

Decision Report - Executive Decision

Forward Plan Reference: FP/24/01/01

Decision Date – 31/01/2024

Key Decision – Yes

Confidential Information – No

Report Title

Executive Member(s): Lead Member for Adult Services

Local Member(s) and Division:

Lead Officer: Mel Lock – Executive Director, Adults and Health

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Summary / Background

1. The recommission of the current Learning Disabilities Supported Living Care contract at Eliot Court (Taunton) ensures that there is a contracted staff supporting people on site at all times. Eliot Court is a building of 12 self-contained flats, which benefit from having staff on site to meet people's assessed eligible needs and promote independence.
2. The current contract has ended with the provider declining an extension and providing notice, of which the term is due to end on 31st March 2024. Therefore, the procurement of a new provider is required.
3. The contract has a service specification which promotes outcome focused service delivery, promoting quality and effectiveness from the service. Supported Living is a type of care that is regulated by the Care Quality Commission that separates housing and care. Under this model an individual has a tenancy with a landlord (in this case LiveWest) and a there is a care provider based on site to provide shared care on a continuous basis.
4. Providers are required to complete a procurement tender process completing 5 questions around their quality of service delivery, which request examples and evidence of good practice to be provided. This process ensures that the Council only contracts with appropriate and high-quality providers and

alongside the specification documentation and standards of what providers have agreed and accepted to deliver and adhere by, should issues arise in future.

Recommendations

6. The Lead Member agrees
 - a. To approve the recommissioning of the Learning Disabilities Supported Living, shared hours contract at Eliot Court
 - b. To provide a delegation to the Service Director for Adults Commissioning to finalise details and award the contract to the successful bidder for an initial term of 60 months.
 - c. To provide a further delegation to the Service Director for Adults Commissioning to agree and implement any contract extension option within the terms of the original award.

Reasons for recommendations

7. The supported living scheme requires a contracted care provider to deliver the background / shared hours at the scheme, to ensure it is supported accommodation, promoting independence.
8. The current supported living accommodation at Eliot Court is working well and provides self-contained accommodation for people who may have highly complex needs or are working towards more independent living. This supported living scheme with staff on site at all times provides safety, mentoring and the promotion of reducing formal care and support as the background staff are present at all times.

Other options considered

9. No alternative options were considered. The current scheme works well and is in very high demand. Section 5 of the Care Act (2014) requires local authorities to shape and maintain an efficient and effective market of services for meeting care and support needs in the local area. This type of scheme at Eliot Court is arguably

one of our highest demand areas for Learning Disability resources in Somerset, therefore procuring a new provider was the only option considered.

Links to Council Plan and Medium-Term Financial Plan

10. The refinement, amendment and update of the existing service specification have allowed opportunity for this scheme to be brought inline with the new Somerset Council wider specifications and ethos including a focus on outcome focused, least restrictive support, promoting independence and exploring community options instead of formal funded care/support. This promotes the experience for individuals receiving support but also promotes value for money for Somerset Council.
11. The contract cost has been approved through the Somerset Council Commercial and Procurement Board and by the finance manager.

Financial and Risk Implications

12. This service is currently in operation, so this is not a new spend for Somerset Council, it is a recommission for a new care provider due to notice being provided by the current provider.
 - The cost of the shared hours for this service for the current financial year 2023/24 is £257,650 based on the existing volume of shared hours. This is the figure that has been put out as the maximum cost of the new procurement tender, for contract commencing 2024/25. This is therefore the same annual cost as budgeted for the service. This does not include any inflationary uplift(s), if applied and approved this would be an additional pressure on the existing budget.
 - The contract duration is an initial 5 year term, with an option to extend up to a further 5 years in increment of +2, +2, +1.
 - The annual cost would be expected to rise as a result of inflation during the lifetime of this contract. The primary driver is increases in the national living wage, and all increases would be agreed for this category of care as part of the annual Adult Social Care fees and charges decision making process.
 - These figures are solely for the shared / core hours of the scheme and do not take into account any individual support costs that are commissioned over and above this.
 - The new contract tender is to proceed with the current contract hourly figures to ensure value for money for Somerset Council and to remain equitable

across neighbouring and national figures paid for supported living services. The contract will be considered when wider inflationary uplifts are explored.

13.

Please enter risk description					
If a new provider is not procured for shared / background hours, this would result in individuals either requiring dedicated individual support, or no support at all. This reduces the promotion of independence and will likely result in an increased cost to Somerset Council.					
Likelihood	2	Impact	3	Risk Score	6
Shared / background support allows for staffing at all times shared across 12 people. Therefore offering a least restrictive and independence focused staffing model, subsequently reducing formal support and cost.					

