



Mayor and Cabinet

Report title: Permission to commission the Children & Young People's Personalised Care and Support Framework Agreement

Date: 6 July 2022

Key decision: Yes

Class: Part 1

Ward(s) affected: All

Contributors: Operational Manager for Short Breaks, Children with Complex Needs, Integrated Services for SEND
Head of Service, CYP Joint Commissioning
Commissioning Officer, CYP Joint Commissioning

Outline and recommendations

This report sets out the commissioning intentions to commission providers on a Personalised Care and Support Framework Agreement for the delivery of personalised care and support in the home. This Framework Agreement will deliver support the procurement of three types of service, referred to as 'lots', for Personalised Care and Support for children with complex health needs, personal care needs and short breaks needs.

- Lot A: Personalised Care and Support delivered by Children's Nurses,
- Lot B: Personalised Care and Support delivered by Carers,
- Lot C: Personalised Care and Support delivered by Support Workers,
- Lot D: Mentoring, buddying, support for challenging behaviour and children with ASD diagnosis.

The framework will be for a period of three years with the option to extend the contract for a further two years.

The estimated value of the care provided by providers across all three lots on the framework is approximately £2,750,000 per annum, and a total contract value £13,750,000 over the possible lifetime of the contract (five years).

It is recommended that Mayor and Cabinet approve the commencement of the procurement of the Personalised Care and Support Framework providing support service to children and young people at home.

Timeline of engagement and decision-making

February 2017 Mayor and Cabinet agreed the decision to tender for a Personalised Care and Support Framework to a number of support agencies in four lots of increasing complexity of care.

February 2018 Mayor and Cabinet (Contracts) agreed to the Framework Agreement (PPF), with 15 providers in total across the four lots for Children and Young People's Personalised Care & Support. The agreed framework was for two years from 1st April 2018 to 31 March 2020, with an option to extend for up to 2 years at the Council's discretion.

March 2020 the council exercised the option to extend the contract for the full two years permitted. A report was submitted to the Mayor and Cabinet on 6th May 2020 with the recommendation to extend the contract to 31st March 2022. This decision was approved and extension letters sent to all providers.

March 2022 The Executive Director for Resources agreed to extend the contacts within the Framework Agreement until 30th November 2022.

1. Summary

- 1.1. This report seeks approval from Mayor and Cabinet to proceed with the procurement of a Personalised Care and Support Framework (PPF) Agreement for the delivery of personalised care and support in the home for children and young people. The Framework used by the Council to provide domiciliary care.
- 1.2. There are implications for the South East London Clinical Commissioning Group (SEL CCG) as this framework provides support under the Continuing Care Framework at home for children and young people with complex care needs. See section 4.4 for more detail.
- 1.3. The Framework Agreement will deliver support the procurement of four types of service, referred to as 'lots', for Personalised Care and Support for children with complex health needs, personal care needs and short breaks needs detailed in section 2.1.
- 1.4. In addition to care provided by agencies on the Framework Agreement the short breaks team have also spot purchased £281,000 of care per year with other agencies outside of the Framework Agreement. This is due to providers on the framework facing capacity challenges in meeting the changing needs of Lewisham families. Lewisham intends to use the procurement process to engage with providers outside of the existing framework to help strengthen and develop the care market.
- 1.5. Lewisham will seek to award a contract for a period of three years, with an option to extend for two years commencing from 1st September 2022. The estimated value of the care provided by providers across all three lots on the framework is approximately £2,750,000 per annum, and a total contract value of £13,750,000 over the possible lifetime of the contract (five years).

2. Recommendations.

- 2.1. It is recommended that Mayor and Cabinet approve the commencement of the procurement process to provide Children and Young People Personalised Care and Support for children with complex health needs, personal care needs and short breaks needs. The Framework will consist of four lots:
 - Lot A: Personalised Care and Support delivered by Children's Nurses,

- Lot B: Personalised Care and Support delivered by Carers, and
 - Lot C: Personalised Care and Support delivered by Support Workers.
 - Lot D: Mentoring, buddying, support for challenging behaviour and children with ASD diagnosis.
- 2.2. The estimated value of the care provided by providers across all three lots on the framework is approximately £2,750,000 per annum, and a total contract value £13,750,000 over the possible lifetime of the contract (four years).

