



Author/Lead Officer of Report: (Joe Horobin/Richard Parrott)

Tel: (27 34282)

Report of: *Executive Director, People Services*

Report to: *Cabinet*

Date of Decision: *16 January 2019*

Subject: *Enhanced Supported Living Framework: people with a learning disability and/or autism who display behaviour that challenges*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
- Expenditure and/or savings over £500,000		<input checked="" type="checkbox"/>		
- Affects 2 or more Wards		<input type="checkbox"/>		
Which Cabinet Member Portfolio does this relate to? <i>Health and Social Care</i>				
Which Scrutiny and Policy Development Committee does this relate to? <i>Cabinet</i>				
Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? 84				

Does the report contain confidential or exempt information?

Yes

No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*“The (**report/appendix**) is not for publication because it contains exempt information under Paragraph (**insert relevant paragraph number**) of Schedule 12A of the Local Government Act 1972 (as amended).”*

Purpose of Report:

The report proposes the provision of Enhanced Supported Living Framework for people with a learning disability and/or autism who display behaviour that challenges.

Recommendations:

That Cabinet

- i. Approves the provision of supported living services for people with a learning disability and/or autism who display behaviour that challenges (“**Enhanced Supported Living Services**”) in order to provide positive outcomes and sustainable quality at best value for the people of Sheffield; and
- ii. Delegates authority to the Director of Adult Services in consultation with the Director of Finance and Commercial Services and also the Director of Legal and Governance:
 - a. to decide the procurement strategy for Enhanced Supported Living Services;
 - b. to negotiate and agree the invitation to tender documentation including the terms of the framework contract and any call-off contracts in respect of the Enhanced Supported Living Services;
 - c. to award the framework contracts to the successful services providers chosen by the Council;
 - d. to take all other necessary steps not covered by existing delegations to achieve the outcomes outlined in this report.
- iii. Notes that the Council may call off services from the Enhanced Supported Living Services framework on behalf of Sheffield CCG as described in paragraph 1.20 below; and delegates authority to the Director of Adult Services, in consultation with the Director of Finance and Commercial Services and also the Director of Legal and Governance, to approve the terms of the arrangement with Sheffield CCG and also take all other necessary steps in order to minimise the Council’s risks in such arrangement.

Background Papers:*(Insert details of any background papers used in the compilation of the report.)*

Lead Officer to complete:-			
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.		
	Finance: <i>Sam Dunker</i>		
	Legal: <i>Rachel Ma</i>		
	Equalities: <i>Ed Sexton</i>		
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>			
2	EMT member who approved submission: <i>Jayne Ludlam</i>		
3	Cabinet Member consulted: <i>Jackie Drayton</i>		
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.		
	<table border="1"> <tr> <td>Lead Officer Name: Joe Horobin <i>Richard Parrott</i></td> <td>Job Title: Head of Commissioning <i>Commissioning Manager, People Portfolio</i></td> </tr> </table>	Lead Officer Name: Joe Horobin <i>Richard Parrott</i>	Job Title: Head of Commissioning <i>Commissioning Manager, People Portfolio</i>
Lead Officer Name: Joe Horobin <i>Richard Parrott</i>	Job Title: Head of Commissioning <i>Commissioning Manager, People Portfolio</i>		
	Date: 12 December 2019		

1. PROPOSAL

- 1.1. “Children, young people and adults with a learning disability and/or autism who display behaviour that challenges, including those with a mental health condition, have the right to the same opportunities as anyone else to live satisfying and valued lives and, to be treated with the same dignity and respect. They should have a home in their community, be able to develop and maintain relationships and get the support they need to live a healthy, safe and fulfilling life”¹.
- 1.2. This report proposes Sheffield City Council (“**the Council**”) to issue an invitation to tender for an Enhanced Supported Living framework for people with a learning disability and/or autism who display behaviour that challenges. This will contain the Council’s vision and aspirations for community-based support along with technical instructions to providers, specifications for services and evaluation methodology.
- 1.3. The proposal is that the Enhanced Supported Living Framework will be available to young people with learning disabilities aged 16 and 17 in addition to working age and older adults.

