
Wiltshire Council

Cabinet

28 March 2023

Subject: Re-Commissioning of the Good Lives Alliance Framework for Learning Disability, Mental Health and Autism Services

Cabinet Member: Councillor Jane Davies – Cabinet Member for Adult Social Care, Special Educational Needs and Disability (SEND) and Inclusion

Key Decision: Key

Executive Summary

Services to support people with Learning Disabilities, Mental Health and Autism are currently purchased through the Good Lives Alliance (GLA) Framework. These services include supported living, residential and nursing care. The current framework commenced in September 2019 and terminates in September 2023 at which point a new framework will need to be in place.

These services should meet people's needs as assessed under the Care Act 2014 and will range from support that promotes independence and community engagement, through to more intensive personal and behavioural care and support. All services must have a clear purpose and meet people's goals and aspirations.

The last 2 years has seen some significant challenges in the care market. We are working with a fragile market, which is struggling with workforce recruitment and retention. There is also an evidenced increase in level of need that is challenging due to a lack of care provision and appropriate accommodation.

To co-produce the specification of the new framework, officers engaged with a range of people who access services. People have described what a good life looks like, and what support they need. The framework will encourage providers to work with us in a more efficient way and allows greater range of provision to enable people with eligible social care needs to live safely in their own homes for as long as possible and to lead fulfilled lives.

Proposal(s)

Cabinet is recommended to agree the following proposals:

- The approval of a new price model is delegated to the Corporate Director for Resources in consultation with the Cabinet Member for Adult Social Care, SEND and Inclusion.
- Procurement and award of a new framework from 4 September 2023.
- That the decision to award contracts against the framework is delegated to the Corporate Director for Resources in consultation with the Cabinet Member for Adult Social Care, SEND and Inclusion.

Reason for Proposal(s)

The purpose of this paper is to provide an update to Cabinet on the Wiltshire Council procurement process for Whole Life Commissioning services and sets out the approach to be taken.

Procuring an open framework under the light touch regime will ensure that all providers are vetted and evaluated to ensure they adhere to legal and quality standards and financial parameters. Successful providers will join the open framework, which will be clearly publicised to customers, carers, and practitioners. People assessed under the Care Act as requiring care and support services will then be placed with the most appropriate service, using a combination of customer choice, geography, availability, etc – with the most cost-effective option that meets need.

Terence Herbert
Chief Executive

Wiltshire Council

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Purpose of Report

1. This report outlines the services we commission now, how we will develop our offer, and a proposed procurement route to achieve this. The tender aims to support and stabilise the market.
2. Cabinet is asked to approve the approach to recommissioning Wiltshire's Framework for purchasing which currently includes residential and nursing care, transitional step up/step down services supported living services as live services, to approve the proposed procurement approach to achieve this. We have the option to include other spot purchased services within the new framework e.g., unregulated outreach support, extra care, Individual Service Funds, respite and short breaks, parent enabling, day and evening opportunities.
3. The Framework will be in place for up to 3 years with an option to extend for 2 years and will enable providers to join at any time (as long as specific criteria are met).

Relevance to the Council's Business Plan

4. Wiltshire's commissioning priorities for 2023/24 are:
 - to ensure services are in the right place at the right time.
 - ensure right people receive services in the right place e.g., Increasing services delivered by the right people, in the local community and in peoples own homes.
 - individuals receive the right services at the right price.
5. Wiltshire's Market Position Statement (MPS) for Whole Life Commissioning emphasises that people should receive the support they need at the earliest opportunity to live independently and safely within their local community.
6. This proposal will ensure that the framework will:
 - Focus on the strengths, assets, and potential of people.

- Have a positive and meaningful impact on people's lives.
- Increase choice and control.
- Develop people's life skills.
- Utilise technology enabled care in promoting independence and resilience to supplement or replace the support provided through funded Wiltshire Council services.
- Market shaping and commissioning of adult care and support services.

Background

Current supply arrangements

7. Wiltshire Council and the Integrated Care Board (ICB), currently commission Residential and Nursing Care, and Supported Living services, via the Good Lives Alliance (GLA) Framework. This has been in place since September 2019.
8. The Alliance encompasses support services for adults of working age who may present with mental health needs, learning disability (with or without dementia), autistic spectrum condition, physical or sensory needs, social, emotional, and behavioural needs, speech, language, and communication needs. This may cover young adults (16-25).
9. The service types we commission using the GLA include:
 - Supported Living
 - Residential & Nursing Care
 - Supported Housing with or without accommodation
 - Short breaks
 - Extra Care
 - Parent enabling service.
10. This tender is an opportunity for a more flexible co-produced approach that includes a consistent method to pricing which would be more equitable and support a more sustainable provider market.
11. There are 67 providers on the alliance for supported living, residential, nursing or a combination of these services. Throughout the term of the framework, we have actively encouraged spot providers to join. We have reached 74 providers; however, we have served notice on 7 providers due to a lack of engagement with us.