3. Policy Context

- 3.1. The Short Breaks Service is consistent with the Council's Corporate Strategy priority "Giving children and young people the best start in life", in particular the aims to:
- Work with our partners to ensure that young people transitioning into adulthood achieve the best possible outcomes in relation to education, work, healthy lives and strong community connections.
 - Support more high-quality mentoring by working with community and voluntary groups and businesses to help our young people access employment opportunities.
 - Provide services to children and young people who are disabled or have complex health needs, and their families in line with the implementation of the SEND Code of Practice 2014.
- 3.2. The Local Authority have a statutory obligation to provide services that meet the short break and personal care needs of disabled children, young people and their families. One way that Lewisham Council discharges these statutory obligations is by providing personalised care and support services in the home.
- 3.3. The Framework also supports the delivery of Lewisham's Children & Young People's Plan (CYPP) 2019-2022, and Lewisham's Special Educational Needs and Disabilities Strategy (0-25 years) 2020 - 2023.
- 3.4. The Framework is key to delivering the objective of improving outcomes for children with identified SEND by ensuring that their needs are met as outline in Lewisham's Local Area Partnership SEND Strategy 2020-2023. This sets out the Council's strategy for collaboratively delivering outcomes for children with SEND and their families.
- 3.5. Specifically it supports the vision of specialist support for children and young people identified as having high needs developing independence and keeping families together without escalation to more critical support.
- Children and young people with SEND (0-25 years) and their families who have high levels of complex need that have been assessed by professional(s) as requiring specialist services and support across health, social care and education receive the right support at the right time by the most appropriate person and/or service, so they can become as independent as possible.
- 3.6. The Framework also supports the NHS in delivering care and support outlined in the Children and Young People's Continuing Care Framework 2016. This outlines the care provision the Clinical Commissioning Group should provide to support children and young people with very complex care needs at home. It supports the development of the market place for short breaks & children's continuing healthcare services in order that there is suitable provision in place to support children's aspirations and life choices through to adulthood.

4. Background

4.1. An invitation to tender was published in October 2017. The tender was issued to develop a framework agreement providing four types of service, which were referred to as 'lots', for Personalised Care and Support for children with complex health needs, personal care needs, short breaks need, challenging behaviour and children requiring mentoring support:

- **Lot A:** Personalised Care and Support delivered by Children's Nurses to fulfil the direct nursing needs of disabled children and young people with the most complex needs as set out in the child specific care plan. This is primarily to support children and young people eligible for support from NHS Continuing Care.
- **Lot B:** Personalised Care and Support delivered by Carer Workers. Experienced carers trained to an advanced level to carry out a programme of activities with disabled children and young people who have complex needs, both in their homes and the community.
- **Lot C:** Personalised Care and Support delivered by Support Workers. Experienced Support Workers who are skilled to carry out a programme of activities with disabled children and young people in their homes and the community. Support Workers may also need to provide practical support to families in the home.
- **Lot D:** Mentoring, buddying, support for challenging behaviour and children with ASD diagnosis. Experienced support workers or outreach workers who are skilled to carry out a programme of mentoring, buddying or support with challenging behaviour enabling children and young people to meet their aspirations. Lot D is a specific service to meet the light touch needs for some children and young people in social care. This can include support provided in friendship groups with appropriate support.