The Transforming Care Programme

- 1.4. Following the Winterbourne View scandal in 2011 the Government introduced the Transforming Care programme. This aims to improve health, care and support services so that people with a learning disability and/or autism who display behaviour that challenges can move from more restrictive or institutional settings and live in the community with the right support. The right support in the community will also mean fewer people will need to go into hospital for their care.
- 1.5. Sheffield’s Transforming Care programme is delivered in partnership between the Council, Sheffield Clinical Commissioning Group (“**Sheffield CCG**”), Sheffield Health and Social Care Trust and representatives of people who use services and family carers. We are members of a sub-regional partnership (the ‘footprint’) that includes Rotherham, Doncaster and North Lincolnshire Councils, CCGs and NHS Provider Trusts.

NHS England has set challenging performance targets for all ‘footprint’ areas to reduce the number of in-patient beds and increase community-based support: this includes Residential Care and Supported Living services.
- 1.6. Since the start of the Transforming Care programme, approximately 48 people have moved from hospital to community settings. There are currently 18 Sheffield people still living in some form of hospital/restrictive setting local community-based housing and support over the next three to five years.

A larger number of people who display behaviour that challenges live in residential and nursing care services outside Sheffield, and may wish to return to the city if the right support was available locally. A number of others are at risk of hospital

¹ “Supporting people with a learning disability and/or autism who display behaviour that challenges, including those with a mental health condition”. Service model for commissioners of health and social care services: LGA, ADASS and NHS England, October 2015

admission unless there is more resilient support available in their communities.

There is also a small number of children young people with learning disabilities (aged 16 and 17) who are moving into adulthood, who display behaviour that challenges, and who need to move on from the family home or from 24/7 high cost out of city education and care services.

We estimate that in total up to 20 people may be in need of resilient local Supported Living services to help them live in the least restrictive settings in Sheffield over the next three years.

- 1.7. In addition to displaying behaviour that challenges, people in the Transforming Care group of individuals may also
- have complex histories (including ‘forensic’ and/or offending histories) and risky behaviours;
 - have spent a long time in secure hospital or other restrictive / institutionalised settings;
 - be living in other restrictive and/or high cost settings including out of city settings;
 - be at risk of admission to hospital, or breakdown in their current support;
 - have complex sensory needs arising from autism.

- 1.8. Supported living is widely seen as the model of choice for accommodation and support for people with learning disabilities who do not live with their families, offering security of tenancy, increased disposable income and choice of where to live and who to live with. This has been set out in national policy and guidance from Valuing People (2001) to NICE Guidance (March 2018).

- 1.9. There is however a gap in local community-based support for people who display behaviour that challenges, including people with forensic or offending histories, who are living in some form of hospital/restrictive setting and who need to move back to Sheffield. This means that some people in the Transforming Care cohort have moved from hospital settings to out of city residential care services.

In addition, this gap in the market limits opportunities for people with learning disabilities who live in out of city residential care services to return to Sheffield if that is what they wish to do. It also limits our ability to prevent hospital admission and placements in restrictive out of city services.

- 1.10. Clinical Commissioning Groups (“CCG”) in the Yorkshire and Humber region are procuring a ‘regional enhanced community living framework’. This will be in place in January 2019. The regional specification, outcomes framework and associated pricing structure has been developed with the intention of supporting individuals who have been the most challenging to support in the community within the Transforming Care cohort. Providers on this framework will operate over the whole of each of the sub-regional ‘footprint’ areas.

We have worked with the CCG’s regional team over the last year and we have helped shape each other’s work. Whilst the CCG’s regional framework will be a helpful addition to the local market, our analysis is that we nevertheless require an enhanced Supported Living framework for Sheffield.

Details on the local market and the reasons for developing a Sheffield enhanced

framework are provided in the following sections.

