IMHA);
- People with learning disabilities;
- People with physical or sensory disabilities;
- People with an acquired brain injury;
- People with dementia;
- Older people;
- Carers.

4.2 The current contract, delivered by Cloverleaf, commenced on 7 July 2017 for a period of 5 years.

4.3 The service has two elements in terms of eligibility - statutory and generic non-statutory. These are defined as follows:

Statutory Service:

- Eligibility for Independent Mental Health Advocates will be determined in accordance with the Mental Health Act 1983 (amended 2007) and the Mental Health Act Code of Practice.
- Eligibility for Independent Advocacy under the Care Act will be determined in accordance with the Care Act 2014 and the Care and Support Statutory Guidance issued under the Care Act.

Generic Service:

- Vulnerable adults aged 18 and over who reside in the borough of Tameside
- Tameside and Glossop CCG patients who are IMHA qualifying patients on Tameside wards or in the community
- Adults open to social care services or a community mental health team;
- Adults who have a substantial difficulty in-line with the Care Act 2014;
- Adults who have no appropriate person to support them in line with the Care Act (see section 7 of the Care and Support Statutory Guidance issued under the Care Act 2014);

4.4 The overall aim of the service is to promote self-advocacy and other forms of advocacy to support service user independence and build on the skills and abilities of individuals to help them reach their maximum potential.

4.5 Performance information indicates that the terms and conditions and specification are clearly directing the service to meet the requirements of the Council. The service reported at the last performance review meeting that for the year April 2020 to March 2021, a total of 8354 case hours were delivered. This covered Care Act, IMHA and non-statutory advocacy support and awareness, drop in and self-advocacy sessions. Cloverleaf actively evaluates service users experience and demonstrates learning and development through detailed case studies.

- 4.6 As the Council has a statutory duty under the Mental Health Act 2007 and the Care Act 2014 to provide independent advocacy for adults permission is sought to tender the service with a view to awarding a new Contract for 5 years to commence on xxx

5. DEPRIVATION OF LIBERTY SAFEGUARDS ASSESSORS FRAMEWORK

- 5.1 A DoLS Services is required to meet statutory guidelines by assessing whether a person's care or treatment amounts to a Deprivation of Liberty and is in that person's Best Interest. At present the DoLS Assessments are performed by a number of qualified assessors through a spot purchasing mechanism operated by Tameside Metropolitan Borough Council (TMBC). However, this is not a formal procurement route.
- 5.2 In order to meet with the assessment criteria for DOLs the Council currently recruits Best Interest Assessors (BIA) commissioned to undertake age, no refusals and best interest assessments and S12 Doctors (Mental Health Assessors) commissioned to undertake mental health, eligibility and capacity assessments.
- 5.3 The Council currently has 34 approved providers and for the period 01.04.19 – 31.03.20, 721 best interest assessments were carried out. The cost of service delivery for BIA assessments is £275 per assessment or £175 per review and a S12 MH assessor is £173 per case. This is in line with payments made by other authorities across Greater Manchester. The current spend is approximately £202,000 per annum.
- 5.4 In July 2018, the government published a Mental Capacity (Amendment) Bill which will see DoLS replaced by the Liberty Protection Safeguards (LPS). This passed into law in May 2019. Under LPS, there will be a streamlined process to authorise deprivations of liberty. This legislative change was due to implemented in October 2020. Further guidance has indicated that the introduction of the LPS is to be further delayed with a target date for implementation now moved to April 2022.
- 5.5 It is difficult to predict what this will mean for the Council however, and in order to ensure compliance, a competitive procedure must be undertaken to avoid non-compliance with the CPRs until the introduction of the LPS. In consideration the favoured option is to launch a competitive procedure for a framework of assessors who will deliver under the current arrangements prior to the changes in legislation with the option for a variation or further competitive procedure once legislation guidance is known.
- 5.6 In order to ascertain the capacity of the market, particularly with the uncertainty of future legislation, a soft market test was launched in March 2021. In total, 12 organisations responded to the soft market test and were a mix of current and new suppliers. The responses indicated that overall, organisations would bid for the framework, would have the capacity to do so and understood pending changes to legislation which may affect updates to any contract terms and conditions or the need for a further tender exercise. Work continues with STAR Procurement to establish the route to market following the soft market test.
- 5.7 Once the route to market has been established permission is sought to tender the service with a view to awarding a new contract for 5 years.