4.2. Each Lot covers the following core areas of provision:

Need	Activity	Staff
Complex Health Needs	Waking Nights Day Care	Children's Nurses (Lot A) Highly Skilled Carer Workers (Lot B)
Personal Care Needs	Waking nights Day Care	Highly Skilled Carer Workers (Lot B) Support Workers (Lot B)
Short Break Needs	Waking Nights Day Care Support to families in the home Support to young people in the community	Highly Skilled Carer Workers (Lot B) Support Workers (Lot C)
Challenging behaviour and mentoring	Mentoring & Outreach Support to young people in the community	Outreach and support workers (Lot D)

4.3. Personalised Care and Support in the home has an essential role in delivering Lewisham's statutory obligation in meeting short break and personal care needs of disabled children, young people and their families. The Children with Complex Needs

team identify families who require domiciliary care and call down providers on Lots B and C of the framework to deliver the care at home.

- 4.4. The Framework is currently used by the SEL CCG to meet the complex health needs of children, young people and their families who are eligible for care from the NHS under the Children’s Continuing Care Framework. Children and Young people area assessed by nurses to determine their Continuing Care eligibility and care is agreed through a multidisciplinary panel which has representation from the Council and the CCG. Once the care needs are identified the CCG will approach providers on Lots A and B of the framework to provide care at home.
- 4.5. The SEL CCG will transition to the South East London Integrated Care Board (SEL ICB) in July 2022 and the overall governance and responsibility for NHS commissioning will transfer to the new body at that time. Local “Place” based commissioning arrangements will remain in place for borough based services as agreed in the Section 75 Agreement. This will include Continuing Care.
- 4.6. A framework agreement sets out the general terms under which specific purchase (“call offs”) can be made under the agreement. The purpose of using a framework is to enable the Council to award individual contracts without going through a full procurement process each time. The framework agreement has been procured as a multiple provider, multiple lot framework under which individual services will be called off dependent on the eligible needs of the child, young person and family requiring the service.
- 4.7. The specification of service was developed in collaboration with children and young people with complex needs, parent/carers, families, service providers and internal services to develop a service which is responsive in meeting the needs of children and young people with complex needs.
- 4.8. Across the Council and the SEL CCG, demand for support provided by the PPF framework has increased in line with increase to numbers of Children and Young People requiring EHCPs. The table below outlines the number of EHCP requests received by the Council over the last three years and the numbers of plans issued from those requests. This illustrates a 42% increase in requests since 2018 and 20% increase over the previous year.

Description of Indicator	18-19	19-20	20-21	21-22
Requests for EHC Needs Assessments	416	419	486	592
Number of new EHC Plans agreed to issue	292	266	430	393

- 4.9. The total number of children and young people receiving support from the Council in Short Breaks on the PPF have fluctuated over the last three years but has shown significant increase in the last year. This has been impacted by the number of young people needing support from spot purchase providers. The table below illustrates the split of care between lots on the framework and overall numbers of young people receiving support.
- 4.10. The Council currently provide most support through carers on Lot C of the framework

and support a single young person on Lot A. The support expected to be provided on Lot D has historically not been taken up by agencies so the Short Breaks team and Commissioners will explore the specification with families and providers to develop an offer which will be better placed to provide support in this area.

Year	Lot A	Lot C	Spot Purchase	Total
21-22	1	178	26	205
20-21	1	112	0	113
19-20	1	169	0	170

- 4.11. The CCG has seen a more consistent number of children and young people access support on the PPF for Continuing Care. Between 2019 and 2020 a number of young people either transitioned to adult services or were discharged from care, reducing the overall numbers of young people being supported. This further illustrates the care being provided on the PPF. Additional care is provided to children and young people by schools and placements which are not part of the framework.

Year	Lot A	Lot B	Lot C	Total
21-22	6	16	1	23
20-21	7	16	0	23
19-20	9	19	0	28

5. Current Framework Arrangements

- 5.1. The Council and South East London CCG require that providers on the framework agreement provide services to families who have been assessed as eligible for support from Social Care or the NHS. They are required to provide a full offer of care which will meet the identified needs of the young person and family. Families also have the option of being able to purchase services from the same agencies using their direct payments at the agreed framework price
- 5.2. As of March 2022 180 children and young people are provided domiciliary care for Lewisham Council and 25 provided care for the CCG under the Continuing Care Framework.
- 5.3. Due to increased demands for support and pressure on the capacity of carers not all provisions of care are provided by agencies from the PPF and increasing numbers of children and young people have their care packages provided by a mixture of both PPF and spot purchased agencies.
- 5.4. Where spot purchases agencies are asked to provide support there is a process in place to ensure the same quality standards which are applied to the PPF providers are equally in place with spot purchase agencies prior to an agreement of care being provided.

