

MINUTES OF CABINET MEMBER SIGNING MEETING HELD ON THURSDAY, 31ST MARCH, 2022, 10.45 - 10.50 AM

PRESENT: Councillor Lucia das Neves, Cabinet Member for Health, Social Care, and Well-Being.

In attendance: Sujesh Sundarraj, Commissioning Manager; Priti Mohanty, Procurement Officer; Charlotte Pomery, Assistant Director for Commissioning; and Fiona Rae, Acting Committees Manager.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. AWARD OF CONTRACT FOR THE PROVISION OF POSITIVE BEHAVIOUR SUPPORT (PBS) SERVICE - CARE AND SUPPORT FOR PERSON A

The Cabinet Member for Health, Social Care, and Well-Being considered the report which detailed the outcome of a mini-competition process conducted via the Council's Adults Supported Living Dynamic Purchasing System (DPS) for Positive Behaviour Support (PBS) Services and sought approval to award a 'Call-Off' contract (hereafter Service Agreement) to the successful tenderer (identified in Appendix 1 - Part B (exempt information) of this report) in accordance with the Contract Standing Order (CSO) 9.07.1 (d) and 16.02.

The report noted that the successful service provider would deliver the PBS Services to Person A (service user – identified in Appendix 1 – Part B (exempt information) of this report) in a property based in Milton Keynes. The provider would be required to provide care and support as defined by the needs of Person A and be responsible reporting for the Health and Safety of the building to landlord on behalf of Person A.

Subject to approval, the Service Agreement would be awarded for a period of (7) seven years commencing from 1 April 2022 and (unless terminated earlier in accordance with law, placement breakdown or any provisions within the Supplier Agreement) would remain in force until 31 March 2029.

Officers highlighted that the start date for the service agreement in the report and recommendations was stated as 1 April 2022 – 31 March 2029. However, as the report was considered for Cabinet Member Signing on 31 March 2022 and would have a statutory call-in period of five working days, the outcome of the procurement process would not be able to be notified until 12 April 2022. Taking into account the timescales

required for the provider to sign and given the holiday period, the contract was expected to start on 21 April 2022 and would end on 20 April 2029.

The Cabinet Member RESOLVED

1. In accordance with Contract Standing Order 9.071 (d) and 16.02, to approve the award of a Service Agreement to deliver PBS Service care and support to Person A to successful tenderer (identified in Appendix 1 - Part B (exempt information) of this report) for a period of seven (7) years commencing from **21 April 2022 to 20 April 2029** at the estimated cost of £5.1 million (breakdown of cost is described in Appendix 1 – Part B (exempt information) of this report) inclusive of London Living Wage for first 18 months.
2. To vary the contract price annually commencing from 1 October 2023 to provide annual uplift. The annual price uplift will be capped to a maximum of London Living Wage (LLW) rate of inflationary increase as published by the Living Wage Foundation periodically; and
3. To waive Contract Standing Order (CSO) 9.08.8 (requirement to execute the contract under seal as a deed where value of the contract is above £250,000) as permitted under CSO 10.01.1(a) as the Service Agreements are electronic on the Council's Adults Supported Living Dynamic Purchasing System (DPS).

Reasons for decision

The decision to award a Service Agreement to the successful tenderer is based on the conclusion of a competitive procurement process. The proposed recommendation to award the Service Agreement is made according to the outcome of the Most Economically Advantageous Tender, as detailed in section 6 of this report.

The recommended service provider is one of the country's largest not-for-profit organisations and has extensive experience in supporting people with learning disabilities, autism, behaviours of distress and those with complex health needs. The provider has submitted a strong tender bid that clearly demonstrates significant expertise and commitment to providing the appropriate and relevant care and support to Person A. The organisation also has a strong track record of delivering Positive Behaviour Support services to the Transforming Care cohort.

