

Cabinet – 20 July 2022

Provision of Adult Social Care Service for Supported Living - Spot Contracts

Portfolio: Councillor Keir Pedley

Related portfolios:

Service: Adult Social Care

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1. The report seeks Cabinet approval to award Spot contracts to the three non-contracted Supported Living Providers who are not on the Supported Living Framework. The three providers are providing complex care packages to individuals due to the providers on the Supported Living Framework who are unable to meet the complexity of these packages of care, and additional spot purchase contracts that may be spot purchased in the future.
- 1.2. The Spot Supported Living contracts are aligned with the Supported Living Framework end date of 26 January 2023 with two 12 months optional extension periods to 26 January 2025. This will ensure that the Council is able to address packages that are complex and that it continues to have services to comply with its statutory obligations.
- 1.3 The recommendation of this report will ensure that the Council is compliant with its responsibilities under the Care Act 2014

2. Summary

- 2.1 Additional spot purchase non contracted providers have been used to provide complex care packages when the providers on the Supported Living Framework due to the complexity of the care packages are unable to meet. There is a need to award the three non-contracted providers with a Spot contract and any further additional Supported Living Provider who may need to be spot purchased due to Providers on the Supported Living Framework being unable to meet the complexity and capacity of the care packages.
- 2.2 This is a key decision because it exceeds the threshold for “significant” expenditure of £500,000.

- 2.3 One of the key areas of focus in the Council Plan 2022 -2025 for People is to:
- encourage our residents to lead more activity fulfilling lives
 - to maintain or improve their health and wellbeing.

3. **Recommendations**

- 3.1 That Cabinet approves the awarding of Spot contracts to the three non-contracted Supported Living providers identified in this report to 26 January 2023 with two 12 months optional extension periods to 26 January 2025, to ensure the Council is able to address complexity care packages and comply with its statutory obligations.
- 3.2 That Cabinet delegates authority to the Director of Adult Social Care in consultation with the Portfolio Holder for Adult Social Care, to award additional Spot contracts to non-contracted for Supported Living providers to 26 January 2023 with two 12 months optional periods to 26 January 2025, to ensure the Council is able to address capacity issues in the market and comply with its statutory obligations.
- 3.3 That Cabinet delegate's authority to the Executive Director of Adult Social Care Public Health and Hub to subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents for such services as identified above.
- 3.4 That Cabinet delegate authority to the Executive Director for Adult Social Care Public Health and Hub, in consultation with the Portfolio Holder for Adult Social Care, to authorise any variations to the contractual arrangements or other related documents for such services should this be required throughout the duration of the Supported Living Framework and the Spot contract arrangements.

4. **Report detail – know**

Context

Supported Living

- 4.1. The Care Act 2014 set out the Council's duty to meet the care and support needs of people who are determined to have eligible needs in accordance with the criteria set out within the Act. Local Authorities must promote wellbeing when carrying out care and support and prevent, reduce or delay the onset of need and support the person to be independent as possible.
- 4.2. The Council performs its responsibilities through a procured Supported Living Framework from which it can call off work to deliver complex care and support to those who have been assessed as needing care by the Council.
- 4.3. The Council has had to go outside of the Supported Living Framework and spot purchase complex care packages with providers to be able to meet individual needs as providers on the Supported Living Framework are unable to meet the complex packages that is required to support the individual.

- 4.4. The table below shows the current number of non-contracted providers that have been used to spot purchase complex care packages and their rates.

Provider	Hourly rate 2021/2022 Day Support	Hourly rate 2022/2023 Day Support	Hourly Rate 2021/2022 Waking Night	Hourly Rate 2022/2023 Waking Night	Hourly Rate 2022/2023 Sleeping Night	Disturbed Night	Hourly Rate 2022/2023 Sleeping Nights
AMG Nursing	£15.94	£15.94	£15.94	£15.94	N/A		N/A
Seco Support		£20.00		£20.00			
The Sandwell Community Caring Trust		£16.50		£16.50		£41.42	

- 4.5. As a result of the issue set out in the above paragraph and table showing the three non-contracted Supported Living Providers that we are currently using who are able to meet the complexity of the to meet the complex care packages, that providers on the Supported Living Framework are unable to provide.
- 4.6. There is a need to award Spot contracts to the three above providers and any additional Supported Living providers within the market that may need to be spot purchased if providers on the Supported Living Framework are unable to provide the complex care package. This is in order to ensure continuity of service provision.

