

Bath & North East Somerset Council		
DECISION MAKER:	Cllr Alison Born, Cabinet Member for Adult Social Care	
MEETING/ DECISION DATE:	On or after 18th October 2021 (for single Member decision)	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3317
TITLE:	Expansion of Supported Living Service for People with Learning Disabilities	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report		
None		

1 THE ISSUE

- 1.1 We have statutory responsibilities under the Care Act 2014 to ensure there is provision to meet eligible care needs of vulnerable adults. Currently for adults with a learning disability this is either through:
- The spot purchase of a package of care or placement as individual demand arises.
 - Through Virgin Care's Supported Living Service which is delivered as part the block contract for Community Services Health Care and Social Care (B&NES).
- 1.2 There are several issues with our current approach to commissioning for people with a learning disability but the most pressing is the acute undersupply of community based supported living services in B&NES. This is because there has been no strategically commissioned growth for the last 7-8 years since the start of the Your Care, Your Way initiative. This has resulted in an increasing number of out of area placements and over-reliance on residential care to meet people's eligible care needs. Analysis of Learning Disability Panel case data shows that of the 104 cases presented to Learning Disability Panel April 2019- March 2020, 47 (45%) have been placed in residential care and 23 of these out of area. We pay on average £900 more per week for out of area and residential placements compared to those we can make into community services within B&NES.

2 RECOMMENDATION

- 2.1 The Cabinet member for Adult Social Care is asked to approve the variation to the Virgin Care Block contract to expand the Supported Living Service for people with a learning disability in two ways:

Proposal 1: Increase the non-accommodation-based care to support people in their own tenancies or family homes by 10% each year over the next 3 years. This will enable the recruitment of 5 additional care staff each year, including a registered manager in the first year. The focus will be on young people with more complex needs transitioning from children into adult services where there is currently a gap.

Proposal 2: Increase accommodation-based provision with the development of two four-bed properties with care and support provided by Virgin Care onsite. This would enable 6 adults who have already been identified by social care to return to B&NES from out of area and /or step down for residential care or prevent further placements out of area or into residential care (unless this the individual's choice). Additional staff would be recruited to provide care in the 2 properties including staff to sleep-in. Support is also request for the proposal of these units being purchased directly by the Council if considered appropriate and agreed through internal capital governance procedures.

3 THE REPORT

- 3.1 Currently there are 574 adults with a learning disability and/or autism who receive a care and support package or placement commissioned by B&NES. This is broken down as follows:

- 130 People in Residential Care (23%)
- 12 people in Nursing Care (2%)
- 106 people in Supported Living, accommodation based (18%)
- 126 people supported living non-accommodation based (22%)
- 29 people in shared lives service (5%)
- 130 people choose to take a direct payment (23%)
- 41 people mixture of respite, day service and other services (6%).

- 3.2 Residential placements make up the biggest spend from the Learning Disability purchasing budget. Of the 130 adults currently placed in residential care, 82 (63%) are placed out of area. The residential care spend is £12,711,303 per annum, of which the out of area spend on residential care is £8,902,237 (which is 70% of the residential care spend).

- 3.3 The Virgin Care Supported Living Service supports 46 people with a learning disability (figures included in 3.1 above), 30 in Bath and 16 in North East Somerset in a mix of accommodation-based and non-accommodation based supported living.

- 3.4 The Virgin Care Supported Living Service is currently 8% of provision commissioned by B&NES. Other than the Virgin Care contract for the Supported Living Services, all

packages, and placements for people with a learning disability are individually contracted on a spot purchase basis. There are no other contracted services in B&NES for this client group that we can expand or develop within procurement rules because we contract for individual packages and not services. In addition, B&NES providers are understandably not willing to risk expanding at the level required with no guarantee of future commissioning and funding.

- 3.5 We are therefore planning to change how we commission and move away from the spot purchase model to a more planned and strategic approach where we commission local community services. We are developing a rolling 5-year commissioning plan which will identify new demand each year over the next five years. This will enable better planning for:
- young people who will transition into adult services from children's each year
 - adults who are still living with family carers, especially ageing carers who may not be receiving any care or minimal support but who will require a care package or move at some point
 - those whose needs change especially as they age as people with a learning disability are living longer now.
- 3.6 We are currently engaging with the local market about the future procurement of community services which can grow iteratively each year to meet new and changing demand as part the plan. We are also engaging with people with lived experience and their carers as part this process.
- 3.7 The first phase of this procurement is planned to commence in March 2022 which means any new supply will not start to come online until after the first new contracts have been awarded and services mobilised, which realistically will be after October 2022.
- 3.8 Varying the contract with Virgin Care for the Supported Living service allows us to expand and mobilise community provision now ahead of the wider procurement of services which is still 12-18 months away and will address some of the immediate supply issues.
- 3.8 The Supported Living Service is registered with the Care Quality Commission as a domiciliary care provider. There are no quality or performance concerns about the delivery of this service. It is performance managed by the Senior Commissioning manager through quarterly service level performance meetings as part of the Virgin Care Contract Quarterly Performance process. It performs well and is always fully utilised. The service is ready to mobilise for the first year as it has been increasing its bank staff in anticipation of the decision being made.
- 3.9 The Virgin Care contract is in the fifth year of the seven-year term, and it is proposed to expand the service incrementally each year over the remaining 3 years of the term as set out below:

Proposal 1: Increase the non-accommodation-based support with 5 additional care and support staff each year over the next 3 years starting in 21/22.