Positive behaviour support (PBS) is a person-centred framework for providing long-term support to people with a learning disability, and/or autism, including those with mental health conditions, who have, or may be at risk of developing, behaviours that challenge. It is a blend of person-centred values and behavioural science and uses evidence to inform decision-making.

The use of the PBS Framework will bring several benefits: Services will be based on a PBS approach to improve life outcomes of vulnerable service users who present 'challenging behaviours' to live in a community setting. The provider's performance will be judged according to the extent to which the agreed outcomes are met and the extent to which an individual's independence is maintained with stable or decreased care and support needs. All providers on the framework, in partnership with the

Council, will be expected to measure and record achievement of individual outcomes and meet the requirements of the Council's Performance Monitoring Tool where the outcomes payments will be based.

The Service Provider will be required to ensure that all staff engaged in the delivery of the Services to Person A are rewarded fairly without unreasonable deductions from pay and will be paid hourly rates no less than the London Living Wage (LLW) in line with our wider commitment to paying LLW across all care services.

The Positive Behaviour Support model gives the flexibility to step down Person A's package of care over time. The payment model for a PBS provider on the Framework is outcomes related; 80% of flat weekly fee will be paid monthly in arrears based on sustainment of placement and remaining 20% of flat weekly fee will be paid pro-rata, quarterly in arrears linked to delivery of basket of outcomes. When services are sourced using the PBS Framework agreement, 15% of the Care and Support costs will be paid by the Big Lottery, Commissioning Better Outcomes Fund.

Alternative options considered

No alternative option was considered as Person A has had a number of discharges to supported living, residential care and direct payment provision resulting in re-admission to hospital (one placement lasting no more than 15 days). Taking all this into account a clinical decision was reached that Person A required a bespoke service to be developed to enable him to transition successfully from hospital to the community.

Person A's needs are highly complex resulting in him having spent a considerable amount of time in a long stay Assessment and Treatment Unit in hospital. In light of this, the future care and support offer must be able to meet Person A's needs and be able to respond to his highly challenging behaviours. PBS is a person-centred approach to supporting people who display or are at risk of displaying behaviours, which challenge. It involves understanding the reasons for the behaviour and considering the person as a whole - including their life history, physical health and emotional needs - to implement ways of supporting them. It focuses on creating physical and social environments that are supportive and capable of meeting people's needs, and teaching people new skills to replace the behaviours, which challenge. In the opinion of practitioners, the PBS approach will support Person A, who presents 'challenging behaviours' to live in a community setting and develop within a safe and nurturing environment.

Seeking the delivery through the Positive Behaviour Support Framework from an external provider was selected as the optimal way to meet the needs of Person A at the outset and over time as it allows for a high level of care from the start to support Person A to settle into the new and different environment of a supported living setting.

4. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the remainder of the meeting as item 5 contained exempt information, as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 3 and 5, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

5. EXEMPT - AWARD OF CONTRACT FOR THE PROVISION OF POSITIVE BEHAVIOUR SUPPORT (PBS) SERVICE - CARE AND SUPPORT FOR PERSON A

The Cabinet Member considered the exempt information.

The Chair of Overview and Scrutiny has been informed that it was impracticable to give 28 days' notice of the decision. This decision was originally included on the Forward Plan for decision between 5 March 2022 and 18 March 2022. This decision seeks to provide Positive behaviour support (PBS) which is a person-centred framework for providing long-term support to people with a learning disability, and/or autism, including those with mental health conditions, who have, or may be at risk of developing, behaviours that challenge. It is a blend of person-centred values and behavioural science and uses evidence to inform decision-making.

As this decision relates to the specific needs of an individual and it highly personalised, some additional time was required to ensure that the arrangements would be appropriate. As such, the timeframe has been updated and it is highlighted that a timely decision is required in order to ensure that appropriate arrangements are in place for this individual.

Given the above, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution. This is set out in Part Four, Section D, Rule 16, of the Constitution.

CABINET MEMBER: Cllr Lucia das Neves

Signed by Cabinet Member

Date ...31 March 2022.....