Supported Living in Sheffield

1.11. In September 2014 the Council established its first Supported Living Framework (“**the 2014 Framework**”). This increased the number of Supported Living providers in Sheffield, helping to significantly increase in the number of people living in Supported Living settings and reduce the number living in residential and nursing care. Our evaluation has identified real improvements outcomes for the people supported.

1.12. The hourly rates in the 2014 Supported Living Framework were ‘market led’, and were structured into price bands that included ‘Core’ and ‘Enhanced’ level services. The hourly rates were ‘market led: the Core service had a range of £12.23 to £13.99 per hour and the Enhanced had a range of £12.29 to £14.99.

It had been intended that the Enhanced Supported Living Services would support people with more intensive support needs including people who display behaviour that challenges. In practice, the Enhanced Supported Living Service was rarely deployed, and none of the Framework providers were able to support the small number of people with the most challenging behaviour or forensic histories of those in the Transforming Care cohort.

1.13. The 2014 Framework expired in September 2017. The Council carried out a joint tender for a new Home Care and Supported Living framework, implemented in October 2017 (“**the 2017 Framework**”). In December 2017 we re-opened the framework and have further increased the number of Supported Living providers in Sheffield.

1.14. The 2017 Framework is a contract without guarantee of business, with service contracts called-off for individuals as required. It is a 24 hour city wide arrangement, currently supporting approximately 600 people with an annual spend of approximately £22.708 million.

1.15. The 2017 Framework introduced a single pricing structure for Home Care and Supported Living: this represented a fee increase for all Supported Living providers on the Council’s framework. The rates vary geographically to reflect different travel times between visits, with a discounted rate for Supported Living ‘schemes’ where travel time is not a factor. The 2018/19 discounted Supported Living scheme rate is £15.07 per hour.

1.16. The new fixed rates removed the distinction between “Core” and “Enhanced” Supported Living services.

Under the 2017 Framework, the current Supported Living framework specification and prices do not reflect the costs of the additional support needs of people with a learning disability and/or autism who display behaviour that challenges, or with forensic or offending histories.

As a result people moving on from hospital and other restrictive settings do not have sufficient choice of local supported living services. A small number of people are supported in Sheffield by supported living providers who are not on the current Framework. This includes people with a learning disability who display behaviour that challenges, some of whom have moved to Supported Living from hospital settings. These arrangements are funded by either direct payments or Sheffield

CCG.

All these providers outside the 2017 Framework are registered with the Care Quality Commission and, in other words, they are not included in the Council's quality management processes.

- 1.17. Enhanced Supported Living Services for people who display behaviour that challenges must be highly resilient, able to provide intensive and skilled person centred support that is sustainable in the long term. Providers need to foster a culture of positive values, attitudes and ways of working, and build trust and resilience in their workforce.

Higher levels of 'non-contact' staff time are required, for training, reflective practice, staff supervision and team working. Higher ratios of management to front line staff are required, with strong and visible leadership. There is a need to retain experienced staff as part of the core team and to assist with the development of less experienced staff.

In particular, there needs to be an emphasis on consistent application of 'Positive Behaviour Support' (PBS) - a national standard in supporting people who display behaviours that challenge. PBS is based on the understanding that challenging behaviours are learned, and so are open to change.

- 1.18. It is envisaged that over time, people supported on the Enhanced Supported Living framework will gain the skills, confidence and independence that enable

- their required level of 'paid for' support to reduce;
- their support to move from the Enhanced Framework to the standard Supported Living Framework.

- 1.19. Access to the Enhanced Supported Living Framework will be managed through a senior management process.

- 1.20. The Council will procure the Enhanced Supported Living Framework Contract. Where the Council considers appropriate and where it is necessary upon Sheffield CCG's request (for instance where individuals are fully eligible for Continuing Healthcare funding), the Council may Call Off certain services from the Framework on behalf of Sheffield CCG. Most of these will be services that are jointly funded by the Council and NHS Continuing Healthcare ("CHC") but some are fully funded by CHC. The Council will recharge Sheffield CCG for any service purchased.

