

Report



meeting

CABINET

date

7th June 2006

agenda item number

REPORT OF THE CABINET MEMBER FOR ADULT SOCIAL CARE AND HEALTH

COMMISSIONING OF SUPPORT SERVICES TO LEARNING DISABILITY CLIENTS

1. Purpose of the Report

1.1 The purpose of the report is to:

- (a) notify members of the re-commissioning, by competitive tender, of care and support services within 8 residential care homes in the Ashfield, Mansfield and Newark districts
- (b) inform members that officers from the Social Services Department and Legal Services will conduct the tender in conjunction with, and on behalf of, the Newark and Sherwood Primary Care Trust
- (c) to seek agreement to the completion of a new Partnership Agreement between Nottinghamshire County Council, Newark and Sherwood Primary Care Trust and the Housing Associations (New Leaf and NCHA).

1.2 This report is a key decision as it involves expenditure of £1.4 million. The Forward Plan was published on 8th May and steps were taken to include this report in that publication.

2. Information and Advice

2.1 Background

2.1.1 This paper relates to eight residential care homes which were initially commissioned as part of the hospital closure programme in the 1980's. The residents of the homes have moderate or severe learning disability with additional issues such as physical disability, mental health problems or challenging behaviour.

2.1.2 The homes are commonly referred to as 'Partnership Homes'. All the partnership homes are registered care homes. They have a combined bed space of 89. The homes are situated as follows:

Name of home	Housing Association	Registered Bed Spaces	District
Barnby Gate	New Leaf	12	Newark
Carlton Close	New Leaf	12	Newark
Whitewater Road	New Leaf	12	Newark
Sawley Drive	New Leaf	12	Newark
Stone Cross Lane	New Leaf	12	Newark
Ashwood Avenue	NCHA	12	Ashfield
Southwell Road East	NCHA (owned by Mansfield PCT)	12	Mansfield
Little Barn Lane	NCHA	5	Mansfield

2.1.3 The homes are managed by two housing associations, Nottingham Community Housing Association (NCHA) and the New Leaf organisation. The Housing Associations will continue to provide the accommodation and the housing management functions.

2.1.4 However the care and support to residents is provided by the Nottinghamshire Healthcare NHS Trust. The Nottinghamshire Healthcare NHS Trust is re-aligning its service provision in accordance with national policy and Healthcare Commission guidance.

2.1.5 The Trust has served notice of their intention to cease providing the care services within these 8 homes. The period of notice from the Healthcare Trust expires on 30th September 2006.

2.1.6 Funding for the homes was originally provided by a combination of 'core' funding by the Primary Care Trusts and residents' Social Security Income Support. In 2002/03 the Social Security Income Support, known as 'Preserved Rights' transferred to the Social Services Department.

2.1.7 The current financing for the homes of £4.6 million is broken-down as follows:

Authority	Bed Spaces funded at 1 st April, 2006	Gross expenditure £ (000)
Newark & Sherwood PCT	89	3,200
Nottinghamshire County Council Social Services Department	78	1,400

2.1.8 Newark and Sherwood Primary Care Trust is the lead commissioner for health care for people with a learning disability for the North Nottinghamshire Health Community. The Primary Care Trust (PCT) approached the Council to assist with the tender process. The PCT recognises that such expertise resides with the Council, having undertaken major tenders of a similar nature in the recent past.

2.1.9 Given the very tight timescale it is proposed that a one-stage tender will be undertaken. It is intended that contracts will be awarded in July 2006 with service commencement 1st October 2006.

2.1.10 There is no immediate requirement to alter the provision. The bed spaces will be required for the foreseeable future and provide a service to vulnerable people at relatively low cost to the Council.

3. Statutory and Policy Implications

3.1 This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and those using the service. Where such implications are material, they have been described in the text of the report. Members' attention is, however, drawn to the following:-

3.1.1 Personnel Implications

All employees of the current provider (The Nottinghamshire Healthcare NHS Trust) have the right to transfer to the successful tenderer/s and the Transfer of Undertakings Protection of Employment (TUPE) will be deemed to apply. There are no personnel implications for the County Council with respect to the transfer of staff as the current employer is the Nottinghamshire Healthcare NHS Trust.

A temporary contract officer based with the County Council has been appointed 18.5 hours per week to lead the tender process. Funding for this post has been awarded by the Nottinghamshire Learning Disability Partnership Board from the Learning Disability Development Fund (LDDF).

3.1.2 Financial Implications

The funding for the contract officer has been identified as in above paragraph 3.1.1.

A new partnership agreement between the County Council, Newark and Sherwood PCT and the Housing Associations, will be completed as part of the re-commissioning process. The contract will be for a period of 4 years with the option of extending this for up to a further 1 year, at the discretion of the purchasers. Block contracts will be awarded to the successful tenderers for the PCTs financial contributions. This block contract will encompass the contribution made by the Social Services Department. The Social Services Department will pay the Provider/s the basic learning disability residential care rate per individual placement.

It is in the interest of the Council that these homes are secured with new providers.

3.1.3 Equal Opportunities Implications

The provision of high quality residential care will ensure that the residents will have their social and health care needs met. The service specification

requires successful tenderers to have an equal opportunities policy and adhere to national minimum standards from Commission for Social Care Inspection (CSCI).

3.1.4 Implications for Service Users

Residents of the homes and their relatives and/or advocates have been notified of the imminent change in provider. Residents have been made aware that continuity of staffing will remain the highest priority. Residents are likely to experience some disruption. The transfer of staff via TUPE processes will provide a high degree of staffing continuity, but some existing staff may choose to seek alternative employment or early retirement. The Healthcare Trust will take every measure to minimise the impact.

3.1.5 Human Rights Act Implications

The re-commissioning will replace an existing service on a 'like-for like' basis so should have no implications.

4. **Recommendations**

4.1 It is recommended that:

- (a) Members note that council officers will conduct the tender for the re-provision of care and support in the 8 partnership homes listed in paragraph 2.1.2 above
- (b) Cabinet agrees to the completion of a new Partnership Agreement between Nottinghamshire County Council, Newark and Sherwood PCT and the Housing Associations (New Leaf and NCHA).

5. **Legal Services' Comments** (DLS 25/05/06)

5.1 The proposals are within the authority of the Cabinet. There are no other legal issues arising from the report that require specific comment.

6. **Director of Resources' Financial Comment** (DW 19/05/06)

6.1 The financial recommendations are contained within the body of the report.

7. **Background Papers Available for Inspection**

7.1 None.

8. **Electoral Division(s) Affected**

8.1 Mansfield, Ashfield and Newark and Sherwood.

**COUNCILLOR DICK ANTHONY
CABINET MEMBER FOR ADULT SOCIAL CARE AND HEALTH**