

PETERBOROUGH CITY COUNCIL CABINET	AGENDA ITEM No. 8
20 JUNE 2022	PUBLIC REPORT

Report of:	Charlotte Black, Executive Director People and Communities	
Cabinet Member(s) responsible:	Insert name and portfolio of Cabinet Member(s) Councillor John Howard Cabinet Member for Adult Social Care, Health and Public Health	
Contact Officer(s):	Toni Bawden, Commissioning Manager, LD/Autism Madeleine Hill	Tel. 07442 942096

LYONS GARDENS EXTENSION TO 31 OCTOBER 2023

RECOMMENDATIONS	
FROM: Executive Director People and Communities	Deadline date: 20 June 2022
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> 1) Approve the contract extension with Hereward Care Services Ltd in relation to Lyons Gardens from 1 May 2022 to 31 October 2023 to align with the ongoing work around the respite review. The annual contract value is £787,125.60 per annum which equates to £1,180,688.40 over the life of the extension. 2) Approve Peterborough City Council entering into a collaboration agreement with the CCG in relation to their acceptance to fund 50% of the contract costs, for the period 1 May 2022 to 31 October 2023. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following a referral from the Corporate Leadership Team on 18 May 2022.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to seek Cabinet approval to extend the Lyons Gardens contract by 18 months from 1 May 2022 to 31 October 2023 and to enter into a collaboration agreement with the CCG, to ensure the continuation of health crisis respite funding for people with Learning Disabilities (LD) in Peterborough, whilst a wider respite review is undertaken.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, *To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.*

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

- 4.1 Lyons Gardens is a residential respite service in Glinton, Peterborough for people with Learning Disabilities (LD) and/or Autism. It is run on behalf of the Council by Hereward Care Services Ltd. The service provides both planned and unplanned respite to adults with LD across Peterborough, resulting in the avoidance of expensive permanent 24 hours care placements, giving a break to carers, reducing community crisis and by design avoiding unnecessary and costly admissions to acute mental health hospitals.
- 4.2 The service continues to support a vulnerable cohort of service users under pre-arranged and emergency respite, reducing pressure on other services and allowing people to remain in their own homes and reducing crisis costs and hospitalisations. It has the added benefit of providing respite to carers
- 4.3 Under the Care Act 2014 PCC has a statutory responsibility to meet the needs of people eligible for care and support including carers and to ensure sufficiency of services to meet those needs locally. PCC continues to meet its duties under the Care Act through its existing contract with Hereward Care for respite care at Lyons Gardens
- 4.4 It is a purpose-built 11-bedded unit across two bungalows with a sensory annex, designed to provide overnight accommodation to Adults (aged 17 to 65 years) with complex needs with a primary diagnosis of learning disability or autism. It was commissioned in 2005, due to Commissioning for Social Care Inspectorate (CSCI) (predecessor to the Care Quality Commission CQC) report which found existing Peterborough City Council (PCC) and Peterborough Primary Care Trust (PPCT) respite provisions to be “not fit for purpose” for people with LD.
- 4.5 Each bungalow has its own communal facilities of a kitchen, dining room and lounge. One bungalow has five bedrooms for standard and planned respite. The other has six bedrooms. Five of the beds are designated for service users under the crisis categories of Accelerated hospital discharge, hospital avoidance, or homelessness (breakdown of placement). The sixth bed is used for regular respite for individuals who are more likely to cause damage to the bedroom and require 1:1 support.
- 4.6 The current contract value is £787,125.60.13 per annum. The service has been jointly funded between Peterborough City Council (PCC) and the Clinical Commissioning Group (CCG) (previously Peterborough Clinical Primary Care Trust) since it was commissioned. 50% of the value is funded by the CCG for crisis beds to prevent hospitalisation, to contribute to health targets in reducing the number of people entering into hospital and enabling discharge from hospital. Currently the arrangement between health and social care has been via the Section 75 under the Health Act 2006 whereby PCC pays the contract in full and recharges the CCG for its share under a pooled arrangement. The S75 arrangement will cease in 2022 and the arrangements governed by a collaboration agreement between PCC and the CCG.
- 4.7 The CCG have confirmed that it will continue with the funding arrangements for crisis respite care at Lyons Gardens until the proposed extension end date of 31 October 2023.

5. CONSULTATION

- 5.1 A previous residential respite retender exercise was postponed due to the impact of Covid 19 with priority given to managing the increased number of individual placements considered to be high risk and requiring complex bespoke commissioning. The service at Lyons Gardens is of a good quality so the commissioning capacity was prioritised to reflect this. This report is to request

that the current arrangements are further extended to 31 October 2023 so that a full review and procurement can be completed of respite provision in Peterborough and Cambridgeshire and any tender aligned with that.