- 5.5. A breakdown of the annual value of care in 2019/20 – 2021/22 for the Framework and spot purchase care provisions for the Council and the CCG are given below:

Lewisham Council

Year	Framework	Spot Purchase	Total
19/20	£633,000.00	£0.00	£633,000.00
20/21	£619,000.00	£0.00	£619,000.00
21/22	£699,000.00	£374,000.00	£1,073,000.00

SEL CCG (Lewisham)

Year	Framework	Spot Purchase	Total
19/20	£671,000.00	£1,839,000.00	£2,510,000.00
20/21	£762,000.00	£2,062,000.00	£2,824,000.00
21/22	£853,000.00	£1,838,000.00	£2,691,000.00

- 5.6. While the Council and CCG expect spot purchase providers to deliver the same level of safe and appropriate care as providers on the Framework, these agencies are not bound by the same pricing structure as those on it. This does not provide the Council with the same level of financial stability as having the care delivered through the PPF, or allow for accurate forecasting of care costs. It is the intention of the Council to prioritise call downs for care from providers who are on the Framework, utilising spot purchase only in exceptional circumstances where necessary.
- 5.7. This procurement exercise will offer an opportunity for agencies not currently on the Framework to be incorporated into it, this will give **such** providers more financial stability, as agencies on the PPF are prioritised when calling down care and spot purchased care is not guaranteed. In this way Children with Complex Needs team and Commissioners hope to develop the range of cares on offer and provide a more stable local care market.
- 5.8. The tables in 5.5 illustrate the increase in overall costs to the Council as a consequence of using spot purchase providers in addition to the increase in the numbers of families receiving care in table 4.10. The Framework will provide improved management and oversight of these increases by reducing the reliance on spot purchases and the associated costs incurred.
- 5.9. The specification for the Lots on the current framework are outlined below.

LOT A: CORE ACTIVITIES
<p>Day care and/or waking night care in the home or in the community where the needs of the child require clinical decision making, covering the following areas (not an exhaustive list)</p> <ul style="list-style-type: none"> ▪ Enable parents to have a high quality short breaks ▪ Sole care of child/young person where appropriate ▪ Assist child/young person to access activities in the community

- Assist child/young person to develop independent living skills
- Clinical observation and monitoring
- Emergency care (anaphylaxis / resuscitation / seizure management)
- Undertake clinical nursing interventions to the level of a qualified children's nurse if required
- Catheterization
- Personal care
- Moving and handling
- Assisting with prescribed home based exercise programmes
- Ventilated / CPAP/ BiPAP, Oxygen management
- Tracheotomy care
- Medication related to complex care including seizure management in an emergency
- Suctioning (including deep suctioning)
- Naso Gastric/enteral feeding

LOT B: CORE ACTIVITIES

Day care and/or waking night care covering the following areas (not an exhaustive list)

- Enable parents to have a high quality short breaks
- Sole care of child/young person and/or siblings at set times where appropriate
- Assist child/young person to access activities in the community
- Assist child/young person to develop independent living skills
- Observation and monitoring
- Emergency care (anaphylaxis / resuscitation / seizure management)
- Undertake medical interventions to the level of 'competent parent' if required
- Catheterization as appropriately trained and supervised
- Personal care
- Moving and handling
- Assisting with prescribed home based exercise programmes
- Ventilated / CPAP/ BiPAP, Oxygen management
- Tracheotomy care as appropriately trained and supervised
- Support the child/young person with complex bladder and bowel dysfunction for example stoma care as appropriately trained and supervised
- Medication related to complex care including seizure management in an emergency
- Suctioning (not including deep suctioning)
- Naso Gastric/enteral feeding

