

## EXECUTIVE

### 18<sup>th</sup> April 2024

<b>Report Title</b>	<b>Commissioning for a Good Life Framework Agreement for Individuals with a Learning Disability</b>
<b>Lead Member</b>	Councillor Gill Mercer, Executive Member for Adults, Health and Wellbeing
<b>Report Author</b>	David Watts, Executive Director of Adults, Health Partnerships and Housing (DASS)

<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is the decision eligible for call-in by Scrutiny?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Are there public sector equality duty implications?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972</b>	N/A
<b>Which Corporate Plan priority does the report most closely align with?</b>	Active, fulfilled lives

### List of Appendices

**Appendix A** – Commissioning for a Good Life Review – October 2023

**Appendix B** – Climate Change Impact Assessment tool

#### **1. Purpose of Report**

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- 1.1. This report seeks approval to extend the Commissioning for a Good Life (C4GL) Framework for adults with a learning disability.

#### **2. Executive Summary**

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- 2.1. The current contract is due to expire on 9<sup>th</sup> January 2025.

- 2.2. There is provision within the contract to extend for a further five years from 10<sup>th</sup> January 2025 to 9<sup>th</sup> January 2030.

- 2.3. A detailed review was conducted and included insight and feedback from individuals with a learning disability, current providers and key stakeholders. The review was undertaken to inform commissioning intentions and to assess the model of support commissioned, value for money and outcomes for people drawing on services.
- 2.4. Based on the findings, it is recommended that the extension facility built into the contract is utilised. This would result in the existing contract being extended for a further five years to enable a phased recommissioning to take place and stand-alone contracts developed for each lot. This is based on the original terms of the contract award.
- 2.5. The contract value for the proposed extension is £36.3m per annum. This figure is currently factored into the Medium-Term Financial Plan (MTFP).

### **3. Recommendations**

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#### 3.1. It is recommended that the Executive:

- a) Approve the extension of the Learning Disabilities Framework to ensure North Northamptonshire remains compliant in its statutory responsibilities. Furthermore, that during the extension period elements of the contract be recommissioned to allow for stand-alone contracts, where appropriate;
- b) Delegate to the Executive Member for Adults, Health and Wellbeing, in consultation with the Executive Director of Adults, Health Partnerships and Housing (DASS), to take any decisions in relation to future call-off and mini-competitions from the contract; and
- c) Delegate to the Executive Member for Adults, Health and Wellbeing, in consultation with the Executive Director of Adults, Health Partnerships and Housing (DASS), to take any further decisions and/or actions required in relation to recommissioning within the extension period to allow for stand-alone contracts.

#### 3.2 Reasons for Recommendations:

3.2.1 This extension will ensure the Council continues to meet its Statutory duties under the Care Act 2014.

3.2.2 It will build on outcomes-based commissioning and further enhance the quality of the services and outcomes for individuals in the future.

3.2.3 Agreeing the extension enables the Council to:

- a. Maintain a pricing framework that is driven by the defined outcomes for individuals.
  - b. Consider future accommodation requirements based on a housing needs analysis and the wider Housing Strategy (2024/25).
  - c. Incorporate commissioning plans that are better informed by the Adult Social Care Strategy and the vision for strength-based approaches and more specifically co-production.
- 3.2.4 The extension is in the best interest of vulnerable people who have a learning disability living in North Northamptonshire and allows further time to co-produce a future service model that is reflective of and responsive to the people drawing on support services.
- 3.2.5 There will be no adverse effect to residents currently in receipt of services; continuity of care will be maintained.
- 3.3 Additional changes to the contract will be needed to build on the outcomes-based commissioning to date and further enhance the quality of the offers and outcomes for individuals over the extension period.
- 3.4 The Review identified potential areas of improvement to enhance the contract and in doing so address current budget pressures.
- 3.5 Alternative Options Considered: Alternative options were considered as part of the Review. These included taking no further action, resulting in the contract coming to an end in January 2025; recommissioning the service with a start date of January 2025; making use of the extension facility and recommissioning the framework to start in January 2030.

