

## **Title of report: Complex Needs Framework**

**Decision maker: Cabinet member health and adult wellbeing**

**Decision date: Friday, 14 May 2021**

**Report by: Senior commissioning officer**

### **Classification**

Open

### **Decision type**

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected. Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## **Wards affected**

(All Wards);

## **Purpose**

Approval is being sought to join the Worcestershire complex needs framework with Worcestershire County Council and Herefordshire and Worcestershire Clinical Commissioning Group (CCG), across the Sustainability and Transformation Partnership (STP) health and social care footprint.

## **Recommendation**

**Herefordshire Council join the Partnership Agreement which will enable Herefordshire to call off the joint framework and contract with the 11 approved specialist providers on the Complex Needs Framework (CNF) through a spot purchase arrangement from the sign off date to 18 January 2025**

## **Alternative options**

1. To do nothing. This is not recommended. There are currently 16 people known to Herefordshire Council on the Dynamic Support Register (DSR) who may require a specialist accommodation provider now or in the near future. Herefordshire Council has a statutory duty to meet eligible social care needs. To not contract with specialist providers in county will limit opportunities for those people and likely mean out of county solutions are sought or expensive and or restrictive residential accommodation options.
2. Seek out of county solutions where they already exist with specialist providers. This is not recommended. This is against the intent of a number of Herefordshire Council strategies including the County Plan (2020-24) and Herefordshire Health and Wellbeing Strategy; where people have access to the right model of support and accommodation in their own communities, reducing inequalities.
3. Seek placements in residential care as opposed to supported living. This is not recommended. This goes against the county plan and commissioning intentions of seeking least invasive models of support and security of tenure that comes with being a tenant.
4. Herefordshire to set up its own Complex Needs Framework. This is not recommended due to the small cohort of customers that match the criteria for this service in Herefordshire, which would not attract specialist providers due to low numbers not leading to development of sustainable services.

## **Key considerations**

5. If approved this will enable Herefordshire Council to be able to spot purchase off the framework of specialist providers who have been evaluated to meet the specification of the complex needs framework.

6. This will meet the needs of social care customers with a diagnosis of a Learning Disability and/or Autistic Spectrum Disorder who have complex needs and comorbidities. This cohort also meet the criteria of having multiple placement breakdowns and/or in-patient admissions, having presented behaviours that have challenged services. The support and risk management required in supporting these individuals is over and above the needs of people supported through the usual supported living framework.
7. The Council is undertaking a number of transformation and service change activities. Within the Learning Disabilities and Complex Needs Programme there are opportunities including reviewing service user pathways, development of new accommodation better utilisation of technology, and economies of scale which can be achieved under this framework.
8. The cohort of the CNF are a very small number of the social care customer cohort, with currently 16 people meeting the criteria; about 3% of the learning disability population supported by Adult Social Care, not all of whom currently require an accommodation solution. By partnering with Worcestershire County Council this will enhance the opportunity to develop shared models of support across the STP footprint which will enable both councils to develop sustainable specialist services and meets the aspirations of Herefordshire's Learning Disability Strategy and implementation plan.
9. Accommodation support solutions will be sought for those people with eligible social care needs on the Dynamic Support Register (DSR), previously referred to as the Transforming Care Programme (TCP). Those customers whose behaviours have challenged services and led to multiple placement breakdowns and/or in-patient admissions. A pathway is in development to support this group of people to identify the right model of support, at the right time. This pathway will also consider development of bespoke accommodation solutions and models to fit presenting needs based on core and cluster concepts of accommodation, in partnership with Housing Development, working to the priorities set out the 2020-2025 Market Position Statement (MPS).
10. Herefordshire Council participated in the moderation of applications for the CNF with Worcestershire County Council and Herefordshire and Worcestershire CCG during late 2020, and the framework commenced in January 2021. Herefordshire is a named authority in the contract award notice. Herefordshire Council are fully sighted on the Partnership agreement and the specification. The framework was developed for the small number of specialist placements required for this cohort of very low numbers. This (DSR) contains a small number of people who are currently identified as high risk of placement breakdown. Not all require a current accommodation solution, some are settled but require oversight due to the complexity of their care. It also should be highlighted that currently 50% of Herefordshire people on the DSR are placed out of county due to lack of specialist provision in county.