Procurement

- 1.21. Invitation to tender the new framework for the provision of Enhanced Supported Living Services will be carried out in January 2019, with a start date for the framework in April 2019, both subject to the Cabinet's approval of this report.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1. The proposal will contribute to the Better Health and Wellbeing ambition, specifically by helping make sure people who display behaviours that challenge, who are currently excluded from community life, can access the right care and support to live a life like anyone else at home and in the community.

- 2.2. The proposals in this report will:
- Support resilient enhanced Supported Living services in Sheffield.
 - Allow providers to appropriately reward and support frontline care workers.
 - Enable providers and commissioners to move towards more person-centred and outcome-focussed support for people who display behaviours that challenge.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1. Members of the Sheffield Transforming Care Steering Group have been closely involved in developing, and are fully supportive of, this framework. The group includes officers from the Council, Sheffield CCG, Sheffield Health and Social Care Trust and representatives of people who use services and family carers.
- 3.2. ‘Speak up Rotherham’ who facilitate co-production work for our Transforming Care footprint held a workshop in Sheffield in October 2017 where people with learning disabilities and their families shared their experiences and aspirations for housing and support.
- 3.3. The Enhanced Supported Living Services’ specification builds on the specification for the 2017 Home Care and Supported Living specification, which was based on extensive consultation that highlighted a mixture of positive feedback and areas for further development.
- The Enhanced Supported Living Services’ specification is also closely informed by the national Transforming Care programme and ‘Building the Right Support’ documentation, production of which included co-production with people with learning disabilities and their families.
- 3.4. In January 2018 we held a workshop with organisations that provide Supported Living services to people who display behaviours that challenge. This has informed and shaped the additional requirements in the Enhanced Supported Living Framework.
- 3.5. In August 2018 we carried out a ‘soft market test’ with Supported Living providers seeking feedback on the additional costs of delivering support to people who display behaviours that challenge, and what contributed to these.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

Equality of Opportunity Implications

- 4.1. The proposals are designed to improve the resilience, availability and quality of Supported Living delivered to people who display behaviours that challenge. The resulting improvements will not impact disproportionately on any section of the population of people who require care and support.
- 4.2. Equality Impact Assessment 84 has been completed and is summarised below:
- These Supported Living services aim to achieve better outcomes for people with learning disabilities and/or autism who display behaviours that challenge. Contracts for the provision of Enhanced Supported Living Services will have a positive impact for people using the services and their carers because

- The Framework will offer a real choice of supported living options that meets people's needs and aspirations, receiving support in the least restrictive settings that meets their needs. This will enable them to overcome barriers to full participation in their local community.
- Different models of co-production / collaboration will be used in the procurement of complex needs support involving the individuals and their families and / or circles of support/advocates. This will ensure people have a voice and their individual needs are considered as part of the assessment of needs and support planning of their future care and support services.
- The Framework will ensure people are supported to live in neighbourhoods where they will be supported to have a connection and feel part of their local community, and where they feel safe and welcome.

Financial and Commercial Implications

- 4.3. Low pay remains a challenge to the sustainability and quality of the care sector. The Council remains committed to introducing the Foundation Living Wage across all contracts. A separate piece of work is underway to determine the costs associated with this and how this can be achieved.
- 4.4. The additional requirements set out in 1.17 above mean that resilient and sustainable Enhanced Supported Living services incur higher costs than standard Supported Living services.
- 4.5. Nevertheless, Supported Living for people who display behaviours that challenge is cost effective when compared to Residential Care. In Supported Living the tenant pays their accommodation and daily living costs through their own income, normally their benefits. Many higher cost Residential Care providers have high accommodation costs, often several times the rents in Supported Living tenancies. Many higher cost Residential Care providers also charge significant organisational costs, in some cases over £1,000 per person per week, to cover Head Office and Return on Capital costs.
- 4.6. In August 2018 we carried out a 'soft market test' where we asked providers to identify the additional costs arising from an enhanced service. This will be used to inform decisions on prices for the Enhanced Framework.
- 4.7. The Regional Enhanced Community Living Framework was tendered for on the basis of a three price based on a floor/ceiling model of £18.50 to £23.00 per hour. The high ceiling reflects the higher costs of social care in parts of the Yorkshire and Humber region. Our proposed hourly rate, at the low end of the regional framework, is in line with feedback from several other Local Authorities in the Yorkshire and Humber region.
- 4.8. The proposed Enhanced Supported Living Framework for Sheffield will be a four year Framework.
- 4.9. We anticipate the annual spend in year one of the Framework will be approximately £3m, with an additional spend in subsequent years of approximately £1.5m. This figure is illustrative, modelled on anticipated numbers of individuals, levels of support and price. A significant proportion of this anticipated spend will be replacing existing spend on high cost residential care packages rather than new spend. The