#### **4. Report Background**

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- 4.1. Delegated authority was given by Northamptonshire County Council in 2019 to the Executive Director of Adults, Communities and Wellbeing in consultation with the Cabinet Member for Adult Social Care for the implementation of the Framework and for the provision of services to support clients and their outcomes going forward.
- 4.2. Given the length of time since the original decision was made, agreement to the extension is sought from the Executive members.
- 4.3. Over the extension period it is intended that there be a phased approach to recommissioning and where appropriate single contract arrangements procured.
- 4.4. Local authorities in England have a statutory duty under the Care Act 2014 to provide care assessments and meet the resulting assessed needs through the provision of care and support for people with learning disabilities.

- 4.5. The Council also has functions under the Care Act 2014 to ensure that the wellbeing of individuals must be at the centre of all it does.
- 4.6. The core purpose of adult care and support is to help people to achieve the outcomes that matter to them in their life.
- 4.7. Local authorities must promote wellbeing when carrying out any of their care and support functions in respect of a person.
- 4.8. The Council must have regard to these general duties in its decision-making, by agreeing the extension the Council can ensure it is meeting its duty under the Care Act.
- 4.9. The Care Act 2014 places a statutory duty on local authorities to provide care and support to meet the identified needs of individuals with a learning disability.
- 4.10. Section 1 places a duty on the Local Authority to ensure that the wellbeing of individuals remains at the centre of all that it does.
  - a. The core purpose of adult care and support is to help people to achieve the outcomes that matter to them in their life.
  - b. Local authorities must promote wellbeing when carrying out any of their care and support functions in respect of a person.
  - c. The wellbeing principle applies in all cases where a local authority is carrying out a care and support function, or making a decision, in relation to a person.
- 4.11 The current contract for services for individuals with a learning disability, commissioned by Northamptonshire County Council (NCC) in partnership with the Clinical Commissioning Group (CCG), expires on 9<sup>th</sup> January 2025.
- 4.12 The contract is made up of eight offers: residential living, supported living, supported accommodation, short breaks, support at home, living and learning, forensic support, and crisis support.
- 4.13 Key priorities for residents of North Northamptonshire with a learning disability very much focus on laying down the foundations for a 'good life.' The key theme that runs through national policy and good practice guidance is the need to provide services that support people to have healthy, meaningful, ordinary lives.
- 4.14 The contract provides
  - A clear focus on outcomes.
  - A focus on strength and progression-based support.
  - A fixed budget, based on assessment and evidence of need, to be used as a personal budget for all care and support requirements.

- 4.15 Services are provided by a diverse cross section of organisations. As of September 2023, there were 122 providers. The framework delivers 65.3% of all commissioned packages. 12% are commissioned via spot (non-framework) arrangements and 22.7% via our in-house service arrangements.
- 4.16 There are currently 6,400 people in North Northamptonshire living with a learning disability. Just over 1,300 people are diagnosed as having a 'moderate or severe' learning disability; these are the group most likely to require support.
- 4.17 As a local authority we currently commission support arrangements for 917 people with a learning disability (87.7% are between the age of 18 - 64 and 12.3% aged 65+).
- 4.18 A review has been undertaken to help inform the options available to the Council. As part of the review a range of activities were undertaken, including:
- a. Reviewing current provision, capacity, and demand mapping.
  - b. A review of the Pricing Framework including fee benchmarking with other Local Authorities & Cost Modelling.
  - c. Engagement with individuals who access services, current providers and key stakeholders.
  - d. An options appraisal.

## **5. Issues and Choices**

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- 5.1 Choosing to take no action is not a viable option because the existing contract is set to expire on 9<sup>th</sup> January 2025, which would result in a gap in statutory provision. While placements can still be arranged with providers, it should be noted that such arrangements on spot purchase are likely to be at an increased cost.
- 5.2 Recommission services for all lots to commence 10<sup>th</sup> January 2025 is not a viable option. Whilst this will allow new entrants to the market to meet areas of unmet need it allows little time for co-production of services to ensure that what matters most to people is at the heart of future contracts.
- 5.3 Extending for 5 years and recommission like for like with a start date of 2030 is not a viable option. At this point the contract will have been in place for 10 years. Some of the elements of the contract may appear 'tired' or in need of revision within the next 5-year period. It restricts scope for new providers to enter the market which reduces alternative capacity, creativity, and competition in some areas.
- 5.4 Extending the contract for 5 years and during this time recommission identified service in a phased way is the recommended option. Commencing procurement activities in a staged way will enable market entrants to be invited to tender for new contracts. This option enables the local authority to drill down on offers and services that can respond to gaps and the challenges identified.

