

8 November 2021**Agenda Item: 6****REPORT OF THE SERVICE DIRECTOR, INTEGRATED STRATEGIC
COMMISSIONING & SERVICE IMPROVEMENT****CARE SUPPORT AND ENABLEMENT FRAMEWORK RETENDER****Purpose of the Report**

1. To seek agreement to retender the Care Support and Enablement Framework and award a Framework Agreement.

Information

2. Nottinghamshire County Council has previously commissioned Care Support and Enablement that is delivered via the Care Support and Enablement Contract and Care Support and Enablement Provider Agreement (Framework). The aim of this service is to provide care, support, and enablement for adults with a learning disability, physical disability, mental health issues and complex health issues and ensure that service users have the right support at the right time in the right place to enable them to live as close to an “ordinary” life as possible.
3. The current Care Support and Enablement framework incorporates a mixture of outreach packages, supported living packages in the community or people living in Housing with Support Schemes where there is onsite care. Enablement is key to ensuring that people are supported in the right way at the right time in the right place to achieve the greatest level of independence as is possible for that individual. For some this will mean staying in supported living whilst for others it will be supporting them to move on to their own tenancies.
4. The Housing with Support Strategy supports the integration of ‘An Ordinary Life’ approach. It encourages a wider range of housing models and solutions for the benefit of current and future service users.
5. Providers and Adult Social Care staff use a strengths-based enablement approach to support service users to live as independently as they can within their current settings as well as to encourage service users to move on into greater independence.
6. In 2014, four Core Providers – Community Integrated Care, Nottingham Community Housing Association, Fitzroy and United Response were contracted to deliver new services in an allocated geographical area within the County. A number of legacy providers who operated under a variety of historical contractual arrangements also

continued to provide support to people. This allowed for continuity of service for people but also had the advantage of ensuring there was some diversity in the market which helped limit risk of market failure and promoted greater choice. On occasion the Council also funds these services for people who live outside of the County. The Core Provider contract was a seven-year contract with no extensions and came to an end on 31st August 2021.

7. In 2018 a Care Support and Enablement Provider Agreement (also known as the Care Support and Enablement Framework) was set up. A number of legacy providers who had historically operated under a variety of contractual arrangements were moved on to the Care Support and Enablement Framework. This allowed them to continue to provide support to people as well as allowing for continuity of service for people but also had the advantage of ensuring there was some diversity in the market which helps limit risk of market failure and promotes greater choice. The framework is split into two different 'Lots'.
8. **Lot 1** - open to providers who can deliver care support and enablement to individuals living either in their own home (rented or owned) on their own or with family or friends or in supported accommodation.
9. **Lot 2** – open to care and support providers who want to work with a housing provider or developer to bring supported accommodation-based solutions to the Council. These include shared house, single units, bungalows, block of flats etc. The Council does not enter into a relationship or partnership with housing providers.
10. As of August 2021, there are 81 providers currently on the framework, which includes new and existing legacy providers. Only 29 providers actively deliver Care Support and Enablement activity.
11. The framework was set up in September 2018 and runs to September 2022 with an option to extend on annual basis until 2025 (4+1+1+1 years). However, due to the core providers joining the framework, the cost envelope of the overall framework has been reached and it cannot be extended.
12. The existing framework ends in August 2022. Any individual contracts (often referred to as Call-off contracts) which fall under the scope of the framework agreement can be awarded until this time with the end date for these individual contracts extending beyond the end date of the framework agreement.

Current Cost

13. The current budget for Care Support and Enablement activity delivered under the framework is c£48m per annum. This supports around 1,157 people who receive accommodation based support and outreach provision. The cohort are mainly younger adults aged 18-64 years old, but some people will remain in these services beyond 65.
14. There will be an increase in cost to this framework due to the complexity and acuity of service users. However, the Council will continue to claim back monies from health for any packages that are part or fully funded by them. In addition, the current Council initiatives such as the prevention and early intervention agenda, three conversations and strength based approaches could mitigate costs as referrals could be resolved at an earlier stage.

The increase in the use of technology throughout the pandemic could also support staffing issues by offering an alternative to in-person visits.