Our Walsall Plan

- 4.7. This service meets the Key areas of focus for People in our Walsall Plan for 'People' - Encourage our residents to be active fulfilling lives and independent lives to maintain or improve their health and wellbeing. People have increased independence, improved health and can positively contribute to their communities.

Outcomes	Markers of Success
3. People can access support in their community to keep safe and well and remain independent at home	5. People are supported to build on their strengths and those in their communities to maintain and/or maximise their independence. 6. People feel safe in their home and community.
4. People are supported to maintain or improve their health, wellbeing and quality of life	7. People know how to maintain or improve their health and wellbeing and get timely support for this, where required.

	8. People can access timely social care support and reablement to prevent a hospital admission or facilitate a timely discharge
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4.8. All the above Key areas of focus for People are supported by this approach in these extraordinary circumstances.

Risk management

4.9. The Supported Living Spot contract will ensure that the Council is compliant with the Public Contracts Regulations 2015 (as amended), its Contract Rules and able to respond compliantly to demands in the marketplace and meet statutory duties until the new Supported Living Frameworks are in place.

4.10. Risks will also be managed as we will only be going outside of the Supported Living Framework in specific circumstances where the Supported Living Providers are unable to meet the complexity of the care packages. Due diligence checks will be undertaken with the spot provider

Financial implications

4.11. Any expenditure relating to the usage of these 3 additional spot contracts and any further spot contracts added to the framework will be funded from within the existing Supported Living budget of £14.52m.

Legal implications

4.12. Legal Services will work with the Procurement Team to comply with all applicable legal requirements, in particular the Public Contracts Regulations 2015 (as amended) and to minimise any risk associated with having to comply with regulation 72 of the 2015 Regulations in circumstances where any of the individual contracts that exceed, or will be likely to exceed, the light touch regime threshold for contract life value of £663,540 (inclusive of VAT).

Procurement Implications/Social Value

4.13. All procurement activity will be conducted in accordance with the Public Contracts Regulations 2015 (as amended), the Council's Contract Rules and the Social Value Policy. Procurement and Legal Services will coordinate to ensure that there is consistency of advice and approach.

Property implications

4.14. There are no property implications arising out of this report.

Health and wellbeing implications

4.15. Continuing to commission these services will enable the Council to promote independence, choice and control for adults and their families. It also links and contributes to the Council's corporate priorities referred to in section 4.7 of this report.

- 4.16. The principles and actions contained within this report are in full accordance with the Marmot objectives because service users will have increased independence, improved health and can positively contribute to their communities in a safe and healthy way.

Staffing implications

- 4.17. There are no staffing implications arising out of this report.

Reducing Inequalities

- 4.18. The implications for reducing inequalities have been taken into account and assessed as set out below:
- i. Consideration has been given to the Council's responsibility under the Equality Act 2010; and
 - ii. The Council's duty to meet people's eligible needs will remain the same following the award of the new contracts for the Services.
- 4.19. An Equality Impact Assessment (EqIA) has not been undertaken at this time as there is no change to the service.

Climate Change

- 4.20. This is not applicable for this service.

Consultation

- 4.21. A public consultation was not undertaken, as there is no change to the current service.

5. Decide

- 5.1 There was no other option to consider but to ensure that the three non- contracted Supported Living providers are awarded a Spot contract as providers are being used to purchase spot complex packages without a contract being in place and this is putting the Council at risk.
- 5.2 Cabinet is requested to consider the content of this report and to agree the recommendations as outlined in section 3.

6. Respond

- 6.1 Subject to Cabinet approval of the recommendations, Adult Social Care will work with corporate colleagues to:
- Progress the contract award of spot contracts to non-contracted Supported Living Providers who are outside of the Supported Living Framework to

manage complexity care packages and ensure the Council meets in statutory obligations.

7 Review

7.1 Once awarded and fully commissioned, the spot contracts will be reviewed in line with our contract management and individual support plan review process.

Background papers

None

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Adult Social Care, Public Health and Hub
11 July 2022



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