



## INTEGRATION JOINT BOARD

<b>Report Title</b>	Learning Disability Services Commissioning Framework
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<b>Date of Meeting</b>	15 <sup>th</sup> August 2017

### 1: Purpose of the Report

This report seeks approval to recommission the Framework for Learning Disability services by replacing the existing framework with a :

1. Framework for Supported Living Services and
2. Framework for Training and Skills Development Services which will be commissioned in partnership with Aberdeenshire Health & Social Care Partnership

These commissioning arrangements will support the delivery of improved, person centred services to people with a Learning Disability whilst delivering greater choice and better utilising the skills and expertise of Social Care Providers.

### 2: Summary of Key Information

#### 2.1 Background

Support for people with a Learning Disability was commissioned via a Framework in 2015. The Framework was divided into 2 Lots:

Lot 1: Support with personal care and housing.

Lot 2: 'Lifestyle Support' was previously referred to as Day Supports.

This current contractual arrangement was for 2 years with the option of two 1 year extension periods. The Framework is currently within the 1<sup>st</sup> year of extension which



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ends on 31<sup>st</sup> March 2018. It is proposed that the contractual arrangement is not extended for a further year that it ceases by a target date of potentially on 31<sup>st</sup> December 2017, but no later than 31<sup>st</sup> March 2018 (see paragraph 2.3) and is replaced with the arrangements detailed in this report.

### **Existing Framework Arrangement**

At the time of commissioning the current framework a benchmark rate was set by Aberdeen City Council. However, providers on the framework who supplied these services previously did so under a wide spectrum of rates, with no direct relationship between differential rates and complexity of the care. There was no differentiation on more complex care being rewarded with a higher rate to recognise, for example, the additional training and skills required.

Commissioning complex care provision has been difficult as providers struggle to support complex care at the stated framework hourly rate. As such services have had to purchase care out with the Framework often at a higher rate. This is not an efficient use of scarce resources and the improvements proposed in this report mean the use of suppliers out with the Framework will be minimal, if not non-existent.

### **2.2 Proposed Frameworks**

Three frameworks are proposed to be used to provide to support to learning disability clients.

#### **2.2.1 Framework for Supported Living Services**

This new Framework will provide 'Supported Living' services to a person or group of individuals who have a variety of support needs to live successfully in their own home. These methods of support are distinct from those classified as Care at Home (visiting support).

Currently in Aberdeen care delivered under Supported Living can take the form, for example, of 5 people sharing a house of multiple occupancy and being support by on site care staff to manage everyday life tasks, such as personal care, household tasks including cooking and cleaning, budgeting, engaging community life, support with health conditions as well as an overnight staff member being located within the building. These are typically referred to as a 'service' and support provided to all of the tenants by one provider.

#### **2.2.2 Framework for Training and Skills Development Services**

This replacement Framework will provide Training and Skills Development Services.



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A dialogue is ongoing with Aberdeenshire Health & Social Care Partnership around the joint commissioning of this Framework. Aberdeen City and Aberdeenshire populations use a number of same services, lending weight to a joint commissioning process.

Currently in Aberdeen support delivered under Training & Skills Development can take the form of a workshop environment where a person goes once or more per week and completes an activity such as cooking, music, gardening, or crafts. Other supports may focus on people completing a vocational qualification or undertaking training to prepare them for employment. These supports are generally provided by organisations which do not support people with direct care, due, in part, to Care Inspectorate registration requirements.

There are separate providers delivering support with Training and Skills Development. Support in this area of life is different from support within a person's own home and will be delivered by providers with different skills and expertise.

### **2.2.3 Framework for Care at Home**

On the 6 June 2017 the Integration Joint Board approved the commissioning of a Framework for Care at Home which includes Care at Home for Learning Disability Services. This Framework will take effect from January 2018 and rates using the Chartered Institute of Public Finance & Accountancy (CIPFA) guidance for commissioners in conjunction with the cost calculator provided by the UK Home Care Association (UKHCA) are being established. These are visiting support hours and as set out in 2.2.1 these are complementary to Supported Living services and therefore similar hourly rates would enable greater market stability.

### **2.3 Timeline**

To align the commissioning work to be undertaken and support market stability the Framework for Supported Living follows the timeline of the Framework for Care at Home. Each framework arrangement will run until 31<sup>st</sup> December 2019 as interim while commissioning strategies are developed in line with locality based commissioning. The current framework arrangements cease on 31<sup>st</sup> March 2018 and it is proposed to commence the new contractual arrangements for Supported Living from 1<sup>st</sup> April 2018 at the latest, although ideally from 1<sup>st</sup> January 2018 to fully align with the Care at Home Framework. Engagement has already taken place with existing providers and they are aware of the proposed changes. The current contracts could only be terminated early by mutual agreement with providers. Should a provider choose to not terminate, their contract would run until 31<sup>st</sup> March and then transition to the new Framework contact from 1<sup>st</sup> April. There is a strong sense that providers will be agreeable to mutual termination on 31<sup>st</sup> December should this



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timeline be progressed.