2021-22	Hourly rate £	Average hours	Weekly cost £	Contract cost (number of hours x rate) £
Supported Living standard	16.11	2,651,998	821,609	42,723,681
Supported Living enhanced	19.29	111,867	41,498	2,157,907
Outreach	17.21	200,021	66,199	3,442,360
Total		2,963,885	929,307	48,323,949

Care Support and Enablement Contract and Framework Review

15. Since January 2021 the Care Support and Enablement contract has been under review to help establish what the best approach is to deliver a Care Support and Enablement service once the current framework comes to an end in August 2022.
16. The core provider model required the core providers to pick up work. Some of the limitations, pre-dating Covid, of this model include a lack of capacity to pick up outreach, lack of knowledge and experience of delivering specialist services such as mental health and a limited ability to create new housing solutions.
17. There has been an increase in people who misuse substances and those with mental health issues. The framework will seek to support these individuals but also be mindful of not duplicating other services which also support this cohort.
18. Feedback from providers indicates that the current framework is not flexible and can take too long to select and commission developments. The Council looks to address these issues within the new framework. In addition, the lack of developments were due to the impact of Covid which resulted in a number of developments being delayed and pushed back to 2022. However, six developments were established through the current framework which resulted in 74 people being supported within these services which have been implemented since 2017.
19. Providers are reporting that they are having increasing problems recruiting sufficient staff to deliver services safely. This is having an impact on current service delivery for both supported living and outreach. Providers are predicting that they will struggle to resource new accommodation-based schemes and also pick up outreach delivery. The new tender process will seek to mitigate and support providers to recruit and retain staff.
20. Neighbouring councils with a social care responsibility have a number of different solutions to commissioning Care Support and Enablement. There does not appear to be any one solution which has been adopted universally.

A new improved Care Support and Enablement Framework

21. Tendering for a new framework will provide an opportunity to implement the learning from the review and Covid, consider current economic and social factors and ensure that the new service provision will be inter-generational, innovative and feasible.
22. The new Care Support and Enablement framework will improve on the current model through using the learning identified in the review and also through the feedback from providers to ensure that a new framework is more useable.
23. The new framework will be tendered with both indicative and capped rates for hourly costs. Providers will be able to submit a bid based on their costs and also their quality. Those closest to the indicative rate or below it will score higher than providers who are closer to the capped rates of pay.
24. Offering providers an opportunity to indicate the rate that they think is reasonable for delivery of the activity will help to incentivise providers and encourage them to apply to be on the new framework. The capping of the rates will help to ensure that the Council can keep tight control of the budget.
25. Revised terms and conditions will ensure that all providers work to the same mechanism and the revised contract will provide for the consideration of any annual inflation.
26. Providers will also be asked to 'bid' on certain elements of work such as having a specialism in outreach, mental health support, learning disabilities, physical disabilities, complex needs or being in a geographical area. Providers will then be ranked based on cost and quality. The ranked provider list will allow work to be allocated directly to a provider without having to go out for a mini competition.
27. Providers will also be asked to partner with Housing providers. Ranking these providers will enable the Council to easily access housing solutions when it needs to with no additional tender process being required.
28. The framework will allow the Council to use different mechanisms to award the work:
 - direct awards can be made via service user choice
 - activity can be allocated via the ranked provider list - Call off without further competition
 - to go for a mini competition within the ranked provider group
 - or run a mini competition using the overarching provider list.
29. The process for setting up packages will be more streamlined and using the ranked provider list will remove one step of the current tendering process.
30. The framework can be opened for new providers as and when required and will accommodate a growth in demand in future outreach, supported living and supported accommodation.
31. All the 81 providers currently on the existing framework will be encouraged to apply to join the new framework along with any new providers who may also like to apply. The 29

providers who currently support service users will actively be encouraged to join the new framework. Providers do not have to re-join the framework, but it would then limit their ability to access new work.

32. Over the next three years, work will be carried out to move all the current packages onto new contracts issued under the new framework.

