

Commissioning and Procurement Executive Committee - 12 September 2023

Subject:	Planned respite service for working age adults with a learning disability and autism		
Corporate Director:	Catherine Underwood – Corporate Director for People		
Director:	Katy Ball – Director for Commissioning and Partnerships		
Portfolio Holder:	Councillor Woodings – Adult Social Care and Health		
Report author and contact details:	Claire Labdon-West Claire.labdon-west@nottinghamcity.gov.uk		
Other colleagues who have provided input:	Charlotte Dodds, Commissioning Lead Officer Jo Pettifor, Category Manager, People		
Key Decision	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Subject to call-in
			<input checked="" type="checkbox"/> Yes
			<input type="checkbox"/> No
Reasons:	<input checked="" type="checkbox"/> Expenditure	<input type="checkbox"/> Income	<input type="checkbox"/> Savings of £750,000 or more
taking account of the overall impact of the decision			<input checked="" type="checkbox"/> Revenue
			<input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input checked="" type="checkbox"/> Yes
			<input type="checkbox"/> No
Type of expenditure:	<input checked="" type="checkbox"/> Revenue	<input type="checkbox"/> Capital	
If Capital, provide the date considered by Capital Board			
Date:			
Total value of the decision:	£980,620.16 over two years		
Wards affected:	all		
Date of consultation with Portfolio Holder:	1 st September 2023		
Relevant Council Plan Key Outcome:			
Green, Clean and Connected Communities	<input type="checkbox"/>		
Keeping Nottingham Working	<input type="checkbox"/>		
Carbon Neutral by 2028	<input type="checkbox"/>		
Safer Nottingham	<input type="checkbox"/>		
Child-Friendly Nottingham	<input type="checkbox"/>		
Living Well in our Communities	<input checked="" type="checkbox"/>		
Keeping Nottingham Moving	<input type="checkbox"/>		
Improve the City Centre	<input type="checkbox"/>		
Better Housing	<input type="checkbox"/>		
Serving People Well	<input type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
<p>This report seeks permission to run a competitive call-off from the Nottingham City Council Residential and Nursing accreditation for a planned respite service for working age adults with a learning disability and autism. This service will offer planned respite for citizens who have an assessed need for this under the Care Act.</p> <p>This arrangement will ensure that citizens are able to have planned access to respite and enable Nottingham City Council to meet its statutory duties, whilst also ensuring that Best Value is achieved.</p>			
Exempt information:	None.		
Recommendations:			
1	To approve the spend of up to £980,620.16 on a planned respite service for citizens with an assessed need under the Care Act 2014 over a contract period of two years.		

2 To delegate authority to the:

- (a) Director of Commissioning and Partnerships to approve the outcome of a competitive call-off under the accreditation contract for residential and nursing care.
- (b) Head of Personalisation, Quality and Contracting to sign the contract relating to the service.

1. Reasons for recommendations

- 1.1 Nottingham City Council has a legal duty to meet the need of citizens who have an assessed need for regular planned respite and under the Care Act 2014.
- 1.2 Approval is sought to conduct a competitive call off process from the existing residential and nursing contract to secure a minimum of 4 units of accommodation with support which will be available exclusively to Nottingham City Council for the purpose of delivering planned respite. The intention is to ensure that there is capacity to meet the demand for respite and ensure that Nottingham City Council is able to meet its statutory duty towards citizens who have eligible needs. To ensure this capacity it is recommended that a block purchasing arrangement should, if necessary, be utilised which will be determined from the responses to the competitive call off. Under a block purchasing arrangement the provider will not be able to utilise the units for any other purpose.
- 1.3 In addition to enabling Nottingham City Council to meet its statutory duty to provide planned respite where there is an assessed need, this provision will support carer resilience enabling citizens to remain at home and reducing the need for long term accommodation based support such as residential care or supported living. Placement breakdown often creates an emergency situation and can result in high cost placements which can be out of area depending on availability.
- 1.4 This arrangement will build on the success of the current service which has been in operation for the last 12 months. This arrangement has ended a significant period where planned respite has not been available to citizens and led to a number of households being at or near to crisis point.
- 1.5 A recent review of this provision has concluded that this service has been successful in delivering Best Value for citizens and has support from citizens and their families as well as colleagues within Adult Social Care who have been able to access this service.
- 1.6 The competitive call off process will build on the success of the current service to ensure that Nottingham City Council is maximising Best Value in terms of both the offer to citizens and the cost of the service. Providers will be asked to respond to the service requirements and scoring will be based on responses which focus on a combination of both quality and the cost of the offer.
- 1.7 It is recommended that the contract be awarded on a two year basis and that the service be monitored on a regular basis (minimum of monthly) to ensure that the service is performing effectively and appropriately utilised so that voids do not create a risk in terms of economic efficiency.