## **6 Next Steps**

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6.1 Following approval from the Executive, the following actions will be prioritised:

The contract will be varied to include:

- a. a clear process for managing inactive providers for each of the offers.
- b. guidelines within the pricing framework as to the expected level of support for each of the supported living tiers.
- c. ensuring that all providers offering supported living are registered with CQC for both the specialism of learning disabilities and the service type of supported living.
- d. reviewing the tier structure for living and learning, formally incorporating enhanced tiers to support individuals with complex needs.

6.2 Workbooks will be developed to gather regular commissioning information including:

- defined KPI's to meet outcomes and levels of support delivered.
- financial data which reflects the direct support delivered for those individuals living in a supported living setting.

6.3 Work with the Adult Social Care Team to develop a more responsive process to managing a step up or down of the current defined tier as a result of change in needs.

6.4 Open up the Short Breaks offer to enable new entrants to the framework with the aim of increasing availability of residential short breaks.

6.5 Work with framework providers to continue to meet the needs and outcomes of the local population. Where there remain clear gaps in provision to meet demand, consideration should be given to opening the framework for new entrants.

6.6 Commissioners will work with providers on quality issues and the development of flexible support strategies.

6.7 Planning will commence to review all commissioning activities over the next 3-5 years and build in clear timelines for recommissioning.

## **7 Implications (including financial implications)**

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### **7.1 Resources and Financial**

7.1.1 The total core spend for the contract is circa £36.3m per annum.

- 7.1.2 The total extension amount is £181.5m; this extends the contract through to January 2030.
- 7.1.3 The current expenditure for learning disability services is funded from base budget within Adult Services. Any decisions in relation to future inflationary uplifts will form part of the existing annual process
- 7.1.4 Cost savings are expected during the extension period and will be included within the MTFP The recommendations within the Review build on outcome-based commissioning, progression and step down.
- 7.1.5 Detailed plans for savings and associated timescales will be outlined in a separate report of Learning Disability Independent care spend.

## **7.2 Legal and Governance**

- 7.2.1 The current Framework Agreement (FWA) was procured under the dissolved Northamptonshire County Council (NCC) with a term of 5+5 years. The current FWA expires on the 9<sup>th</sup> of January 2025 and the Council seeks to utilise the 5 years extension for the reasons set out in this report.
- 7.2.2 Regulations 74 to 76 (Light Touch Regime) of the Public Contracts Regulations as amended (PCR) makes provision for the procurement of Social Care Services and provides flexibility in the procurement and award of such contracts. Procurement under the LTR regulations (in the manner described in this report) are referred to as Pseudo Framework. This is different from other framework agreements procured under regulation 33 of the PCR.
- 7.2.3 Since the legacy Invitation to Tender (ITT) and FWA made provisions for the 5 years extension, and in keeping with the Council's justification for extending the contract (as described in this report), -the five years extension can be granted.
- 7.2.4 No additional extensions to this Framework Agreement should be granted after the 5+5 contract term has expired.
- 7.2.5 Since the legacy Invitation to Tender (ITT) made provisions for the 5 years extension, and in keeping with the justification as to why the extension is required by the Council as set out in this report, the five years extension can be granted.

## **7.3 Relevant Policies and Plans**

- 7.3.1 The C4GL Framework supports North Northamptonshire's Corporate Vision of being: "A place where everyone has the best opportunities and quality of life".
- 7.3.2 It continues to align to Northamptonshire's Health and Care Partnerships vision of "a positive lifetime of health, wellbeing and care in our community".

7.3.3 It will ensure that future commissioning plans incorporate the Adult Social Care Strategy and the vision for strength-based approaches and co-production.

7.3.4 It will align to the Council's upcoming Housing Strategy

#### 7.4 **Risk**

7.4.1 Working through the recommendations and next steps will reduce and/or eliminate any current constraints or risks associated with the model of delivery.

- there will be no adverse effects for individuals currently in receipt of support under the contract in terms of the continuity of service
- there will be no adverse effect to both the Council and those individuals in receipt of support, in terms of the cost of their support
- The Council will continue to work with the provider market to further develop good practice and efficiencies
- sufficient time is granted to co-produce, develop and implement new sustainable support arrangements for local residents of North Northamptonshire.