Main Considerations

12. The Council has a statutory duty to ensure that people with eligible care act needs, have appropriate support to meet their needs and be able to access good quality services. The Care Act also requires councils to shape the care services market sustainably, in collaboration with providers and to retain local oversight of that market.
13. We have a duty to support people to live independently, with a focus on preventing, reducing, and delaying the need for specialist services. This framework is an essential service to meet the need of people, and their family and carers eligible needs.
14. We continue to work with our market, to ensure that the environment provided is fit for purpose. We regularly undertake vacancy management, with the providers and our

operational teams, to ensure that we are utilising the gap within our market. However, we know that we do not have enough services to meet growing population and increase in need, e.g., 150 people waiting for support and accommodation.

- 15. We have seen a positive shift in the purchasing of supported living services and far more scrutiny when making residential placement both in and out of county.
- 16. We have seen an overall reduction in residential placements and increase in supported living. The data is also showing a 15% increase in the need for services in the community.

	Residential & Nursing		Supported living	
	2019	2022	2019	2022
GLA packages	212	294	463	627
SPOT packages	265	146	120	81
Total packages	477	440	583	708

- 17. The overall spend is up 42%, which is due to annual inflationary uplifts, cost of living pressures, an increase in the number of customers supported and an increase in their level of need.

	Residential & Nursing		Supported living	
	2019	2022	2019	2022
GLA Annual Spend	£12,873,706	£24,150,442	£16,622,510	£28,533,337
SPOT Annual Spend	£19,315,359	£14,978,861	£2,988,381	£5,906,885
Total Annual Spend	£32,189,065	£39,129,303	£19,610,891	£34,440,222

Co-production

- 18. The council utilises the Service User Engagement contract, working with the Wiltshire Centre for Independent Living (WCIL) and Wiltshire Parent Carer Council (WPCC), who engage with families and people who use services, working with those with lived experience to get their views and input. This is done through focus groups, speaking to individuals, completing surveys, facilitating forums, or holding information cafes, to ensure that individuals living in Wiltshire are able to have a voice to help to shape health and social care services.

- 19. WCIL have produced several reports to support Whole Life recommissioning activity, all of which will be considered during this procurement:

- [The Good Life Project 2018](#)
- [Accommodation and Support 2019](#)
- [Meaningful Lives - Day Services Report 2019](#)
- [A Place I Call Home 2021](#)
- [The Future of Mental Health Support 2021](#)
- [It's My Life 2022](#)
- [Supporting Young People on their Journey to Adulthood Report 2022](#)
- [Smarter Homes for Independent Living - 2022](#)

- 20. Feedback from the GLA providers has been positive, quarterly forums followed on from the engagement sessions to support good conversation. Providers have enjoyed

the alliance approach, allowing the council and the market to work in partnership, sharing information and data. This has led to huge improvements to relationships.

21. We continue to work closely with our ICB colleagues across Bath and Northeast Somerset, Swindon and Wiltshire (BSW) to ensure we are aligned and consistent in our approach.
22. Market engagement has continued through provider forums with Whole life commissioners and Provider Oversight and Support Team (POST) gathering intelligence. Providers have been sharing their views and suggestions through the workshops held recently. This has been during a time of market pressures in the care sector especially around the recruitment of support staff. The table below details of the planned workshops:

Activity	Topic	Date
Provider Workshop 1	Service type/Level of need/Zones	03-Oct-22
Provider Workshop 2	QA, KPI, CM	25-Oct-22
WCIL / WPCC mtg 1	Engagement	09-Nov-22
Provider Workshop 3	Co-production	28-Nov-22
Submit Liquidlogic Adults System (LAS) request	LAS engagement	08-Dec-22
ICB Workshop 1	Overview	08-Dec-22
WCIL / WPCC meeting 2	Engagement	13-Dec-22
Provider Workshop 4	Vacancies/voids, expression of interest (Eol) Process	24-Jan-23
Ops Workshop 1	Overview of all - Service type/Level of need/Zones	25-Jan-23
Provider Workshop 5 - F2F	Consolidation of all topics one on each table	14-Feb-23
LAS/Brokerage/Finance Workshop 1	LAS Work/Eol process/ContrOCC	Mar 23
Ops Workshop 2	Process and implementation	Mar 23
LAS/Brokerage/Finance Workshop 2	LAS Work/Eol process/ContrOCC	Apr 23

Proposed Changes for retendering

Zones

23. The current 3 zones are too large and although providers sign up to a zone, they may not cover all towns listed. Our intention is to replicate the change from the Strategic Provider model for domiciliary care, creating smaller more manageable zones. This will enable commissioners, brokerage, and providers to focus on efficiencies, decreasing travel and supporting with more effective recruitment. It also allows better data and information on neighbourhoods and community provision.