2. Background (including outcomes of consultation)

- 2.1 There has been a shortage of overnight respite provision for working age adults in Nottingham City since 2016 when the commissioned service provider made the decision to close. This led to a significant number of citizens who had an assessed need for planned respite not being able to access appropriate services. The main mechanism for securing respite was to purchase placements from the residential accreditation on an ad hoc basis and would be dependent on the availability at that time. Due to the lack of capacity for short term placements in this market, which was compounded by Covid, Nottingham City Council was not always able to meet its statutory duty effectively.

This situation led to the use of high cost short term residential placements which often had to exceed the required duration in order to make this desirable for providers. This also created an environment where a number of households who were assessed as requiring respite provision were unable to access it due to a lack of capacity, risking households going into crisis resulting in a placement breakdown and the need for long term care.

- 2.2 Colleagues from the Whole Life Disability (WLD) team were responsible for securing these ad hoc placements, which often meant spending significant periods of time contacting various providers to check availability. This made it challenging for respite to be planned in advance and was often provided in crisis situations.
- 2.3 There is an internal overnight respite service, Barkla Close which operates 3 units of accommodation, which reduced to 2 for a period due to Covid 19. This service is not specifically designed for citizens with a learning disability and there is currently a waiting time of several months to access this service. The current service has been able to support with reducing the waiting list for Barkla Close.
- 2.4 As of December 2022, there were around 30 families in need of respite who were at or were near crisis point with a significant risk of placement breakdown within the family home. There were an additional number of households who were waiting for respite but who had not yet reached crisis point.
- 2.5 This situation meant that ultimately Nottingham City Council was not fulfilling its statutory duty to a large number of households. At this time there were a number of complaints from families and carers of citizens who were unable to access respite provision.
- 2.6 There have been several attempts to fill this gap over the last 5 plus years, including commissioning another building based service and block purchasing a number of beds from the external market. None of the activity was sufficient to be able to meet the demand. In February 2022 all residential providers who were part of the Residential and Nursing Care accreditation and delivered services to citizens with a learning disability and / or autism were contacted to see if there was an appetite for them to deliver 6-8 units of accommodation which would be block purchased by Adult Social Care (ASC) for the use of planned respite. There was little initial response to this and the only provider who was able to pursue this option, did not have access to appropriate accommodation.
- 2.7 Following the EOI an opportunity arose to purchase 4 units of respite provision from a current residential provider. This was initially approved for a period of 12 weeks and permission was subsequently requested to extend this to a year which ends in 2023.
- 2.8 A review of this provision was completed in May 2023 which was the 6-month point of the service delivery. Citizens and their families and carers who had been able to access this service were contacted as part of this review.

The main findings of the review were as follows;

- The service has been effective in its core aim of enabling Nottingham City Council to meet its statutory duties. It has also achieved its aim of supporting carer resilience and all citizens who have accessed this service have remained at home with none requiring long term accommodation-based support.
- All citizens who had an assessed need for planned respite had been referred and all but 8 households have been able to access the provision. The service was unsuitable for a small number of citizens due to the shared nature of some elements of the building and the location of the service near to a busy road. Work to develop options for these citizens is discussed below.
- The target for utilisation is 90% which will ensure that voids are managed and not creating an economic risk to Nottingham City Council. This has steadily increased and now stands at 89% for August 2023.
- Feedback from citizens and their families was positive with families being able to have a break from their caring responsibilities without worrying about the welfare of the cared for person. Citizens have found this service to be a positive experience and enjoy the time they are there.
- The cost of this service provision is in line with regional comparator Local Authority areas. Many areas are struggling with respite provision for the same reasons that Nottingham City Council had been, and many are reliant on our previous model of purchasing residential placements on an ad hoc arrangement.
- The cost of this service is also inline with the internal Service at Barkla close, though is likely to be more economical when the capital costs of the building are accounted for.
- The provider controls the booking system for the service and liaises with families directly which takes this time-consuming task away from operational colleagues. This is a much more efficient use of Social Workers time as they are able to focus on other critical tasks.
- Colleagues have provided positive feedback on the service and have given examples of the impact that this has made on the lives of citizens, for example in one case the citizen was accessing 6 nights of respite per year and is now able to utilise their full entitlement of 50.
- The service delivers a number of functions within the cost of the service including;
 - Managing the booking system for around 300 admissions per year.
 - admission preparation which can be up to 10 hours for each of the 300 admissions.
 - Transition plans are developed where required which are costed in addition to the weekly fee in ordinary residential settings.
 - Repairs to damage caused by citizens which has been significant on occasion.
 - Transport to and from the service is included and to day services where it is deemed appropriate by ASC for this to continue.
 - Crisis management. The service has supported a small number of citizens in crisis situation where the alternative would have been a residential placement.

