

Decision Report - Executive Decision

Forward Plan Reference: FP/24/02/09

Decision Date - 20/03/2024

Key Decision - Yes

Confidential Information - No



Extension of Extra Care Housing Contracts

Executive Member(s): Lead Member for Adult Services

Local Member(s) and Division: All

Lead Officer: Paul Coles - Assistant Director ASC Commissioning

Author: Stephen Miles - Acting Strategic Manager - Adults Services

Contact Details: 01823 359 157

Summary

1. The Council has contracts with five organisations that provide either shared care and support or housing related support to 14 Extra Care Housing (ECH) schemes, encompassing 509 tenancies. The contracts are due to expire on 31st March 2024 and no recommissioning process has been undertaken to replace the contracts.
2. This report requests authority to extend the contracts on existing terms of one year until 31/03/2025 while a recommissioning process is undertaken.
3. The total estimated cost of extending the contracts with all five organisations is £4,896,395. This expenditure is already built into the Adult Social Care budget.
4. This figure is an estimate because it includes the delivery of care and support to tenants that will vary depending on individual need. There are also vacancies within the schemes at present, and an additional 10% has therefore been included in this total to estimate the maximum expected expenditure during 2024/25 that will occur if all vacancies are filled by new tenants with a similar level of need to those currently supported.
5. ECH is a specialist housing model for adults with health and social care needs. It is targeted mainly at older people, but is also used to meet the needs of some younger adults with physical disabilities, learning disabilities or mental health needs.

6. ECH schemes in Somerset currently operate under two different models. The first is an integrated model where both care and support and housing related support are provided by the same organisation. This model is in place at seven schemes.
7. The second is a non-integrated model where the care and support and housing related support are provided by two separate organisations. This model is in place at seven schemes.
8. The continued use of two different models will be considered as part of the recommissioning process.
9. Where an individual has assessed eligible needs over and above those which can be provided for by the 24-hour care and support they may also have an individual care package commissioned in addition. In most cases people choose to receive this care from the provider of the shared care and support.
10. Somerset Council has a statutory duty to provide care and support to those that are eligible under the Care Act. The Council commissions both care and support services to clients living with ECH. These services will enable those individuals to maintain and often improve their independence, preventing admission into more acute social care and health services, discussion have taken place with existing providers, and people who currently live within ECH schemes would not experience any changes as a result of this decision to extend the contracts.

Recommendations

11. The Lead Member Agrees to a 1-year extension to the current contracts to deliver both care and support and housing related support services to people living within designated Extra Care Housing schemes in Somerset.

Reasons for recommendations

12. It is not currently possible to deliver a re-commissioning and procurement exercise in line with the Council's Contract Standing Orders within the current timescales, to ensure that Extra Care Housing is fit for the future and meeting the needs of Somerset residents. A robust recommission of the type required, which will include a review of the model to ensure it remains fit for purpose over the lifetime of the contracts that would be expected to be let, will take a minimum of nine months to complete. Undertaking a less robust process, over a

much shorter timescale in order to avoid the need to extend the existing contracts, would have created significant risks in itself.

13. A recommissioning process was planned, but then subsequently delayed by the establishment of the new unitary council, and the need to ensure that housing considerations were as central to the recommission as care and support following the formation of the Council. Extra Care Housing is a model that requires housing and care services to come together to recommission as it involves a large number of tenancies and the model needs to be right for the future, from both a housing and care perspective. The Council is also directly and indirectly, through Homes in Sedgemoor, the landlord for five of the fourteen schemes.
14. Resources have been allocated to undertake this recommission, with the procurement phased planned to take place in the autumn of 2024, in order to enable a decision to be presented to the Executive for consideration in December 2024, and a three-month implementation period ahead of the new contracts commencing on 01/04/2025

Other options considered

15. Not extending the contracts will have an immediate and very significant negative impact on the 509 ECH tenants, their families and carers. This would also not meet our statutory duties of providing care to those with needs under the Care Act (2014).
16. A shorter extension, of just over 9 months (as we would not want a new contract of this nature to start on 01/01/2025), has been considered, however this would leave little capacity for unplanned work to be completed during this period.

Links to Council Plan and Medium-Term Financial Plan

17. Links to the County Vision:
 - A Healthy and Caring Somerset
 - A Flourishing and Resilient Somerset
18. The care and support services are provided to assist people to maintain or develop their independence whilst living in ECH, thus preventing loss of their tenancy and the use of more acute health and social care services. As well as supporting individuals with their tenancy, the service also helps clients maintain

links with the wider community and improves their health and wellbeing through prevention and enablement.