Proposal 2: Expand the accommodation-based services with two 4-bed properties to enable 6 people with a learning disability to either step down from residential care

or enable anyone wanting to return to B&NES from out of area to do so, or prevent either in the first instance. CURO agreed to source two 4-bed properties from their housing stock to support the expansion of the accommodation-based provision, however they are struggling to do so because of the demand. Subsequently discussions have taken place with housing colleagues about purchasing two suitable properties on the open market. They are currently assessing the financial implications for the council of doing so along with management and maintenance costs and the likely housing benefit income.

4 STATUTORY CONSIDERATIONS

- 4.1 The council has a statutory responsibility under the Care Act 2014 to ensure there is provision to meet unmet eligible care needs, Section 5 of the Care Act establishes a duty on local authorities to ensure a sustainable market of care in their areas. This covers all care sectors and providers of care as described in this paper.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The Learning Disability purchasing budget funds packages and placements for people with a Learning Disability which are spot purchased. The budget is pooled with the council contributing 77% and CCG 23% of the funds. The exception are the packages funded through the Virgin Care contract.
- 5.2 The revenue to expand the Supported Living Service will come from the learning disability purchasing budget. The impact will be cost neutral as it will be balanced by a corresponding reduction in the purchasing budget. However, the overall effect will be a saving and better value for money. The Virgin Care hourly rates are at the recently established Fair Price of Care of Supported Living.
- 5.3 The cost of the expansion from the Learning Disability purchasing budget over the 3 years is **£1,075,000**. (£827,750 Council and £247,250 CCG).

Non-accommodation based

Year 1 21/22	£190,000
Year 2 22/23	£170,000
Year 3 23/24	£170,000
Subtotal	£530,000

Accommodation based development (it is not possible at this stage to specify in which years the costs will fall)

Property 1	£290,000
Property 2	£255,000
Subtotal	£545,000

- 5.4 In addition there will be a £40K one-off mobilisation costs for the two property developments to allow for the induction of the staff, equipping and furnishing and supporting the moves of the 3 individuals for each property.

- 5.5 Six individuals were identified for the two 4-bed houses by social workers last year. The placement cost for these 6 people was £750,000 per annum but would have reduced to £545,000 if Virgin Care were to deliver the care, generating a saving of £270,00 on the 6 placements per annum. However, a number of these people have now moved into alternative provision and new people have been identified but the previous costings act as a guide to illustrate the savings which can be made. The non-accommodation-based care will be targeted to those high-cost young people who transition to adult social care from Children's services which are currently causing a pressure on the pooled purchasing budget.

Savings will apply as per the % split in the pool purchasing budget.

6. RISK MANAGEMENT

A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

7. EQUALITIES

The completion of an equalities impact assessment is currently underway for this proposal. It will be developed further for the wider learning disability review, commissioning plan and planned procurement proposals. Once completed it will be reviewed by the Corporate Equalities officer. However, it must be noted that missing and poor-quality data is an issue which will be included within the action plan.

8. CLIMATE CHANGE

The aim of this proposal and the wider commissioning project for people with learning disabilities is to grow local community provision within B&NES so care and support is closer to home and communities. This approach will help reduce the areas carbon emissions by reducing the need to travel out of area.

This approach will also improve independence skills for adults with a learning disability and enabling more use of local public transport

9. OTHER OPTIONS CONSIDERED

Three options for increasing capacity urgently in the market have been considered:

- Do nothing and continue to spot purchase. This was discounted because it would not provide the increase in capacity required. It would not give providers any security about future growth, and they have indicated that they are not willing to risk investing in wider expansion based on spot purchase only with no guarantee of future funding. It is also not possible within current procurement rules.
- Procurement of new supply from the wider market. Planning and engagement with the wider market is underway but will take at least another 12 -18 months before any new supply becomes operational.
- Vary the Virgin Care contract. This option was selected as we have a contract already in place and close partnership. By agreeing to vary it, care and support can be mobilised quickly ahead of the wider procurement due to commence next year.

10. CONSULTATION

The proposal to vary the Virgin Care contract in the manner described has been discussed and agreed in principle at the council's contracts panel and the Local Commissioning Group in May this year. It has been discussed and agreed at the council's SLT. In addition, the proposal is being submitted for discussion and agreement at the CCG accounts committee.

The Council's Section 151 officer and Council's Monitoring Officer have both been consulted and cleared this paper.

Contact person	Debbie Forward 01225 395305
Background papers	None
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