



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

23RD OCTOBER 2023

**COMMISSIONING OF SUPPORTED LIVING SERVICES FOR PEOPLE
WITH A LEARNING DISABILITY**

**REPORT OF THE DIRECTOR OF SOCIAL SERVICES IN DISCUSSIONS
WITH THE RELEVANT PORTFOLIO HOLDER, COUNCILLOR CAPLE**

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1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to make recommendations with regards to the commissioning of Supported Living Services for people with a learning disability.

2. RECOMMENDATIONS

It is recommended that the Cabinet:

- 2.1 Considers the information provided in this report, the Equality Impact Assessment (including Socio-Economic Duty) and Welsh Language Impact Assessment.
- 2.2 Approves the transfer of the Council's remaining nine Supported Living Services for people with a learning disability to specialist providers through the retender of the Council's current Supported Living contract and commence from April 2024.
- 2.3 Subject to 2.2 above, the Director of Social Services is delegated with the authority, in conjunction with the Portfolio Holder, to award contracts following completion of the retender process and to make all necessary arrangements for the subsequent transfer.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The Council's Strategy for Supported Living Services is the provision of high-quality sustainable services for people with a learning disability,

which maximises support and independence for the individual. To continue to achieve this, it is proposed that Adult Services re-shape its focus from the current mix of commissioning and provider functions to a commissioning role for Support Living Services that:

- continues to support people with a learning disability to be as independent as possible by commissioning good quality care and support from specialist providers.
- commissions a sustainable model of supported living for people with a learning disability that achieves best value and sustainability without reducing the availability or quality of service provided to people in need of supported living.

4. BACKGROUND

- 4.1 There is currently a well-established Supported Living Service in Rhondda Cynon Taf, with 3 commissioned specialised providers providing services to around 245 people with a learning disability in 78 properties across the County Borough. This represents over 90% of the local Supported Living Service market in Rhondda Cynon Taf.
- 4.2 The Council also currently manages a small Supported Living Service that supports 27 people with a learning disability in nine houses, employing 54 staff.
- 4.3 Adult Services has substantial experience of commissioning Supported Living Services. As part of our contract, we require our specialist commissioned providers to demonstrate financial stability whilst offering value for money based on quality and price, sound governance of their affairs, and a good track record in delivering quality services of this type.
- 4.4 The current independent sector Supported Living contract is due to end this year after a period of 10 years, and work is already underway to retender the contract and commence new contracts from April 2024.
- 4.5 Care experienced individuals have been involved in the development of the procurement documentation, such as the service specification and the evaluation methodology. This helps to ensure the right service is being commissioned to provide person centred support to all individuals concerned.

5 REVISED COMMISSIONING PROPOSALS

- 5.1 Based on the information above, it is proposed that the Council's nine remaining Supported Living Services for people with a learning disability are transferred to specialist providers through the retender of

the Council's current Supported Living contract and commence from April 2024 in order to achieve best value and sustainability of our commissioned care.

- 5.2 It is important to note that any transfer, if agreed, involves no change in housing for those affected individuals and Transfer of Undertakings Protection of Employment (TUPE) requirements mean that eligible staff in place prior to transfer will transfer to the new commissioned specialist provider. This will help to maintain stability for the individual and continuity of staff support around the provision of activities and support for health and wellbeing during any transition.
- 5.3 It will also be a requirement of both the Council as the existing provider and the new provider to work together to manage any anxiety or worries that service users and their families have about the change of provider and inform commissioners of any issues that may arise.
- 5.4 Subject to Cabinet agreement above, this proposal will require engagement and regular communications with all people supported by the Council's Supported Living Service, their families and staff on how they will be involved in the transfer.
- 5.5 Right-sizing work on all Supported Living schemes as part of the "Just Checking Project" is being undertaken to ensure that care hours being commissioned are in line with assessed need prior to the commencement of the new contract from April 2024.

6. EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY

- 6.1 An Equality Impact Assessment has been completed (attached at Appendix 1) reviewing the impact of the transfer of the Council's remaining nine Supported Living Services for people with a learning disability to specialist providers, as recommended in Section 2 above.
- 6.2 Proceeding with the proposal would have an impact on existing and future individuals, as the proposal indicates that in future, they will not be able to choose supported living services provided directly by the Council. Individuals would continue to remain in their existing home and eligible staff would TUPE over to the respective provider, providing continuity of care. Eligible staff current terms and conditions will continue in line with the TUPE which would result in a neutral impact for individuals and the staff.
- 6.3 The Council will take account of the challenges which the individuals affected by the proposals in this report may face, both in terms of participation in engagement activity and in ensuring that the impact of

any changes is mitigated as detailed in the impact assessment, if they are to be implemented.

- 6.4 Following any procurement process and contract award the service would engage with all affected individuals to address any concerns or questions they may have, and the impact assessment will be reviewed and updated to include any further mitigated risks identified during ongoing engagement activity.

7. WELSH LANGUAGE IMPLICATIONS

- 7.1 A Welsh Language Impact Assessment has been prepared (attached at Appendix 2) and confirms there are no negative or adverse Welsh Language implications associated with implementing the recommendations set out in Section 2 above.

8. CONSULTATION / INVOLVEMENT

- 8.1 Subject to the agreement of the recommendations in Section 2 above, all people supported by the Council's Supported Living Service and their families will be kept fully informed of the process and timescales for service transfer. Following any procurement process and contract award the service would engage with all affected individuals to address any concerns or questions they may have. There would also be opportunities for them to meet with the new providers to discuss any queries they may have. Should a person be unbefriended then an individual advocate will be offered to support.
- 8.2 Similarly, staff would be kept fully informed of progress at each stage of the tender and transfer process and updated in relation to key milestones and timescales. Further work is required with Human Resources to determine which staff will be eligible for TUPE as part of the retender process. Under TUPE there would be no changes to staff terms and conditions of employment, noting that support, as appropriate, would be available to staff throughout the process.

9. FINANCIAL IMPLICATION(S)

- 9.1 The total budget for supported living services for people with a learning disability in 2023/24 is £21.95m comprising of £1.95m for the Council's in-house provision and £20m for commissioned services.
- 9.2 The cost of each individual supported living scheme is driven by the complexity of need and hours delivered in each scheme and typically on average the hours and care needs of individuals supported through our external contract are greater but are provided at a more cost-effective rate per hour. For example, the unit cost for the Council's Supported Living Service is estimated at £28.26 per hour, which is

higher than in the independent sector, estimated at £18.90 per hour. The high hourly rate of the in-house service is due to a number of factors but primarily the management costs, local authority pension and other terms and conditions.

- 9.3 Subject to the agreement of the recommendations in Section 2 above, any financial implication resulting from the commissioning of Supported Living Services for people with a learning disability will be factored into the Council's Medium Term Financial Plan in due course. Whilst the proposal would provide a more cost-effective solutions to the current arrangements, the cost will be subject to competition and other wider market forces.

10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 10.1 The Council's Supported Living Service for people with a learning disability has been provided as part of the Council's service provision to meet assessed needs under the Social Services and Wellbeing (Wales) Act 2014.
- 10.2 Subject to the agreement of the recommendations in Section 2 above, all existing individuals will be offered support on an individual basis to transfer to a new specialist provider ensuring their assessed needs continue to be met in line with our statutory obligations.

11. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELLBEING OF FUTURE GENERATIONS ACT

- 11.1 This report supports two of the Council's corporate priorities, namely:
- People - promoting independence and positive lives for everyone.
 - Living within our means - where services are delivered efficiently to achieve value for money for the taxpayer.
- 11.2 In addition, the report considers the following Well-Being of Future Generations (Wales) Act 2015 wellbeing goals of: A Healthier Wales and more equal Wales.

12 ELECTORAL WARDS AFFECTED

- 12.1 This applies to all electoral wards.

13 CONCLUSION

- 13.1 It is important that the Council reviews its adult social care provision to ensure its current care and support offer continues to meet assessed

need and remains cost effective. Through the implementation of recommended proposal in Section 2 above, Adult Services will:

- continue to meet assessed need and support people with a learning disability to be as independent as possible by commissioning good quality care and support from specialist providers.
- commissions a sustainable model of supported living for people with a learning disability that achieves best value and sustainability without reducing the availability or quality of service provided to people in need of supported living.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Background Papers

None

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