Financial and Risk Implications

- 19. The total expenditure in relation to all five organisations is expected to be up to £4,896,395. This figure assumes all current vacancies are filled and that the expenditure per filled vacancy is similar to the current spend as at February 2024. In reality it is highly unlikely that every scheme will operate with no vacancies throughout the year.
- 20. This expenditure is already built into the Adult Social Care budget.
- 21. There are risk implications in relation to ensuring sufficient continuity of existing ECH services after 31st March 2024, including continuity of care and support for existing tenants who are in receipt of care and support via these contracts. A sufficient supply of effective ECH is important to Somerset Council’s wider commissioning strategy for alternatives to long term care and to reduce our reliance on residential and nursing care and the proposed decision to extend these contracts will mitigate this risk while allowing sufficient time for a robust recommissioning process to be undertaken.

Likelihood	2	Impact	4	Risk Score	8
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- 22. There are no other specific risks or considerations as the re-commissioning of the care and support service will build on and take into account existing arrangements. An equalities impact assessment is provided within the report.

Legal Implications

- 23. Extending the contract beyond its maximum term without carrying out a procurement would be in breach of the Public Contracts Regulations 2015 and a breach of the Council’s constitution. This risks a challenge under the Regulations and/or judicial review. A successful challenge could result in a declaration of ineffectiveness of the contract and an award of damages and costs against Somerset Council. While this proposed decision is a breach of the Council’s Contract Procedure Rules, it is still recommended as a failure to extend the contracts would have significant implications for the delivery of care and support to tenants living in ECH schemes.

24. To mitigate the impact of any legal challenge forthcoming to the detriment of delivering the service it is suggested that once the decision has been taken formally and the correct approvals given, the fact that these contracts have been extended to the current providers should be made transparent as early as possible so as to identify and address with any challenges arising, by publishing the relevant details on the Council's contracts register. Information will also be given regarding the timetable of activities for the re-commissioning of the service (as outlined in paragraph 46) and opportunities to engage in that process. Work has already begun on the recommission and there is a high-level of confidence that it will be delivered within the timescale described, and progress will be monitored by the Adult Social Care Commissioning and Procurement Board.

HR Implications

25. There are no HR implications for these contracts. The staff who provide these services are not employed by Somerset Council and the proposed decision will not affect their employment.

Other Implications:

Equalities Implications

26. There are no negative equality impacts on this decision, a full impact assessment is included within the report.

Community Safety Implications

27. There are no negative impacts on community safety. The service will help to reduce social isolation and include initiatives that delivers health and wellbeing initiatives through working with the local community.

Climate Change and Sustainability Implications

28. There are no negative impacts on sustainability. The service is scheme based and provided by a designated on-site team that reduces the need to travel.

Health and Safety Implications

29. There are no negative impacts on health and safety. The care and support providers have appropriate health and safety policies in place for their staff.

Health and Wellbeing Implications

30. The service will have no negative impacts on health and wellbeing. The service is designed to promote and improve health and wellbeing through tailored care and support plans in a way that gives them choice and control of how their care and support is delivered.

Social Value

31. The Public Services (Social Value) Act 2012 requires that all contracts should deliver some further benefit back into the community above and beyond the goods or services being paid for under the contract. This is explicit within the current Extra Care Housing Contracts.
32. The current ECH care and support providers have committed through the contracts to work collaboratively with others in Somerset. This includes Somerset Council, local communities, and local partners such as the Voluntary, Community, Faith and Social Enterprise Sector (VCFSE) to ensure the fulfilment of the Public Services (Social Value) Act 2012 and the social value priority areas for Somerset are delivered.
33. The ECH providers are also required to introduce innovative ideas to promote social value over the lifetime of the contract which may be based on social, environmental or economic sustainability.
34. Examples of how this is being delivered in Somerset are as follows:
- Developing employment, skills and training opportunities for existing staff as well as new.
 - Reducing social isolation and improving the health and wellbeing of local residents through providing activities on the scheme where local communities are invited to participate alongside the residents, this includes exercise classes, bingo nights, fish and chip nights etc.
 - Helping to build community capacity by playing an active role in the local community to develop initiatives and activities that can be delivered on the schemes. This is often done in consultation with local residents as well as tenants to have a clear understanding of what the local community wants and needs.
 - Allowing local community groups to use premises / facilities on the schemes to deliver health and wellbeing activities.

- Creating volunteer opportunities for individuals not in employment to help develop and deliver community activities.
- Creating opportunities for micro-Service Providers / small and medium enterprises to be part of care and support delivery.

35. The evaluation of social value will again form a key part of the recommissioning process that is detailed in paragraph 46.

Scrutiny comments / recommendations:

36. This paper has not been considered by the Scrutiny Committee - Adults and Health and this contract extension was not part of its planned work programme. A copy of the paper was shared with the committee Chair who expressed disappointment that the work to recommission the service had not been initiated earlier in order to avoid the need to offer an extension, and that the Committee had not had the opportunity to consider the extension. However, in light of the need to provide continuity of care to the tenants of the schemes she did agree to sign the paper off.