Legal Implications

14. Legal services have been approached to commence work regarding ensuring the current terms and conditions are appropriate (existing T&C's from 2018), remain relevant and amendments made where appropriate to ensure they are effective for the duration of the contract.
15. The contract is to be awarded to one provider, following the procurement tender process.

HR Implications

16. No HR implications however legal services are ensuring the terms and conditions of the contract are appropriate.

Other Implications:

Equalities Implications

17. The contracted provider will need to be aware of the rights in which individuals hold as a tenant and ensure they, nor other parties / bodies cause issue with the tenanted rights, including around notice periods and referrals for new people moving in.
18. The contract service specification documents highlight the importance of being outcome-focused, person-centred, promoting independence and in line

with the Care Act 2014 principle, reducing and preventing the need for care and support.

19. The contract service specification promotes a significant positive impact on reducing health and social inequalities by supporting individuals to be as independent as possible, access universal services and to be part of their local community. This alongside having a tenancy in a community setting promotes the reduction of inequalities.
20. The appended Equalities Impact Assessment identifies potential negative impacts for protected groups receiving services within this contracted service. The mitigating actions comprise the recommissioning process to develop and deliver the tender and specification in the way described. These will be assessed in draft during ongoing engagement activity with individuals, carers, providers and colleagues.

Community Safety Implications

21. The decision is to procure a social care provider at a fixed location, which already exists therefore community safety implications are already assessed and mitigated. However, a new provider would be expected to complete their own assessments on how the scheme affects the local community and as/when tenants move in and out, how this may change the effect on community safety.
22. The contract service specifications has a focus on positive support providing independence focused, specialist support, supporting people to be valued and engaged with their community and work towards their life goals. This approach endeavours to provide dynamic support for the cohort of people who may present with anti-social behaviours or engage in criminal offences, resulting in reduced neighbourhood issues and crime rates.
23. The contract service specification promotes and emphasises collaborative working so all community initiatives can be included in joint working.

Climate Change and Sustainability Implications

24. This Decision does not have a direct climate sustainability impact, as it is to re-procure a provider to deliver shared support at a set location. The service specification encourages providers to be aware of their carbon footprint and promotes positive action. E.g.

- Providers will be expected to take conscious actions to address things such as the miles in which staff drive promoting shared and public transport.
 - Provider to link with the landlord to ensure the efficiency of the building and liaise with tenants in the building around their carbon footprints.
 - The contract is to deliver support within a Somerset Council social specialised supported housing option, which allows us to work collaboratively to forecast appropriately for the future to ensure sustainable housing promises are met.
25. As above, the shared support contract promotes and encourages local support and recruitment. As part of contract reviews, this can be discussed to explore how the provider is running their business sustainably.
26. There is no direct impact on local planning and development as the building exists. However, the high demand for this accommodation can be used to evidence and inform future planning and developments for social and specialised supported housing in Somerset.

Health and Safety Implications

27. Health and safety for individuals living in the building at Eliot Court and the staff working in the building, will be risk assessed, reviewed and monitored by the contracted care provider alongside the social landlord. The landlord is responsible for all building based risks and the care provider is required to ensure risks including evacuation plans are managed as well as reporting issues and faults to the landlord, through weekly / monthly checks.

Health and Wellbeing Implications

28. The recommissioning of a shared / background support, has a significant positive impact on the health and wellbeing of the current tenants and potential future tenants at Eliot Court. Having this support in place promotes effective and appropriate care and support services, promoting independence and the reduction of individual 1:1 support. The contracted shared support promotes independence and;
- Will have a significant positive impact on preventing ill-health (physical and mental health). The contract and service specification ethos stresses the importance of being outcome-focused, promoting independence and in line with the Care Act 2014 principle, reducing and preventing the need for care and support.

29. The positive impacts stated above will be most effective for certain population groups including (but not limited to); adults with a learning disability, adults with autism, adults with physical disabilities (and learning disability) and adults with profound and multiple learning disabilities.

Social Value

30. [SCC - Public - Social Value Policy.pdf](#)
31. Social value is at the heart of the services provided through this contract and this will continue with the new contract when this commences in 2024.