#### 7.5 **Consultation**

7.5.1 To seek feedback, surveys were devised and made available to:

- a) individuals with a learning disability, their families, and unpaid carers.
- b) contracted providers
- c) professionals – including adult social care teams, brokerage, quality, Northamptonshire Health Foundation Trust (NHFT), Integrated Care Board (ICB)

7.5.2 Information was gathered from those providers actively supporting individuals in a residential or supported living setting, to ascertain at each of the tiers, the level of support required to meet individual's outcomes.

7.5.3 The recommendations from the review reflect the feedback and needs of individuals, the provider market and other stakeholders including internal and external partners.

#### 7.6 **Consideration by Executive Advisory Panel (EAP)**

7.6.1 This paper may be considered by Executive Advisory Panel for Active Communities as part of the Council's governance process.



## **7.7 Consideration by Scrutiny**

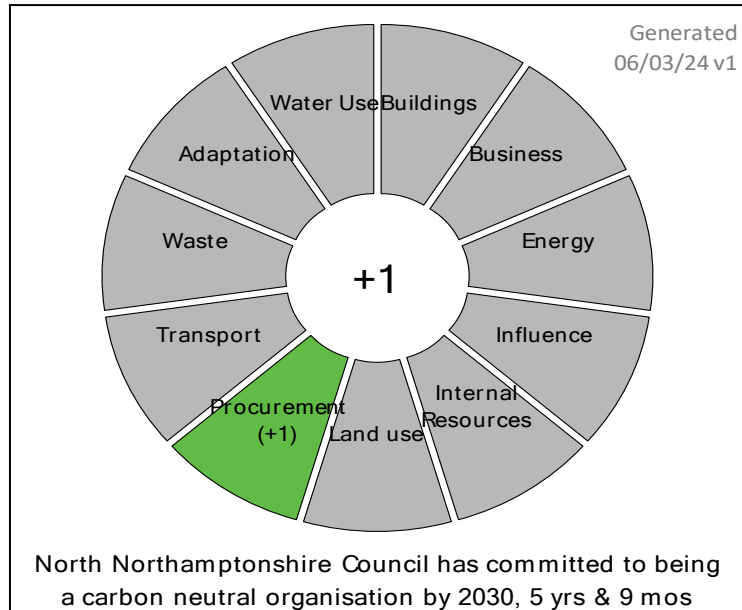
- 7.7.1 The procurement process and/or any part of the requirement may be selected for consideration by scrutiny.

## **7.8 Equality Implications**

- 7.8.1 The services included in this report are for vulnerable people with learning disabilities. There are no negative equality implications associated with the recommendations in this report. The requested extension will offer service continuity and support the improvement of services.

## **7.9 Climate Impact**

- 7.9.1 With the Council's declaration of a climate emergency in July 2021 and the approval of the Carbon Management Plan in December 2022, we have committed to working towards becoming a carbon neutral council by 2030.
- 7.9.2 A Climate Change Impact Assessment (CCIA) has been completed, and a Climate Change Impact Report is included as Appendix B.
- 7.9.3 Extending the contracts will have minimal impact on carbon emissions and environment. Continuation of services so impact should remain the same.
- 7.9.4 Providers will be required to deliver the service in a way that limits impact on the climate and environment. Providers will work with North Northamptonshire Council to continuously review the service delivery model to benefit from new technologies or ways of working to further reduce environmental impact.
- 7.9.5 Within the terms and conditions of the contract (clause 16.1) providers are required to perform their obligations in accordance with the Authority's environmental policy, which is to conserve energy, water, wood, paper and other resources, reduce waste and phase out the use of ozone depleting substances and minimise the release of greenhouse gases, volatile organic compounds and other substances damaging to health and the environment.
- 7.9.6 There is regular engagement with contracted providers via weekly bulletins, newsletter and quarterly forums where good practice is shared. Every provider will have an annual quality monitoring visit to ensure compliance with the contract.
- 7.9.7 During the extension period it is intended that there be a phased approach to recommissioning. When any commissioning activity takes place, a CCIA assessment will be completed.



## 7.10 Community Impact

7.10.1 The Council will work with providers to maximise employment opportunities within the local community.

7.10.2 Providers will work collaboratively with the Voluntary, Community and Social Enterprise sector to deliver joined-up and holistic care and support to individuals accessing service.

## 7.11 Crime and Disorder Impact

7.11.1 There are no specific implications affecting this decision

## 8 Background Papers

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8.1 None