Bands & Pricing

24. The price model and annual price review mechanism will be established ready for the tender to be launched in May. Fee rates are not ready to be published at the time of this report going to Cabinet. Delegated authority to approve this new price model is requested.
25. We are creating the mechanism by which to purchase and set the rates against each service type. We will take into consideration the national living wage increase and CPI for setting uplifts. Operational teams manage the budget and assess the eligible care needs.

Overview and Scrutiny Engagement

26. This paper will be going to Transformation Operational Board on 14 February 2023.
27. A briefing on the proposals is being provided to Health Select Committee and the Financial Planning Task Group on 17 March 2023.

Safeguarding Implications

28. Current contract arrangement within Whole Life Commissioning contains robust safeguarding measures in line with Council policy. Contracts provide clear direction on how and when to raise safeguarding alerts to avoid any confusion about who is responsible. We also work closely with all stakeholders on feedback and quality assurance concerns.
29. As we work with both children and adults any issues relating to child protection are also included.
30. We are piloting an online system, the Provider Assessment and Market Management tool to support with capturing this information and having a consistent approach across the commissioning directorate.
31. In November 2022, The Oliver McGowan Mandatory training for Learning Disability and Autism was introduced. We are working with NHSE to understand the requirements and impact on this sector, including our own staff.

Public Health Implications

32. The service specifications are underpinned by public health data and evidence from [Wiltshire Intelligence - Bringing Evidence Together](#) - Joint Strategic Needs Assessment (JSNA). With relevant Key Performance Indicators commissioners ensure the services being designed are able to meet the anticipated demand within the contract time frames and are effective and efficient to meet the needs of the people of Wiltshire.
33. The Framework will benefit from the overall health and wellbeing outcomes of people in terms of service continuity and reducing the risk that their health and care outcomes could be compromised if the services were not in place.

34. We are working with ICB and Public Health colleagues on ensuring people access health services and have health action plans and hospital passports in place where appropriate.

Learning from Lives and Deaths - people with a learning disability and autistic people' (LeDeR)

35. The LeDeR inequalities national programme is funded by NHS England and NHS Improvement, was established in 2017 to improve healthcare for people with a learning disability and autistic people, who on average die 20 years younger than the rest of the population. LeDeR aims to:

- Improve care for people with a learning disability and autistic people, who often have poorer physical and mental health than other people.
- Reduce health inequalities for people with a learning disability and autistic people, who are sometimes dying much earlier than they should, many from things which could have been treated or prevented.
- Prevent people with a learning disability and autistic people dying prematurely, due to barriers to accessing health and care to keep them healthy.

36. LeDeR reviews are completed for anyone with a diagnosed learning disability aged four and over who dies in England. Since 2022 reviews have been completed for anyone aged 18 and over with a diagnosed autistic spectrum disorder who has died in England.

37. Analysis of the reviews are completed and presented in an annual report. Recommendations on how to reduce avoidable deaths are made and the implementation of the recommendations is the responsibility of individual ICB's.

Procurement Implications

38. A compliant procurement process will be followed in line with Public Contract Regulations 2015. The procurement process will be designed and run, in conjunction with the Procurement team. The specification of future services will state that providers are expected to demonstrate social value.

Date	Task
October 2022 – March 2023	Market Engagement
March - April 2023	Prepare Invitation to Tender
May – June 2023	Publish DPS - Round 1 Go Live
July 2023	Evaluation Period End Date
August 2023	Award Decision Notification
September 2023	Alliance Commencement Date

There is sufficient time to reshape the services, embed a robust quality assurance framework and go to market before the existing contracts come to an end and to achieve continuity of services.

Equalities Impact of the Proposal

39. An Equality Analysis is not required in this case, as the risks to the Council are considered as 'Low.' The request is to retender and ensure service continuity where possible.
40. The recommissioning of this framework will support equitable access for any individual to health and social care and impact positively on equality by reducing or removing inequalities and barriers that exist for people with eligible needs. Consideration to Social Value will be given when developing the specification, which will be reflected within our tender documentation.
41. Commissioners will require the provision of services which take account of and are committed to ensuring that the organisations value diversity and promotes equality and inclusivity on all aspects of their business.
42. The performance of the framework will be monitored through quality systems and performance management, monitoring and reporting. Providers will report on Key Performance Indicators and commissioners will be responsible for monitoring and reviewing reports and ensuring any improvement actions are completed by providers.
43. Stakeholder engagement is a key element of the success and continual development of the framework. This includes Wiltshire Care Partnership and service user engagement organisations identifying and supporting the implementation of opportunities to develop services.