- 5.2 The review will look at
- a. utilisation data across Cambridgeshire County Council (CCC) and PCC;
 - b. sufficiency of services against demand, including the impact of unplanned respite and complex respite;
 - c. younger adults coming through from children's services and transitions care to consider alternative models of delivery to best meet needs; and
 - d. improving the effectiveness of referral processes and maximise effective data collection and monitoring.
- 5.3 This exercise will include a contract review of Lyons Gardens. It is recommended that the utilisation and demand for this service is ascertained in order to establish the need for procurement. Accordingly the current contract should be extended to allow for this to take place.
- 5.4 Whilst usage and demand has inevitably been affected by covid over the last two years,, prior to this PCC was experiencing a high demand for both planned and unplanned respite. Operational teams are reporting an increase in the numbers of supporting people with increasingly complex health needs, often at a younger age, plus those presenting with challenging behaviours or mental health presentations as well as crisis need. Not all service users are compatible within a service that caters to all needs and crisis respite can impact on planned stays

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 The extension of the contract will allow for significant work to be undertaken to support the review and transformation of the service delivery, commissioning mechanisms and outcomes and impacts achieved by individuals accessing these services. The work to be undertaken includes:
- Data collection, research and analysis
 - A co-produced approach engaging with service users and their families on draft specifications, model and procurement approach, what they would like their outcomes to from respite, how this can be achieved. This will link to children and young children's requirements for respite. Co-production will include PCC's engagement providers Voiceability, Enabling Independence, Pinpoint and Family Voice.
 - Lyons Gardens contract review
 - Developing solutions
 - Consulting with stakeholders
 - Testing and stimulating the market
 - Ensuring the correct governance for all options and decisions
 - Procurement and award of contract

- 6.2 The benefits of this programme of work will be realised through the following outcomes:

- Clearly defined respite care offer delivered through a process of co-production
- A review and options appraisal of in-house services to determine whether this option should be expanded, better aligned to externally commissioned services or delivered/procured differently
- Be able to define how much capacity we need within each locality to manage those with Social Care needs and better align supply to demand
- Conduct a successful commissioning exercise to procure services which will meet PCC's defined requirements
- Scope potential for savings or efficiencies through better understanding of the market and PCC's requirements

7. REASON FOR THE RECOMMENDATION

7.1 To extend the Lyons Gardens contract to 31 October 2023 to align to the wider respite review work and ensure sufficient time is available to undertake this and make recommendations and develop future services thereby ensuring we meet our statutory duties during this time.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1
- Not extending the contract: will leave PCC at risk of not having a contract in place to govern the provision and roles and responsibilities of both the provider and PCC.
 - To end the current contract and stop providing the provision at Lyons Gardens. However, this would leave a gap in supply which would not meet known demand. The majority of LD respite provision in Peterborough is delivered at Lyons Gardens and there are a number of people who rely on this for planned and unplanned respite. There is no alternative provision in Peterborough.
 - It would leave a gap in provision and impact on service users and the wider health system, as there is no alternative respite care model within the City.
 - Ending the provision would mean PCC is not meeting its statutory obligations under the Care Act to meet people's assessed need and also the needs of carer for whom respite allows them a break from their caring duties. The increased risk of carer breakdown would result in additional funding requirements for both in and out of county placements and greater likelihood of hospitalisations, delayed discharge and homelessness and well as greater demand on support services for carers.
 - Timescales to reprocure the contract now are too short to undertake a compliant tender and would likely be a replica of the current contract without strategic review of demand and need.

9. IMPLICATIONS

Financial Implications

9.1 The annual contract value is £787,125.60 per annum which equates to £1,180,688.40 over the life of the 18-month extension. 50% of this annual cost is funded by the CCG for crisis beds which prevent hospital admission, accelerate discharge or prevent placement breakdown.

Legal Implications

9.2 The Council must ensure it provides care in accordance with the Care Act 2014. S5 of the Care Act 2014 places a general duty on the Council to promote the efficient and effective delivery and quality in the provision of services. In particular, S5(2) states that the Council must be aware of the current and likely future demand for services and to consider how providers might meet that demand, the importance of ensuring the sustainability of the market and have regard to the importance of promoting the well-being of adults in its area with care and support

The Council has been meeting its duties through the existing Contract with Hereward. The existing Contract was originally entered into by Peterborough Primary Care Trust (PPCT) in 2005. The Contract was novated from the PPCT to the Council on 20 November 2012. The Contract will automatically expire on 30 April 2022 unless extended by mutual agreement.

Where the Council awards a contract (either via an extension or a new contract) the Council is under a duty under the Public Contract Regulations 2015 to run a procurement to award the contract where the contract value exceeds the threshold. The Council has been advised that the procurement regime applies. However, the time required to undertake a viable procurement for a new contract, or to undertake a joint procurement to commission the services, in the long term for wider delivery across Peterborough and Cambridgeshire, will exceed the expiry date of the existing contract in April 2022. Unless the Council extends the existing contract or enters into a new contract for the services in the interim period, pending a viable procurement exercise, the Council will not have a contract in place to deliver the essential services and meet its obligation under the Care Act, following the expiry of the existing contract.

Equalities Implications

- 9.3 If the service was not to continue then there would be a negative impact on people with LD, their families and carers

Carbon Impact Assessment

- 9.5 Neutral Impact - Extending the Lyons Gardens Residential Respite contract for Adults with Learning Disability and/or Autism will have a neutral impact on carbon emissions and environment. It is a continuation of services so the impact should remain same.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 None.

11. APPENDICES

- 11.1 None.

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