The following Priority areas are relevant to this service:

- Developing employment, skills and training opportunities, particularly for hard-to-reach/disabled/target groups
- Improving health and wellbeing, maintaining independence and reducing inequalities of local residents and employees
- Helping build community capacity and playing an active role in the local community, especially in those areas and communities with the greatest need
- Reducing air pollution, particularly in urban areas

Scrutiny comments / recommendations:

32. The proposed decision has been reviewed by the Chair of the Scrutiny Committee - Adults and Health.

Background

33. Eliot Court was a brand-new development of 12 self-contained flats, built specifically for adults with learning disabilities in 2018. It has operated as supported living accommodation with LiveWest as the specialist supported housing landlord.

Supported Living is a type of care that is regulated by the Care Quality Commission that separates housing and care. Under this model an individual has a tenancy with a landlord (in this case LiveWest) and a there is a care provider based on site to provide shared care on a continuous basis. If an individual is assessed as requiring additional care that is over and above this,

then this is commissioned separately, either from the provider of the shared hours or a different provider. Somerset Council has nomination rights for all flats at Eliot Court and these, and all individual hours, are made on the basis of assessed eligible needs and are subject to the Adult Social Care authorisation process.

The Supported Living model was originally developed as an alternative to Residential Care and is used throughout England to enable adults with a learning disability to live independently. The direction of travel in Somerset Council's commissioning strategies has, for many years, been to expand this type of provision, and this is also one of the objectives of the 'My Life, My Future' Adult Social Care Transformation Programme. Eliot Court is a high-quality scheme in terms of the building, and the model of service we would seek to replicate elsewhere as we decommission other services that will, over time, become no longer fit for purpose.

34. The flats at Eliot Court are in continual high demand due to their location in Taunton, the self-contained nature of the flats, the flat sizes and the accessibility of the accommodation as the building has full lift access. Therefore, there are often only very short periods between tenants moving out and new people moving in.

The Supported Living model of support and accommodation at Eliot Court is one in which SC wishes to continue and develop with separate landlord to care provider, self-contained accommodation but with the option of some shared / communal space, including lounge and garden area, which are used positively for building social networks.

The accommodation is close to local amenities, transport and opportunities which are in line with the model of supported living SC wishes to pursue.

The current contract for the shared (sometimes also referred to as 'core' or 'background' hours) will expire on 31st March 2024 as the current provider has given notice to state they do not wish to extend or continue with the provision. Therefore, a procurement exercise is required to source another provider.

Background Papers

35. Non-key decision paper

Appendices




36. Appendix A - Tender Evaluation Report

Assurance checklist (if appropriate)

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	09/02/24
Communications	Peter Elliott	09/02/24
Finance & Procurement	Nicola Hix	12/02/24
Workforce	Alyn Jones	09/02/24
Asset Management	Oliver Woodhams	05/02/24
Executive Director / Senior Manager	Mel Lock	12/02/24
Strategy & Performance	Alyn Jones	09/02/24
Executive Lead Member	Bill Revans	09/02/24
Consulted:	Councillor Name	
Local Division Members	Fran Smith & Sarah Wakefield	09/02/24 & 05/02/24
Opposition Spokesperson	Sue Osborne	09/02/24
Scrutiny Chair	Gill Slocombe	13/02/2023

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or
www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)	 Somerset Council		 NHS Somerset		 NHS Somerset NHS Foundation Trust	
Version	2		Date Completed	02/01/2024		
Description of what is being impact assessed						
<p>The recommission / procurement to contract a care provider to deliver the shared hours at Eliot Court, supported living accommodation for adults with a learning disability, located in Taunton.</p>						
Evidence						
<p>What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the Office of National Statistics, Somerset Intelligence Partnership, Somerset’s Joint Strategic Needs Analysis (JSNA), Staff and/ or area profiles,, should be detailed here</p>						
<p>The independent regulator, the Care Quality Commission (CQC), produces an annual assessment of health care and adult social care. The latest national report, published in November 2022, highlighted several trends including recognition that, <i>“Inequalities pervade and persist across large parts of health and social care. It is vital that everyone, inclusively, has good quality care, and equal access, experience and outcomes from health and social care services.”</i> Somerset Council want people with a learning disability, autism, or both, to have the same opportunities as anyone else to live healthy, satisfying, and valued lives. This includes being active members of their communities, and having</p>						

the opportunity to gain and retain real, paid, employment. The Council's aspiration is that people will be supported to progress and gain new skills, with a focus on their individual outcomes, avoiding overly paternalistic approaches. Our view is that residential care services are not the best option for young people transitioning to adult services, and that they should instead be supported to remain as close to their families and communities as possible. Where residential care is considered, this should be within, or as close to, Somerset as possible.