37. With respect to the recommissioning process, the Scrutiny Committee - Adults and Health, will be invited to consider any proposed decision prior to consideration by the Executive.

Background

38. Extra Care Housing (ECH) is specialist housing for adults with health and social care needs. The service requires a designated on-site team to deliver care and support services to all tenants living in ECH.

39. This includes housing related support services that will assist people to develop or maintain their independence within the community, thus preventing loss of their home or tenancy, and/or the otherwise unnecessary use of more acute health and social care services. A crisis and urgent responsive service will be available 24/7, 365 days per year. The care provider will respond to the needs of an individual in an emergency within 30 minutes. Where a lunch time service is available in a dining area on a scheme tenants will be assisted to and from the dining room if needed.

40. Packages of personal care and support will also be delivered for tenants of the schemes who meet the eligibility criteria under the Care Act (2014).

41. There are contracts governing the delivery of care and support services across the schemes which span across two different models of ECH currently in Somerset. They are:

Housing Related Support contracts:

- Provider A: £15,960
- Provider B: £292,100
- Provider C: £24,250

Total: £332,310

Care and support contracts, **including both shared care and an estimate of individual assessed hours based on activity levels as at February 2024:**

- Provider D: £1,258,349
- Provider E: £3,305,736

Total: £4,564,085

Due to the individual assessed hours that people receive being variable, as they relate to each individual's assessed need, and there being vacancies in ECH schemes at present, an additional 10% has been added to the total for the care and support contracts to estimate the maximum expenditure during 2024/25 that would occur if all vacancies were filled.

Overall total for all five organisations: £4,896,395

42. ECH schemes in Somerset currently operate under two different models. A fully integrated model of care and support is delivered by one Care Quality Commission registered provider across seven schemes. A non-integrated model of care and support is delivered by two different providers; the CQC registered provider and the housing provider across the remaining seven schemes.

Non-integrated models are delivered within the following schemes:

Providers A and E: Elizabeth House (Taunton)

Providers B and D: Bowhayes Lodge (Crewkerne), Malmesbury Court (Yeovil), Muchelney House (Ilminster), Pearson House (Yeovil), St Gildas (Chard).

Providers C and D: Silvermead (Minehead)

Fully integrated models are delivered within the following schemes:

Provider D: Keyford Heights (Frone)

Provider E: Tennyson Court (Taunton), Lodge Close (Wellington), Kilkenny Court (Taunton), Elizabeth Court (Burnham-on-Sea), Gibb House (Bridgwater), Hilda Coles (Bridgwater).

In addition, Provider D also provides a service to support residents at mealtimes at the following sheltered housing schemes under these contracts: Ingrams Meadow (Watchet), Bearley House (Martock) and Common Road (Wincanton).

43. The recommissioning plan will include opportunities for all stakeholders to consider the benefits and issues with the different models, and make recommendations for the models of support to ensure the best outcomes for people living within ECH schemes.
44. Housing related support services are provided by housing providers in the non-integrated schemes, and by the CQC registered providers in the integrated schemes. Housing related support includes:
 - All clients have access to a daily welfare check.
 - Helping clients to understand their tenancy responsibilities.
 - Responding to request for emergency help via alarms.
 - Working with clients to complete a Housing Related Support Plan with clear goals and outcomes.
 - Promoting independence and choice through providing information about move on options.
 - Providing advice about money management and managing the home.
 - Assisting with correspondence and making appointments.
 - Acting as an advocate to access other services.
 - Ensure the safety and security of all clients including arranging aids and adaptations.
 - Providing advice and support regarding property maintenance.
 - Providing suitable social and health and wellbeing activities on the scheme.
45. In addition to the housing related support services above, the following care and support services will also be provided:
 - Delivering of care and support as per the client's Care and Support Plan

- Crisis and Urgent response service, the Service Provider will respond to the needs of an individual in an emergency within 30 minutes.
- Delivering packages of assessed care to those who have been assessed as eligible under the Care Act.
- Assist to dine services, where a lunch time service is available in a dining area on the scheme, the provider will assist tenants to and from the dining room if needed.
- Maintaining a 24/7 on-site presence on the scheme.

46. Recommissioning timetable

A high-level timetable for the recommission is shown in the table below.