The joint arrangements for Training & Skills Development Services with Aberdeenshire Health & Social Care Partnership will take effect from 1<sup>st</sup> April 2018, with existing contracts continuing until 31<sup>st</sup> March 2018.

### **2.4 Current Rates and the Living Wage**

Providers set their hourly rates in 2015 with no uplift during the life of the contract. Living Wage uplifts have been approved by the Integration Joint Board for providers within the current contractual arrangements, an initial 6.4% from 1<sup>st</sup> October 2016 and a further 2.8% uplift from 1<sup>st</sup> April 2017. These uplifts were funding from additional monies received as part of the financial settlement.

A total of 17 providers are on Lot 1 of the Framework 'Support with personal care and housing' with rates per hour ranging from £14.76 to £20.93, two of these providers no longer operate in Aberdeen City and a further two do not provide any learning disability support in Aberdeen.

A total of 11 providers are on Lot 2 of the Framework 'Lifestyle Support' with rates per day ranging from £38.28 to £54.69, only 4 are actively providing support.

The range of rates for these two Lots is broad given that support to be commissioned is the same regardless of provider. There is no crossover between the providers supplying 'Support with personal care and housing' and those actively supplying 'Lifestyle Support'.

Within Aberdeen City the Provider Market remains fragile. Challenges in recruitment and retention as well as ability to make service arrangements financially viable for organisations contribute to this.

The Framework for Supported Living will identify a 'standard' and an 'enhanced' rate. Criteria will be established to ensure fairness in the application of an enhanced rate, and rates would be set through the use of a cost of care calculator. Cost of Care Calculators have been developed by a number of different national organisations, with support from Government, in order to provide support to commissioners in securing care which is affordable, provides value for money and offers market sustainability. These calculators enable commissioners to model the cost of care on an hourly basis based on the Scottish Living Wage, other statutory employment requirements and aspects which fulfil the recommendations of the Ethical Care Charter. CIPFA have published guidance for commissioners in the setting of cost rates and in conjunction with the UKHCA cost calculator the following maximum prices have been established for Supported Living, with exact pricing subject to further refinement:



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### Standard Care - £17.50

This is care which is composed of direct support to individuals with a Learning Disability and associated conditions. The support requires knowledge of Learning Disabilities and general methods of care and support for individuals. There may be aspects of staff training which is specific to the person they support however this will not be excessive. Line management support for staff will be at a general level comparable with many other care and support services.

### Enhanced Care - £19.50

This is care which is composed of direct support to individuals with a Learning Disability and associated complex conditions, such as physical or mental health and or challenging behaviour. This support is more complex in nature with staff requiring to be specially trained in care and support methods which are more intensive as well as specific training pertaining to the individual. Typically enhanced care and support will be delivered by more robust staff teams with enhanced management support. Many individuals will have bespoke support timetables and structures to deliver high quality safe care. Multi-disciplinary Teams will be involved on a more regular basis, with the person sometimes subject to particular legislation or guidelines in terms of their day-to-day support.

### **Benefits of undertaking a full commissioning exercise**

#### **2.8 Introduction of new providers who have capacity to provide supports**

The current Framework is closed to new providers and is somewhat limited in capacity. There are some providers who do not provide support to people with a Learning Disability in Aberdeen (3 providers). There are other providers who although on the Framework have now withdrawn support from Aberdeen (2 providers). The remaining providers are at capacity and cannot provide any additional support to people. This is why support gets commissioned out with the framework. It is hoped that the providers we have commissioned in this manner will be part of the new Framework. The new Framework will be openly published to enable additional providers to submit a tender and potentially be accepted onto the framework.

#### **2.9 Chance for providers to review rates**

The fragility of the local market is the first entry on the Integration Joint Board's Risk Register. Adopting the recommendations in this paper will mitigate this risk as providers will align their business strategic plan to the Framework they bid for. Providers will submit rates which are reflective of the cost of providing such care and



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support up to a maximum price per hour of care, £17.50 for Standard or £19.50 for Enhanced. Services will continue to be delivered within the overall budget envelope for Learning Disabilities. It is anticipated savings achieved from a more targeted and person centred approach will fund any increase in individual rates charged.

### **2.10 Greater focus on Training and Skills Development Services**

Support for people to engage with training and skills development opportunities is a key priority for the Partnership as this enables people to fully explore and develop their skills and abilities whilst feeling valued as citizens, accepted and integrated into their local communities. This approach may ultimately achieve a reduction in longer term demand for services.

There are a number of organisations which provide supports to both Aberdeen City and Aberdeenshire, joint commissioning activity will prevent duplication by submitting separate tender bids, and it will provide consistency in relation to service delivery, cost and monitoring. Some providers delivering this support are not part of the framework. It is hoped that these providers will be part of the new Framework moving forward.