As part of the review it was also determined that in order to ensure that service efficiency was maximised, moving forward the provider would allocate a set number of weekends, mid-week and whole week breaks to households to ensure that utilisation was maximised.

- 2.9 As previously mentioned, there are a small number of citizens who are not able to access this provision. There is currently work underway with Nottinghamshire County Council and the Integrated Care Board to scope options for an enhanced service which is able to support citizens who require a self-contained environment and higher levels of staff intervention. This element will also be included in the planned competitive call off to determine whether or not this is deliverable by the market within the proposed model and budget.

3. Other options considered in making recommendations

- 3.1 Do nothing and continue to utilise placements called off on an individual basis from the residential accreditation. This was rejected as it has been established that this approach is not able to meet the needs of citizens and guarantee the capacity required for Nottingham City Council to meet its statutory duties.
- 3.2 Carry out a full tender process to incorporate providers outside of the residential and nursing accreditation contract. In order to deliver the service within the required timescale, the provider would need to be established with suitable accommodation and have the relevant CQC registrations. Respite provision is within the contract and this is the mechanism for bringing the service into the market within the required timescale.
- 3.3 Expand the internal provision of respite as an extension to Barkla Close. This option was being pursued prior to 2020 and a potential property was identified. The property was not a viable option and there is not an option to develop a property which would deliver immediate capacity. This option will be explored during the 2-year contract period of the service proposed in this report.

4. Consideration of Risk

- 4.1 There is a risk of the service being under utilised which means that the service will not be deliver value for money for NCC due to likely need for the block purchasing arrangement.

We will continue to monitor the service closely to ensure that the utilisation builds to 90% and remains there. Commissioning and the WLD have worked closely with the current provider to build referrals and ensure that all citizens who have an assessed need have been referred to the service. Refusals by the provider are closely monitored and scrutinised to ensure that they are reasonable.

Should utilisation fall we would consider the option of allowing other authorities such as Nottinghamshire County Council or the ICB to access the provision.

As with all Nottingham City contracts, the performance of the service will be monitored, and action taken to address performance concerns when required.

5. Best Value Considerations

- 5.1 Best Value has been considered at all stages. The current provision has been reviewed to determine Best Value and the competitive call off will build on this by ensuring that the following is tested:
- That Nottingham City Council has secured the best possible price for the provision of planned respite.
 - That Nottingham City Council has secured the maximum number of units within the established financial envelope.
 - Whether there is an option to work with a provider who does not require a block purchase arrangement but is still able to guarantee to capacity to Nottingham City Council.
 - Whether the needs of citizens with the requirement for completely self-contained accommodation are able to be met within the service.
 - That we have secured the best possible offer for citizens in terms of enablement, the promotion of independence and the objective of supporting citizens to remain with their families and reduce the need for emergency placements within long term care settings.
- 5.2 The provider will also be expected to continue to manage the booking system and the allocation of respite periods.
- 5.3 A number of Best Value reviews will take place including the internal respite provision at Barkla Close. As part of this review we will consider whether this internal offer should be expanded to include this planned respite service in the long term, or whether Best Value is achieved by purchasing this service from the market. There is currently not an option to deliver this internally within the required timescales.
- 5.4 Best Value will be monitored robustly throughout the life of this contract and action taken to address any concerns.
- 5.5 The service is currently close to being at capacity. Should this occur a decision will be made as to whether the capacity delivered is sufficient and what the appropriate action is to address this.
6. **Finance colleague comments (including implications and value for money/VAT)**
- 6.1 For reasons outlined by the report author, this decision seeks approval of expenditure of £980k over two years for a planned respite service for working age adults with a learning disability and autism. This service will offer planned respite for citizens who have an assessed need for this under the Care Act.
- 6.2 It is expected that this contract will start in December 2023 and will run in the following financial years: 2023/24 four months, 2024/25 twelve months and 2025/26 eight months.
- 6.3 This cost will be met from existing respite care budgets, incorporated within the Medium-term Financial Plan (MTFP).
- 6.4 This cost is not fully captured within current forecasts for external care provision within the in-year forecast position. This is because gross commitment data is adjusted based on the difference between actuals and commitments in prior