Period	Activity
March 2024 - June 2024	Consultation with stakeholders, data analysis and model research
June 2024 - August 2024	Development of service specifications and procurement documentation
September 2024 - October 2024	Procurement phase
November 2024	Pre-decision governance, including consideration of the proposed decision by Scrutiny Committee - Adults and Health
December 2024	Decision considered by Executive and, if agreed, standstill period
January 2025 - March 2025	Implementation (subject to decision by Executive)

Background Papers

47. None

Appendices

48. None

Assurance checklist

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	07/03/2024
Communications	Peter Elliott	07/03/2024
Finance & Procurement	Nicola Hix	04/03/2024
Workforce	Alyn Jones	07/03/2024
Asset Management	Oliver Woodhams	08/03/2024
Executive Director / Senior Manager	Mel Lock	06/03/2024
Strategy & Performance	Alyn Jones	07/03/2024
Commercial & Procurement	Claire Griffiths	07/03/2024
Executive Lead Member	Cllr Wakefield	05/03/2024

Consulted:	Councillor Name	
Local Division Members		
Opposition Spokesperson	Cllr Osborne	08/03/2024
Scrutiny Chair	Cllr Slocombe	12/03/2024

Somerset Equality Impact Assessment

Before completing this EIA, please ensure you have read the EIA guidance notes – available from your Equality Officer

Version

v1

Date

12.02.24

Description of what is being impact assessed

Decision to award a 1-year extension to the existing contracts for the delivery of care and support services within Extra Care Housing (ECH) in Somerset. The extension to the contract will allow sufficient time for a full recommission of these services, including assessing the impact on protected groups through a full consultation and engagement strategy with regard to any changes that the Council proposes to make in the future.

Evidence

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

Number of residents and the assessed care data for the tenants across the ECH schemes.

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

There has been no detailed engagement and consultation which is part of the rationale for the contract extension. Consultation with service users and stakeholders is planned as part of a recommissioning plan and will feed into a revised service specification and decision making processes.

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	<ul style="list-style-type: none"> The existing service specification reflects and responds to the full range of needs of older people. Extra Care Housing is a specialist housing option for older people. Older people that live in Extra Care benefit from receiving tailored support and have access to social networks. The review of the service and new service specification that will be undertaken as part of the recommissioning process will ensure that all age groups are heard. 	□	□	☒
Disability	<ul style="list-style-type: none"> The existing specification reflects and responds the full range of needs of people with disabilities. Extra Care Housing is a specialist housing options for adults with disabilities. Adults with disabilities that live in Extra Care benefit from receiving tailored support and have adaptations to their accommodation to enable them to live independently. 	□	□	☒

	<ul style="list-style-type: none"> The review of the service that will take place as part of the recommissioning plan will consider any barriers to overcome, to ensure that adults with disabilities will be able to contribute towards ECH services 			
Gender reassignment	<ul style="list-style-type: none"> Having considered this protected characteristic, we do not foresee any disproportionate positive or negative impact 	□	□	☒
Marriage and civil partnership	<ul style="list-style-type: none"> The existing specification reflects and responds to the full range of needs of those who are in a civil partnership or in a marriage. All people have equal opportunities to access Extra Care Housing 	□	□	☒
Pregnancy and maternity	<ul style="list-style-type: none"> All people have equal opportunities to access Extra Care Housing 	□	□	☒
Race and ethnicity	<ul style="list-style-type: none"> The existing specification reflects and responds to the full range of needs of people from different backgrounds. All people have equal opportunities to access Extra Care Housing 	□	□	☒
Religion or belief	<ul style="list-style-type: none"> The existing specification reflects and responds to the full range of needs of people with different religious beliefs. All people have equal opportunities to access Extra Care Housing 	□	□	☒
Sex	<ul style="list-style-type: none"> The existing specification reflects and responds to the full range of needs of people irrelevant of their sex. A higher proportion of women than men live in Extra Care. 	□	□	☒

Sexual orientation	<ul style="list-style-type: none"> The existing specification reflects and responds to the full range of needs of people irrelevant of their sexual orientation. All people have equal opportunities to access Extra Care Housing 	□	□	☒
Other, e.g., carers, veterans, homeless, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> Extra Care Housing provides independent living accommodation with the opportunity to meet others in communal areas. The scheme enables the community to come together to reduce isolation. People moving into Extra Care Housing are entitled to a Finance and Benefits Assessment. 	□	□	☒

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
A detailed commissioning and procurement plan to be developed and delivered, which will include service user, stakeholder and provider consultation and wider market engagement to re-design and re-commission the service to ensure it is fit for the future and meeting the needs of Somerset's residents.	01/04/2024	Stephen Miles	Commissioning and Procurement Plan	□

If negative impacts remain, please provide an explanation below.

Completed by:	Stephen Miles, Acting Strategic Manager
Date	12/02/2024
Signed off by:	Paul Coles, Service Director - ASC Commissioning
Date	17/02/2024
Equality Lead/Manager sign off date:	Tom Rutland, 05/03/2024
To be reviewed by: (officer name)	Stephen Miles
Review date:	