### **2.11 Use of Separate Frameworks**

Splitting the commissioning of different service types for people with Learning Disabilities into different frameworks will enhance choice of service provision as an individual can access any of the frameworks (Care at Home, Supported Living, Training & Skills Development). They are not restricted to one Framework if they have assessed needs which can be met by another. This enables providers to deliver person centred support by providing a service which they have skill and expertise in.

A separate Framework for Supported Living and Training and Skills Development will allow providers to apply for the Framework which best suit their abilities. Supported individuals will receive more suitable person centred support from skilled providers to achieve their outcomes.

#### Appendices

1. Direction to Aberdeen City Council
2. Summary Risk Report (supporting information)



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### 3: Equalities, Financial, Workforce and Other Implications

#### Equalities Implications

It is believed that this report will have a neutral impact.

#### Financial Implications

In purchasing services, the Council and NHS Grampian must comply with the requirements of the Public Contracts (Scotland) Regulations 2015 (“the Regulations”), as well as Aberdeen City Council’s and Aberdeenshire Council’s Procurement Regulations (“Procurement Regulations 2016”). The Procurement Regulations relating to Contracts and Procurement have been drafted in such a way as to ensure compliance with “the Regulations.”

The Services which form the basis of this report are classified as “light touch” regime (Regulations 74-76) services. This means that the full requirements of the Regulations do not apply. However, in relation to “light touch” regime (Regulations 74-76) Services, the Council and NHS Grampian must undertake a degree of advertising and follow a procedure leading to the award of a contract which is sufficient to enable competition in accordance with the principles of openness, fairness and non-discrimination. This requirement is founded in the Council’s European Treaty obligations.

The Care at Home Framework project team has begun to identify a standard rate for an hour of Care at Home support, it is important that the rate for Supported Living services is complementary to ensure there is fairness in the procurement approach of the Partnership.

The current predicted spend for services classified as both Care at Home and Supporting Living amounts to £13.78 million per year. The supports to be purchased under the Care at Home Framework will amount to £1.2 million per year, with a proposed spend for Supported Living services on a new framework being £12.58 million per year. Of this figure Older People’s services currently fund just under £1 million for people 65 and over with a Learning Disability in Learning Disability specific services (services which would be contracted under a new Supported Living Framework). It should be noted that these figures are not inclusive of any changes to Sleepover payments, as finalised figures have not been agreed.

It is viewed that payment of fair market rates as highlighted for Standard and



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Enhanced Care are feasible within the current budget. Support arrangements for individuals are to be reviewed on at least a yearly basis, with promotion of creative support arrangements, including of the use of technology as a high priority for the service.

### Workforce Implications

It is acknowledged that it is the decision of provider organisations whether they choose to bid for any of the Frameworks. Should a provider choose not to submit a bid for any of the Frameworks, any services they provide may need to be provided by another organisation, and TUPE (Transfer of Undertaking (Protection of Employment) Regulations 2006) may be applicable in this situation.

The Care Sector continues to experience significant challenges with regard to recruitment and retention of skilled and knowledgeable staff. The development of new contractual arrangements will enable providers to consolidate the issues facing the sector and submit rates which are accurate and reflective to the true cost of providing care and support.

### Strategic Plan

The recommendations in this report complement the strategic priorities outlined in the Partnership's Strategic Plan primarily by supporting the development of person centred approaches to care and support and by enabling supported individuals to strengthen their connection and contribution to their local community.

## 4: Management of Risk

### Identified risk(s) and link to risk number on strategic or operational risk register:

- (1) There is a risk of significant market failure in Aberdeen City.

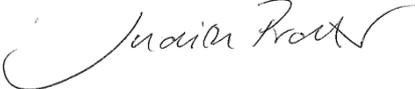
### How might the content of this report impact or mitigate the known risks:

The content of this report seeks to mitigate the known risks by recommending a decision which supports the development and implementation of new commissioning arrangements for Learning Disability services which will provide market stability helping to achieve the future sustainability of services, and promote person centred care and support.



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5:	Recommendations
<p>It is recommended that the Integration Joint Board:</p> <ol style="list-style-type: none"><li data-bbox="304 555 1445 696">1. Agrees to retender the provision of Supported Living for people with a Learning Disability in the form of a Framework for Supported Living with a separate Lot for Enhanced Care provision (to the timelines as detailed within this report).</li><li data-bbox="304 734 1445 846">2. Agrees to retender the provision of 'lifestyle support' for people with a Learning Disability in the form of a Framework for Training &amp; Skills Development Services through joint commissioning with Aberdeenshire</li><li data-bbox="304 891 1445 1003">3. Notes that another paper will be presented to the Board in early 2018 detailing the result of the tender process and seeking approval to issue contracts</li></ol>	

6:	Signatures	
	Judith Proctor (Chief Officer)	
	Alex Stephen (Chief Finance Officer)	