periods and there has historically been a low level of expenditure for this service due to a lack of provision. It is likely that the forecast will increase by the value of the contract for the relevant period. **If this decision is approved, the change in forecast principles for respite commissioned vs actual % will cause a further adverse movement in the Adults forecast outturn variance in 2023/24 as well as have knock on implications in 2024/25+ budgets.**

- 6.5 Actuals costs will need to be monitored to ensure they are correctly captured in the financial ledger and forecasts. The contract will also need to be closely managed to minimise voids and underutilisation of the service.
- 6.6 Any changes to that outlined in this decision will require further approval via the appropriate process.

Joanna Jenkins
Interim Senior Commercial Business Partner (Adult Social Care)
22/08/23

7. Legal colleague comments

- 7.1 In 2019 the Commissioning & Procurement Sub-Committee authorised the setting up an accreditation process for residential and nursing care services (see Commissioning & Procurement Sub-Committee report of 09/07/23), which fall within the light touch regime of the Public Contracts Regulations 2015. The proposal to undertake a competition from existing providers on the accreditation list to award a contract for 2 years for planned respite services as set out in the main body of this report, will be in accordance with the procedure for “call-offs” of such services and will enable the Council to meet its statutory duty under the Care Act 2014.

S O’Bradaigh, Senior Solicitor 22-08-23

8. Other relevant comments

8.1 Procurement colleague comments

This decision proposes the commissioning and procurement of a planned respite service for citizens with an assessed need under the Care Act 2014. The proposal arises from a successful pilot of this model of commissioning a block of respite beds and the service will enable the Council to meet its statutory duty and address the shortage of these beds. Best value will be secured by undertaking a competition between providers accredited to deliver residential and nursing services under the current accreditation contract. The Procurement Team will support to ensure a compliant process.

The value of this decision is understood to reflect the true anticipated cost of the service over the proposed contract period. This is understood to be based on current market information and making reasonable calculations to reflect inflation or other foreseeable impacts on cost. Any savings from this exercise will (if applicable) be allocated in respect of the Council's corporate savings target for procurement. Such savings will be calculated by deducting the actual contract value awarded from the approved budget.

Jo Pettifor, Category Manager, People - 7 August 2023

9. Crime and Disorder Implications (If Applicable)

9.1 N/A

10. Social value considerations (If Applicable)

10.1 The wellbeing of vulnerable adults with a learning disability and Autism. These services will also be procured with the requirement for providers to deliver additional social value. For example, recruiting local people, developing skills within the local communities and raising awareness of learning disabilities and autism with other professionals.

11. Regard to the NHS Constitution (If Applicable)

11.1 Local Authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making decisions relating to public health, functions we consider the NHS Constitution where appropriate and take into account how it can be applied in order to commission services to improve health and wellbeing.

12. Equality Impact Assessment (EIA)

12.1 Attached as appendix 1 and due regard will be given to any implications identified in it.

13. Data Protection Impact Assessment (DPIA)

13.1 This service is being delivered under the current Residential and Nursing Care accreditation. The Data Protection elements of this contract will be reviewed in line with this call off and amendments to the DPIA made if required.

14. Carbon Impact Assessment (CIA)

14.1 Has the carbon impact of the proposals in this report been assessed?

No

Yes

Attached as Appendix 2, and due regard will be given to any implications identified in it.

15. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

15.1 **NA**

16. Published documents referred to in this report

16.1 **NA**