11. The complex needs framework will allow Herefordshire Council to either develop new models of service via a mini competition for pre-determined cohorts from either Herefordshire, Worcestershire or both. The accommodation options will be for either specialist residential (within a pathway to a supported living setting) or specialist supported living, or spot purchase specialist supported living for those individuals whom require a more skilled and robust approach to managing risk. Consideration will be given to setting up a crisis bed within a future scheme to avoid placing people out of county in the event of placement breakdown.
12. Within a 12 month period 108 social care customers under 65 years of age were supported into accommodation settings, of which less than 3% meet the CNF criteria.
13. Providers on the framework will provide staff trained in Positive Behaviour Support, Risk enablement and risk management. All customers will have a risk management/crisis plan and have 24/7 response in the event of a crisis.
14. Customers supported will meet the following criteria;-
  - Those presenting a high risk of admission/re-admission to locked or secure services with a high risk of offending/re-offending
  - Those with a mild Learning Disability and Mental Health diagnosis who have a high risk of relapse requiring specialist intervention
  - Those whose placements are not considered sustainable due to high risk of harm to self or others with a diagnosis of Learning Disability and/or Autistic Spectrum Disorder (ASD) who present with behaviours that challenge services.
15. Whilst the customer base for these services is small, these can be the most complex of packages of care and as a result can often be very expensive long term support plans. Many of this cohort have some Continuing Health Care (CHC) needs and have a joint funded package of care. The Council has a legal duty to ensure it obtains value for money when spending public money and so it is essential that the service provider has the capability to deliver an effective service that meets the objectives of the service.
16. New models of support to include core and cluster models of supported living will provide specialist 24 hour background support with the ability to provide support interventions as required and manage risk. It is modelled that by providing targeted support when needed and background support to a cohort within the same location whilst retaining their own self-contained accommodation; instead of expensive 1-1 support or specialist residential care home, this will produce better outcomes for individuals as well as reduced costs, for some customers this has been modelled to reduce on the scale of 25% of their current package of support, and demonstrates a typical reduction in spend by 50% on the overall package of care.

17. The Council intends to develop a core and cluster scheme for this cohort in 2022 and demonstrate proof of concept at a current housing development in Herefordshire which is in construction. By approving this proposal the Council will meet its commitment to creating new models of support by promoting more autonomous efficient models of support. The first scheme planned will realise savings on current spend. This framework will allow the development of new schemes of support to meet customer need via mini competition processes from the framework of providers, as well as spot purchases. Any spend from this framework will require sign off by operations against the individual budget, providing governance for any spend within operational processes.
18. Herefordshire council will still retain contract management function for its customers served under this contract.
19. The contract template has been scrutinised by Council's legal team and they are comfortable with the content of the contract.

## **Community impact**

20. The CNF delivers the aspirations of the County Plan 2020-24 which promotes "investing in new models of care housing and accommodation to maximise the levels of personal independence those vulnerable people are able to attain whilst residing in their own communities".
21. The Council has a responsibility to ensure that residents receive the best possible services, failure to deliver the right model of support in county can lead to poor outcomes for individuals. By developing the range of local accommodation options for people, some of whom are those with the most complex needs will reduce placement breakdown, and increase quality of support and experiences.
22. The CNF leads on the ambitions as set out in Herefordshire's learning disability strategy to create solutions for people with comorbidities and forensic histories with a learning disability, to live in county in ordinary setting with specialist support.
23. The CNF develops a whole system solution across the STP in partnership with Worcestershire Council and the CCG, to develop accommodation options across economies of scale for this cohort that are less than 3% of current learning disability cohort supported by Adults Social Care.
24. The CNF supports the development of bespoke accommodation options alongside and in tandem with the Housing Strategy and the Social Care the priorities set out the 2020- 2025 Market Position Statement (MPS).
25. The CNF provide opportunities to meet the needs of young people with complex needs whom are on the transitions pathway for young people and feed into the options and developments of specialist accommodation and support, and avoid unnecessary out of county placements. .

## Environmental Impact

26. By enabling more people to remain in county, or for those currently placed out of county in specialist services, this framework will enable Herefordshire citizens to remain or return by providing specialist opportunities in county. This in turn will have a beneficial impact upon the council's environmental policies and deliver its commitments as per the County Plan through the reduction of the council's carbon emissions by families and visitors remaining in county and reducing the carbon footprint through reduced travel.
27. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
28. The development of this project has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance.

## Equality duty

29. The CNF provides a focused service to a small number of people with learning disability/autism and comorbidities and complex forensic histories who are at risk of placement breakdown. This accounts currently for 3% of the learning disability customer cohort supported by adult social care. This framework of providers will allow services to be delivered in county which are not currently available, and will enhance the offer to those customers.
30. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
31. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