Providers have a responsibility to ensure that services are accessible to all and are designed to meet the needs of the local population. Ethnicity must be considered through the protected characteristic of race. Levels of ethnicity are hard to measure due to ethnicity not being a single measure but a composite measure of many different factors that make up an individual or community. Also, the proportions of different ethnic groups in an area can change quickly. The most reliable estimates for ethnicity within Somerset are the 2021 census figures, revealing that the vast majority of the resident Somerset population is White with only 3.6% from all other ethnic groups combined. 8.7% of the Somerset population were from an ethnic group other than White: British. NHS England South West observe that, "*Two decades of literature has acknowledged that the intersection of ethnicity and disability, two marginalised identities in society, results in compounded discrimination. Discrimination exacerbates inequalities in relation to health outcomes and healthcare among people from these groups.*" [‘We deserve better: Ethnic minorities with a learning disability and access to healthcare –summary of findings’ 2023 NHS Race and Health Observatory & UCLA]

The population of Somerset is both rising and ageing and has the potential for significantly increased demand for health and care services with a decreasing working age population. While an ageing population is presenting challenges globally, there are a number of local factors that are likely to have a disproportional impact in Somerset.

Census 2021 data informs us that more than 100,000 Somerset residents have their day-to-day activities limited to some extent due to disability or a long-term health condition. This represents 18.7% of Somerset residents, or nearly one in five. These individuals would meet the definition of being disabled under the Equality Act. A further 45,000 Somerset residents (7.9% of all residents) have a long-term health condition which does not limit their day-to-day activities. There were around 50,000 Somerset residents who were providing unpaid care to a friend or relative at the time of the 2021 census. Of those, 26,000 – or 30% - provide more than 50 hours of care each week, although it is reasonably assumed that this is an underestimate due to a decrease in self-reporting following the Covid pandemic.

Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?

The recommissioning process includes engagement activity which will involve consultation with internal colleagues and providers. Due to limited timescales, engagement with people accessing services will need to take place throughout the recommission process. The

recommissioning process includes a complete review of service specifications which the care provider will be required to operate in accordance with. There will be consultation on the contents and use of this specification by the people who will be receiving services and their carers/families, known and acknowledged as '*experts by experience*'. Any possible impacts on protected groups identified through all consultation activity, will be considered by the recommissioning lead, in order to plan to remove or mitigate the impact.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	The specification will reflect and respond to the full range of needs of people irrelevant of age, however the service is for adults (over 18) only. Providers will need to ensure that individual outcomes are met in a variety of ways.	☐	☐	☒
Disability	The service is specifically for adults with a learning disability. Many adults accessing the service may have a learning disability and other diagnosed disabilities. The ethos will be to support people to remain/become as independent as possible. The specification will require the provider to reflect and respond to the full range of needs of people with disabilities, based on supporting people to remain as independent as possible within their own home.	☐	☐	☒

<p>Gender reassignment</p>	<p>No impacts identified. The service specification will require the service provider to conduct its business in accordance with the principles of the care and support being focussed on enabling people to live independently, to stay healthy and make the most of their lives by managing their lives in the way they choose and to not discriminate.</p>	<p>☐</p>	<p>⊗</p>	<p>☐</p>
<p>Marriage and civil partnership</p>	<p>There are occasionally restrictions due to tenancy stipulations which may impact on married couples or those in Civil Partnerships, by precluding them from living together, however this scheme does not prevent this happening. The restrictions will solely be something the landlord (LiveWest) determines based on the applicants / tenants.</p> <p>The service specification will require the service provider to conduct its business in accordance with the principles of the care and support being focussed on enabling people to live independently, to stay healthy and make the most of their lives by managing their lives in the way they choose and to not discriminate.</p>	<p>☐</p>	<p>⊗</p>	<p>☐</p>
<p>Pregnancy and maternity</p>	<p>The service does not determine a person may not be able to support a child in the accommodation, however they are one bedroom properties and in a building / scheme which will support highly complex individuals, potentially who may be a risk to children. Therefore, the physical space of the accommodation and the appropriateness of the building / scheme would need to be assessed in depth with the tenant.</p> <p>The service specification will require the service provider to conduct its business in accordance with the principles of the care and support being focussed on enabling people to live independently, to stay healthy and make the most of their lives by managing their lives in the way they choose and to not discriminate.</p> <p>The accommodation at Eliot Court is one bedroom, which therefore may remove it as an option should people have children who require a bedroom.</p>	<p>☐</p>	<p>⊗</p>	<p>☐</p>