Environmental and Climate Change Considerations

44. This proposal aligns with the Council's draft Climate Strategy, and particularly its commitment to carbon neutrality by 2030. By ensuring a choice of service provision across Wiltshire, the proposal will support people to remain local and help to ensure that Wiltshire residents have opportunities to increase the use of community assets and activities in their local area. There will be a reduction in travel distances which will enable transport links and other means of transport to be utilised locally.
45. Procuring an open framework will mean that providers can be vetted for compliance and their commitment to Wiltshire's values and priorities. This means that if the council develops specific environmental priorities or principles that are relevant to the service, they can be included easily in the procurement process, where appropriate to do so. Potential providers can be made aware of the council's commitments and policy on environmental issues and can build this into their offer over time. This will be part of how the social value of the contract is demonstrated.
46. Energy consumption associated with the service area will remain roughly at current levels due to the scope of the service unchanging. Annual reviews of the providers operations will place requirements on the provider to make ongoing improvements in this area and in the day-to-day environmental management of the service.
47. Carbon emissions will be managed through energy efficient options, some of which are:

- Reducing support workers travelling by car to provide care in peoples' homes and potentially reducing emissions from fossil fuel vehicles by increasing use of low carbon alternatives.
- Reduction of services through improved use of alternative support, such as technology enabled care, voluntary and community organisations and outcomes-based approaches.
- Encouraging carbon offset projects for any unavoidable carbon emissions or increase a renewable energy or green tariff for avoidable carbon emissions, such as electricity consumption in registered offices.

Workforce Implications

48. These proposals relate to a continuation of current activity which is delivered through external suppliers. So, there is little-to-no direct impact on council employed staff.
49. If the incumbent providers are not successful in the new tender, then TUPE may apply, but only if transferring business between providers. However, while the council would be an interested party, any transfer of staff would be a matter between the incumbent and new provider.

Risks that may arise if the proposed decision and related work is not taken

50. A potential delay, will mean we are out of contract, opening ourselves up to a potential price increase.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

51. The report's proposals offer the most effective mitigation to the following known risks:
- Services being delivered outside of a formal contract once current contract arrangements for the Good Lives Alliance end in September 2023, increasing use of spot provision and increasing care costs.
 - Undertaking an emergency procurement, which would lack the required time to create a robust opportunity.
 - Capacity of the market not having the ability to meet the demand. Staffing issues are being experienced nationally, due to pandemic, cost of living, Brexit, and increased fuel costs.
 - Additional costs incurred by the council when seeking to support customers in difficult to source areas and an increase in the complexities of our young people and adults. e.g., through use of incentives which is generally higher fee rate/paid travel/additional time.
52. A risks and issues log are in place enabling potential risks and mitigations to be identified and implemented. This is a live document which allows risks and mitigations to be continually revised as the project develops.
53. There is a risk of challenge from providers to the tender process and outcome. However, the impact and likelihood of these risks will be reduced by continued and

transparent engagement with providers. This same engagement offers an opportunity to assess providers' appetite and readiness for a new tender as well as the potential impact of current challenges.

54. As with all projects of this nature, it is important to have input from the relevant department across the council to enable us to deliver on time.

Financial Implications.

55. All spend under the operational budget will be managed by the appropriate team, as Whole Life commissioned services, support individuals across adult social care. The current forecast spend for 2022/23 for Residential, Nursing and supported living services is £73.569m.
56. The annual cost of the new contract will be broadly similar to the current contract but taking into account the increased demand due to population increase and inflationary pressures. This will be informed by the new price model and will remain within the financial envelope available.

Legal Implications

57. Legal advice has been sought and will continue to be sought on this project. The procurement of the framework will need to be undertaken in accordance with the Constitution and Procurement Law. The proposed arrangements will ensure the Council meets its duties as described more fully above.

Options Considered

58. The work with Local Partnerships is not due to conclude until the end of March, we will then be in a better position to know their recommendations. The workshops we have planned will enable us to consider our options review the risk and make a decision on the route forward, e.g., costing of services, quality assurance, zones, and service type.

Conclusions

59. All of the above information has been taken into account in establishing this report's proposals.

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