6. DAYTIME SERVICE OPTIONS

- 6.1 The Council currently operates a Flexible Purchasing System for the delivery of daytime support that is delivered via a call off arrangement dependant on an individual accessing a service of their choice. There are currently ten providers on the framework who are paid on

a placement basis at £33.68 per day (based on 2021-22 prices). The providers are as follows:

- Active Tameside
- Greenscape
- HC-One
- Mencap
- Noahs Art
- People First Tameside
- Pure Innovations
- Tameside Arts
- Tameside Countryside Service
- The Shed

6.2 The service is for those people who are eligible for publically funded care and support as identified in the Care Act. The Framework is predominantly for those people with a learning disability, people with a mental health need or physical disabilities and older people with the key aim to ensure social inclusion, learning, retaining daily living skills, improving physical and mental wellbeing, improved quality of life and the opportunity to move onto other opportunities such as employment or volunteering.

6.3 The current daytime offer across Adult Services is under review and due for completion during 2021-22.

6.4 The review is looking at the following strategic aims:

- Individuals are supported to develop and improve their skills locally
- People are prepared for employment and more people with a Learning Disability and Mental Health Conditions supported into paid employment
- Young people are prepared for adulthood
- Quality services are available to support people to remain at home

Key amongst the principles for the daytime offer is 'co-production'; enabling people to choose when, where, how and who supports them, within the available resources. This should consider self-care; the role of friends, family and technology; and the use of all community resources and information available.

6.5 Daytime activities will look to raise aspirations for a fulfilling life for all. Daytime support options will be available to help people do as much as they possibly can for themselves taking an "employment first" approach with all to promote independence and to support people wherever possible into meaningful employment opportunities enabling them to live well at home.

6.6 Thereafter, for all adults, the vision is about opening up opportunities in education, and volunteering alongside access to a range of community-based activities. For the cohort of younger adults going through transition, implicit in this approach is preparation for adulthood and there is a recognition that access to daytime support is key to helping people remain living as independently as possible at home.

6.7 The four key strands for the offer will be

- Employment
- Education
- Community
- Commissioned day time offer

- 6.8 The commissioned daytime offer will still facilitate people's choice regarding which service or services they want to attend.
- 6.9 The original flexible purchasing system has expired and in the interim whilst we are developing the new commissioning model we will continue to advertise for providers to join the list of daytime activities - this list will be opened every three months until the new arrangements are confirmed and put in place.
- 6.10 Approval is sought to consult with current service users and providers regarding a proposed offer. In addition, approval is also sought following the review to procure the new commissioning model. Adult Services will be working closely with STAR to undertake an appraisal of the different procurement options available and is looking to work with the framework providers to develop a development contract which will meet our strategic intentions. Permission is therefore sought to tender the service with a view to awarding a new contract for 5 years.

7. INTENSIVE SUPPORT SERVICE FOR ADULTS WITH A LEARNING DISABILITY

- 7.1 The contract commenced 1 April 2017 for a period of 5 years with the option to extend for a period of 2 years. The cost of the contract for 2021-22 is £1,014,540 – the cost for 2022-23 will reflect an inflationary uplift that in the most part will reflect any increase in the National Living Wage.
- 7.2 The service was developed in conjunction with, and is jointly funded by the Council and the CCG and delivers a community based specialist support service for individuals with a moderate to complex learning disability who may have offended/have the potential to offend. Individuals accessing the service are those who have previously accessed specialist out of borough placements and/or hospital placements and required closer supervision and/or support due to care and treatment orders and presenting a higher degree of risk to themselves or others.
- 7.3 At the onset of the contract, the service supported 11 people across two properties in Stalybridge. As part of a development element of the specification, the provider has worked towards the re-provision of one of these properties that was no longer fit for purpose due to its age, ongoing repairs and not meeting the behavioural needs of individuals. In January 2020, this was realised and a property in Hyde has been sourced to replace the property in Stalybridge. The replacement property offers an additional placement with individual tenancies for those supported in their own flats and takes the number of people supported from 11 to 12. The additional place was provided within the existing contract price though it is recognised that temporary additional funding may be required where assessment of needs indicate that the level of service available cannot provide safe support to the twelve people across the contract. contract price
- 7.4 The key aims and objectives of the service have been to empower service users to manage their lives in a manner that allows them to achieve fulfilling and meaningful outcomes with a positive sense of belonging in their communities. Given the complex needs of those supported, performance monitoring reports continue to demonstrate reductions in incidents and the need for restrictive practice that in turn allows for positive outcomes for individuals to be achieved.
- 7.5 Creative Support has provided this service over the past five years to a good quality at a very competitive price established via tender in 2016/17. Not retaining this service will lead to the Council having to make alternative provision for the users of the service which could lead to returns to expensive out of borough or hospital placements. Authorisation is therefore sought to extend the contract for up to 2 years as allowed for the contract terms.

8. CONCLUSION

- 8.1 This report seeks approval to progress the tender exercises and contract extension as noted above.
- 8.2 In supporting progression of the tender exercises and contract extension, the Council is ensuring it continues to support vulnerable people in the borough who have eligible care and support needs in line with the Care Act 2014.

9. RECOMMENDATION

- 9.1 As set out at the front of the report.