total cumulative value of the Framework contracts for the Enhanced Supported Living Services for the four years will be approximately between £15m and £20m.

Legal Implications

- 4.10. The Council has a duty to meet the eligible needs. One way in which the Council can fulfil this duty is through Council arranged services.

Council arranged services can be directly provided “in-house” or through external providers who are appointed by the Council to provide such services on the Council’s behalf.

Under the Care Act 2014, the Council, as a local authority, must exercise its functions with a view to ensure that service users

- receive services that prevent their care needs from becoming more serious, or delay the impact of their needs;
- can get the information and advice they need to make good decisions about care and support;
- have a range of provision of high quality, appropriate services to choose from.

- 4.11. Supported Living Services are core elements of the local offer of services that support people in their communities. One way of procuring a range of external providers that can meet the varied needs of service users is via a framework agreement.

To undertake a tendering process for the Enhanced Supported Living Services framework, the Council must fully comply with the Public Contracts Regulations and also the Council’s internal Contracts Standing Orders and any other governance.

- 4.12. The European Convention on Human Rights requires local authorities to take into account their ‘positive obligations’ to actively promote and protect the rights of people as described in the Convention and maintains that providers of publically funded care should consider themselves bound by the HRA.

- 4.13. It is understood that Sheffield CCG may purchase from the Enhanced Supported Living Framework. If that is the case, the Council may call off the framework on behalf of Sheffield CCG. Officers in charge of the Enhanced Supported Living Framework will put appropriate arrangements in place between the Council and CCG in order to clearly identify each party’s obligations.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1. Option 1 – Regional Care Options

Without an Enhanced Supported Living Services, we would

- continue to rely on residential care options, which would limit individual choice and outcomes and can be more costly than Supported Living
- be limited to the regional enhanced community living framework for supported living options

- 5.2. Option 2 – Regional framework

We have appraised the option of using only the regional enhanced community living

framework and consider there are significant benefits in having our own local enhanced framework.

The Regional framework focuses exclusively on the Transforming Care cohort, whereas a local framework can be wider i.e. include prevention, return from out of city residential care, help with transition and other complex needs.

A local framework

- will facilitate smoother transition from an enhanced service to the standard framework where the same organisation provides both
- will allow small local organisations with local community-based networks who do not wish to bid to be on the wider regional framework to support people who display behaviours that challenge
- can be re-opened our discretion, offering more local control over the market
- allow closer control over price
- builds on the local framework and relationships
- builds on success of local standard framework

6. REASONS FOR RECOMMENDATIONS

6.1. There is a gap in the local market for community-based support for people with learning disabilities and/or autism who display behaviours that challenge. Without an Enhanced Supported Living Framework we would

- continue to rely on residential care options, including out of city services, which would limit individual choice and outcomes and can be more costly than Supported Living, and
- be limited to the regional enhanced community living framework for supported living options.

6.2. The proposed local Enhanced Supported Living Framework will also

- provide new options for children and young people who display behaviours that challenge to have local community-based support
- enable strong local partnership working with selected providers to continually develop and improve
- enable robust local monitoring of the quality of support for highly vulnerable individuals
- facilitate transition from Enhanced to standard Supported Living services

6.3. The proposed local Enhanced Supported Living Framework will allow Sheffield to secure good quality, resilient community-based support that guarantees best value for the city.

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