Timeline for key activities

33. The new framework has to be in place by the end of August 2022. To achieve this the timeline is as follows:

Report to Adult Social Care & Public Health Committee	November 2021
Engage with Adult Social Care staff, providers, and service users regarding the new framework	October – December 2021
Work with procurement on the paperwork and processes	December 2021 – January 2022
Advertise Tender	February 2022
Bids submitted	April 2022
Evaluation of bids	May – June 2022
Notification of evaluation outcome	August 2022
New Framework to start	September 2022

34. From 1st September 2022 all new work will be commissioned through the providers on the new framework.

Other Options Considered

35. Other options have been considered and rejected for the reasons outlined below.
36. Single providers (Core providers) – although this has benefits of a contractual arrangement requiring the core provider to pick up work, the fragility of the market suggests that this type of arrangement would not work at the current time. Recent experiences with the Care Support and Enablement and other frameworks has meant that work has not been picked up by the core provider and therefore there would not be any longer-term benefits of continuing with this approach. Recently, providers have identified that they have found it hard to fulfil the contractual terms as they do not subcontract any work and are struggling with staffing issues. The market currently would struggle to sustain a lead provider model.
37. Separate Frameworks – this would lead to more officer time managing separate contracts.
38. Spot contracts – the Council does not use spot contracts as these tend to be developer/provider led rather than service user choice. Service users can choose to use providers not on the Care Support and Enablement framework but would need to have the support package set up through a Direct Payment. Problems do arise where a service user lacks capacity and cannot manage a Direct Payment.

39. Brokerage system - a provider is selected to manage the whole process on the Council's behalf. This would have implications for the Quality & Market Management Team as the provider employed to manage the whole process does everything and the Council pays the contract cost and management fees.

Reason/s for Recommendations

40. The Council is required to follow the Council's Financial Regulations and the Public Contract Regulations 2015 to retender the Care Support and Enablement Framework ready for commencement by September 2022.
41. The new framework will encompass better data management, processes and procedures which will save time and money for Adult Social Care staff and providers.
42. The new model will be flexible. Providers and Adult Social Care staff will be able to use it in a proactive, agile manner to provide an improved service for service users.
43. It will allow the Council to factor in ongoing staff recruitment and retention issues, meet any new building regulations, trial different outreach models and encourage the use of digital technology.

Statutory and Policy Implications

44. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

45. The current budget for Care Support and Enablement activity delivered under the framework is £48m per annum.
46. The rates paid to providers delivering Care Support and Enablement activity through the framework have only increased since 2014 in line with the National Living Wage which is implemented on an annual basis and so have not kept up with other areas of the Care market.
47. Providers are indicating that they will require a higher rate per hour for delivery of Care Support and Enablement activity. The new framework tender would set an indicative rate and also a capped rate. It is envisaged that these rates would be aligned to other similar 'care and support services' such as Homecare and also benchmarked against neighbouring authorities who have a similar framework approach. More modelling will be carried out to ensure that similar systems are used as in Homecare and this will ensure there is parity between services.

48. The actual cost of the tender will not be known until next year, but any additional cost as a result will be considered as part of the Council's overall budget setting process.

Data Protection and Information Governance

49. A full Data Protection Impact Assessment (DPIA) is underway in preparation for the tender commencement and will be concluded on award of contract.

Public Sector Equality Duty implications

50. The nature of the services being commissioned mean they will affect older and younger adults, including people with disabilities and those who have multiple and complex health and social care needs. Support will also be provided to people who are carers of adults with health and social care needs.
51. A full Equality Impact Assessment (EQIA) is being undertaken in preparation for the tender commencement and will be concluded on award of contract.

Implications for Sustainability and the Environment

52. The service provider will be expected to contribute to the social, economic and environmental wellbeing and prosperity of Nottinghamshire. The tender process will specifically address this and bidders will be required to demonstrate how they will add social value through this contract.

Implications for Service Users

53. The Care Act 2014 requires local authorities who provide adult social care to ensure that people:
- receive services that prevent their care needs from becoming more serious or delay the impact of their needs
 - can get the information and advice they need to make good decisions about care and support
 - have a range of high quality, appropriate services to choose from
 - have more control over how their care and support is organised.
54. The Care Support and Enablement retender will allow the Council to re-engage with service users to ensure that the future framework meets their needs but also plan for the needs of people who may need these services in the future.

RECOMMENDATION/S

- 1) That Committee gives approval to retender the Care Support and Enablement framework and award a Framework Agreement.

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Constitutional Comments (ELP 21/10/21)

55. The recommendations fall within the delegation to Adult Social Care and Public Health Committee by virtue of its frame of reference.

Financial Comments (DM 27/10/21)

56. As referenced in **paragraph 45**, the annual budget for Care Support & Enablement is circa £48m. Any increases to this as a result of the new tender will need to be considered as part of the Council's overall budget setting process.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.

Electoral Division(s) and Member(s) Affected

All.

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