

Single Member Cabinet Decision

Executive
Forward Plan
Reference

EE317

Variation to the Virgin Care contract to enable the expansion of the Supported Living Service for People with Learning Disabilities

Decision maker/s	Cllr Alison Born Cabinet Member for Adults and Housing
The Issue	<p>We have statutory responsibilities under the Care Act 2014 ensure there is provision to meet unmet eligible care needs of vulnerable adults. Currently for adults with a learning disability this is either through:</p> <ul style="list-style-type: none">• 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). <p>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. 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. 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.</p>
Decision Date	Not before 18 th October 2021
The decision	<p>The Cabinet Member agrees to vary the Virgin Care Block contract to expand the Supported Living Service for people with a learning disability in two ways:</p> <p>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.</p> <p>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</p>

	<p>/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.</p>
<p>Rationale for decision</p>	<p>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.</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>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</p>

carers as part this process.

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.

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.

The Supported Living Service is registered with the Care Quality Commission as a domiciliary care provider. There is 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.

Financial and budget implications

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.

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.

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

	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.
Issues considered	Social Inclusion; Customer Focus; Equality (age, race, disability, religion/belief, gender, sexual orientation); Human Rights; Other Legal Considerations
Consultation undertaken	Cabinet colleagues Other B&NES Services; Section 151 Finance Officer; Chief Executive; Monitoring Officer
How consultation was carried out	Council's Contracts Panel, the local Commissioning Group, Senior Leadership Team and lead member briefings.
Other options considered	<p>Three options for increasing capacity urgently in the market have been considered:</p> <ul style="list-style-type: none"> • 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.
Declaration of interest by Cabinet Member(s) for decision:	{State the nature of interest and whether interest is a disclosable pecuniary interest or an 'other' interest, including any conflict of interest, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests). Cabinet Members must not make any Single Member Decisions in relation to a matter affecting their own ward. Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer, or a member of their staff, before taking the decision. If there is no interest then put 'none'}
Any conflict of interest declared by anyone who is consulted by a Member taking the decision:	

Name and Signature of Decision Maker/s	 Cllr Alison Born Cabinet Member for Adults and Council House Building
Date of Signature	21.10.21
Subject to Call-in until 5 Working days have elapsed following publication of the decision	