Race and ethnicity	People from all backgrounds and races will be able to have information and support provided in a range of formats. The service specification will therefore include a requirement for the provider to ensure that the information about the service will need to be made available in a variety of formats to suit individual needs. Also, attention will be given to how care and support is delivered in order to achieve the outcomes agreed by the individual and tailored to suit their individual needs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	People of all religions and/or beliefs may need to receive information in a variety of formats. The service specification will therefore include a requirement for the provider to ensure that the information about the service will need to be made available in a variety of formats to suit individual needs. Also, attention will be given to how care and support is delivered in order to achieve the outcomes agreed by the individual and tailored to suit their individual needs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex	No impacts identified. The service specification will require the service provider to conduct its business in accordance with the principles of the care and support being focussed on enabling people to live independently, to stay healthy and make the most of their lives by managing their lives in the way they choose and to not discriminate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	No impacts identified. The service specification will require the service provider to conduct its business in accordance with the principles of the care and support being focussed on enabling people to live independently, to stay healthy and make the most of their lives by managing their lives in the way they choose and to not discriminate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Armed Forces (including serving personnel, families and veterans)	<p>The service is open to all people who have been assessed as having a care need via an Adult Social Care Assessment.</p> <p>Within the service specification the provider will be required to ensure that people will have the best possible quality of life, including life with other family members supported in a caring role.</p> <p>The accommodation at Eliot Court is one bedroom, which therefore may remove it as an option should people have children who require a bedroom.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other, e.g. carers, low income, rurality/isolation, etc.	<p>The service is open to all people who have a learning disability and have been assessed as having Care Act 2014 eligible needs, via an Adult Social Care Assessment. The supported living accommodation requires adults to either fund their rent or the landlord can support the application to receive housing benefit.</p> <p>Within the service specification the provider will be required to ensure that people will have the best possible quality of life, including life with other family members supported in a caring role.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Service Specification to ensure that information and support is provided by the new provider in a range of formats to suit needs, irrelevant of age, ethnicity or race and ensuring that there is attention to the diversity of the individual and with sensitivity to cultural issues.	01/04/2024	GB	The recommissioning process will develop and deliver the contract procurement and award in the way described, including review and revision of service specifications which will be	<input checked="" type="checkbox"/>

			assessed in draft during ongoing engagement activity with individuals, carers, providers and colleagues.	
Service Specification to ensure all necessary information on the service is available in different languages and will support people with learning disabilities or with speech, language and other communication needs.	01/04/2024	GB	The recommissioning process will develop and deliver the contract procurement and award in the way described, including review and revision of service specifications which will be assessed in draft during ongoing engagement activity with individuals, carers, providers and colleagues.	<input type="checkbox"/>
The Service Specification focuses on enabling people to live the life they choose and feel supported to do so.	01/04/2024	GB	The recommissioning process will develop and deliver the contract procurement and award in the way described, including review and revision of service specifications which will be assessed in draft during ongoing engagement activity with individuals, carers, providers and colleagues.	<input checked="" type="checkbox"/>
The service specification and reporting requirements will include specific information to ensure that the provider does not discriminate against anyone regarding the choices they make about how to live their lives.	01/04/2024	GB	The recommissioning process will develop and deliver the contract procurement and award in the way described, including review and revision of service specifications which will be assessed in draft during ongoing engagement activity with	<input checked="" type="checkbox"/>

			individuals, carers, providers and colleagues.	
The Service specification must include flexibility of when support is provided that is tailored to meet individual needs.	01/04/2024	GB	The recommissioning process will develop and deliver the contract procurement and award in the way described, including review and revision of service specifications which will be assessed in draft during ongoing engagement activity with individuals, carers, providers and colleagues.	<input checked="" type="checkbox"/>
Providers will be required to be registered with the Care Quality Commission (CQC) including all appropriate specialisms to the type of care or support being provided.	01/02/2024	GB	The recommissioning process will develop and deliver the contract procurement and award in the way described, including review and revision of service specifications which will be assessed in draft during ongoing engagement activity with individuals, carers, providers and colleagues.	<input type="checkbox"/>
The new provider will be required to undertake diversity and equality training as a minimum.	01/04/2024	GB	The recommissioning process will develop and deliver the contract procurement and award in the way described, including review and revision of service specifications which will be assessed in draft during ongoing engagement activity with individuals, carers, providers and colleagues.	<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.				
Completed by: George Bray				
Date	02/01/2024			
Signed off by:				
Date				
Equality Lead sign off name:	Tom Rutland			
Equality Lead sign off date:	27/11/2023			
To be reviewed by: (officer name)	George Bray			
Review date:	September 2024			

October 2023