## Resource implications

32. Purchases from the providers on the framework will be on a spot purchase basis.
33. The hourly rates are driven by the framework and provide a best value approach.
34. The individual support plans will dictate the number of hours to be purchased and follow current approval processes on social care spend, to ensure it is within the Resource Allocation System (RAS) or approved by exception at a Quality Panel.
35. Any new schemes will be financially modelled in advance and predicted spend signed off via a commissioning approval pathway with both commissioning and operational sign off.
36. Early modelling indicates that by providing models of support by using the CNF this delivers economy of scale and best value as well as better outcomes for individuals compared to specialist residential options. It is estimated that this will provide reductions in packages of care in the region of 50%.
37. Proof of concept will be sought on the first scheme (anticipated early 2022) and a review will take place of both the outcomes for individuals and the financial outcomes.
38. A CNF internal approval pathway will be developed for individual packages of care, to provide the required authority to purchase off the enhanced Complex Needs Framework to ensure it is only accessed by those who need it, and the usual supported living framework will be used for the majority of customers with a learning disability.
39. Purchases will replace existing spend (predicted to be at a higher rate) or new spend for young people in transition.
40. The fees are set by the framework are set out below, please note the council will not fund health services, and the rates allow for both health and social care to purchase off the framework for jointly funded packages as well as sole council funded packages.

<b>Complex Needs Framework – 4 Lots</b>	<b>Rates</b>
<b>Nurse-led residential with MDT</b>	£22 per hour
<b>Residential with access to MDT</b>	£22 per hour
<b>Enhanced Supported Living with access to MDT</b>	£22 per hour
<b>Enhanced Supported Living</b>	£19.40 per hour

## **Legal implications**

41. The Council has a legal duty under the Care Act to ensure the needs of those who meet the relevant eligibility criteria can be met. There are cases, in particular when an individual has specialist or complex needs where the use of a more specialist provider is required, which this Framework has access to
42. The Council are able to access the CNF which has been procured in accordance with the Public Contracts Regulations 2015. The proposed Partnership Agreement will set out the arrangements between Worcestershire County Council, the Herefordshire and Worcestershire Clinical Commissioning Group and the Council.

## **Risk management**

43. The partnership agreement provides access to specialist providers at low risk, and only commits the council to spend on a spot case by case basis.
44. Fee uplifts will be set by the lead authority, and so Herefordshire Council will fall in line with future Worcestershire County Council fee increases.
45. Clear referral and purchasing pathways will be agreed to manage access to the framework to ensure only the complex care cohort access this specialist service at the enhanced rate.
46. All providers are Care Quality Commission (CQC) registered.
47. Entry onto the framework was via a quality evaluation process, during which 33 providers bid and 11 were selected as being able to demonstrate they could meet the demands set out within a comprehensive service specification. The majority of successful providers are not currently operating in Herefordshire but are either on the borders or seeking to develop their footprint regionally. This will assist Herefordshire to develop its market of providers.
48. Herefordshire council will provide its own contract management function of providers it purchases from.
49. Herefordshire Council and Worcestershire County Council will share information across the STP to both inform planning of shared services but also regarding the quality of services.



50. Risk Mitigation table

<b>Risk /Opportunity</b>	<b>Mitigation</b>
Controlling the spend	An approval pathway is in development to determine individuals eligibility and approve the CNF route and therefore any spend on a case by case and scheme basis. The spend is also driven by demand as the price piont is fixed.
Tracking the spend across the STP and keeping within the value of the framework across the STP	Customers will be identified through the Dynamic Support Register which capture individuals within this cohort accoss both Herefordshire and Worcestershire
Annual Fee Uplifts- Worcestershire are the lead commissioner.	Herefordshire Council will liaise with Worcestershire County Council annually to agree annual uplifts.
Contract management	Mangement of contracts and relationships with providers will sit within the existing structure of commissioners and quality assurance team. Information sharing will take place at an STP level to assist in manageing contracts.
Opportunities to commission solutions across the STP footprint and bring economies of scale. Worcestershire numbers are typically three times that of Heferfordshires numbers.	The DSR sits across the STP and brings together both Herefordshire and Worcesterstershire Councils, with the CCG to plan collectively based on customer need and demand. Any shared solutions will be bespoke and ensure meet the needs and preference of targetted customers, providing opportunities to build schemes on the boarder, or in neightbouring county as apposed to out of county in other regions.

51. Risks will be managed by the processes within the Adult and Community directorate.

## **Consultees**

52. The CNF delivers against the Learning Disability Strategy, which was consulted upon and is overseen by the Learning Disability Partnership Board (LDPB) and also part of the implementation plan. This was a key reason for progression of this Framework.
53. The CNF is endorsed by the STP, and signed up to by the CCG and Worcestershire Council, and the specification was co-produced by partners via a sub group and forms a strand of the 3 year plan.
54. The political consolation demonstrated endorsement of the proposal, on the basis that by joining up with partners this will provide greater options and flexibility in delivering the sort of specialist support services needed by clients with complex needs. It will allow for shared solutions and economies of scale, by applying the same support models to a greater cohort across all three partners.
55. All parties consulted provided positive feedback and support for the proposal.

## **Appendices**

None

## **Background papers**

None identified