LOT C: CORE ACTIVITIES

Day care and/or waking night care covering the following areas (not an exhaustive list)

- Enable parents to have a high quality short breaks
- Sole care of child/young person and/or siblings at set times where appropriate
- Assist child/young person to access activities in the community
- Assist child/young person to develop independent living skills
- Practical support in the home

<ul style="list-style-type: none"> ▪ Observation and monitoring ▪ Emergency care (anaphylaxis / resuscitation / seizure management) ▪ Undertake medical interventions to the level of 'competent parent' if required ▪ Administer medication to the level of a 'competent parent' if required ▪ Catheterization ▪ Personal care ▪ Moving and handling ▪ Assisting with prescribed home based exercise programmes
<p>LOT D: CORE ACTIVITIES</p>
<p>Day care and/or waking night care covering the following areas (not an exhaustive list)</p> <ul style="list-style-type: none"> ▪ Provide mentoring, buddying and support to children & young people with complex needs, ASD or behaviour that challenges. ▪ Support the child or young person to access activities in the community. ▪ Use appropriate methods of communication e.g. Makaton, TEACCH ▪ Enable parents to have a high quality short breaks ▪ Work in a supportive, calm and non-judgemental way with children and young people who may be challenging ▪ Work effectively with children and young people, families/carers, advocates, staff and professionals ▪ Sole care of child/young person and/or siblings at set times where appropriate ▪ Assist child or young person to develop independent living skills ▪ Practical support in the home ▪ Observation and monitoring ▪ Emergency care (anaphylaxis / resuscitation / seizure management) ▪ Undertake medical interventions to the level of 'competent parent' if required ▪ Administer medication to the level of a 'competent parent' if required ▪ Assisting with prescribed home based exercise programmes

6. Procurement Strategy

- 6.1. Should agreement be given to procure the service, a range of activity will take place with key stakeholders (providers and service users) to review the current specifications for each Lot on the Framework. This will build on existing family and service user engagement undertaken by the Short Breaks team on an annual basis. In addition an online questionnaire will be available for parents and carers to provide any additional feedback they might have on the current care provision.
- 6.2. Providers will have an opportunity to feedback on the specifications, the allocation process and effectiveness of Framework during soft market testing. This will include providers' experiences during Covid-19, the impact of Brexit on staffing and any pressure due to the current financial situation
- 6.3. The procurement process will be tendered via an open tender process in line with the Public Contract Regulations (2015) as per the Light Touch Regime and the Council's Contract Procedure Rules. Contracts on the framework will be offered to a range of successful providers for each of the Lots within the Framework.

A panel will evaluate each of the tenders against the specifications outlined for the lots they have submitted tenders for, taking into consideration the quality of the service they will provide and the costs submitted for each Lot. Successful providers will be allocated a space on the framework for the Lots they have tendered for.

- 6.4. There is a commitment to involve parent/carers and/or children and young people in the tender evaluation process.
- 6.5. Consideration was given to insourcing the provision of currently being undertaken by the agencies on the existing framework, with the commercial contracting option being recommended. In-house delivery was not recommended due to lack experience and expertise within the existing short breaks services. Current services are not equipped to manage domiciliary care at home, rather offering short breaks from various settings across Lewisham. In addition there is no expectation from the SEL to consider insourcing the nursing care necessary to provide Lot A care and support.
- 6.6. The tender will be advertised via the Council's online tendering system (Proactis procurement portal) publishing the opportunity onto Contracts Finder and Find a Tender service.
- 6.7. Proposed Procurement Timetable

Activity	Date
Family Engagement	27 th May 2022
Provider Forums	6 th June 2022
Mayor & Cabinet approval to tender	6 th July 2022
Procurement start	29 th July 2022
Procurement end	12 th August 2022
Award Report	23 rd October 2022
Implementation	30 th November 2022

7. Financial implications

- 7.1. Gross spend by Lewisham Council (Children with Complex Needs Service – Education Services) on packages from the PPF are approximately £700,000 per annum. A framework contract enables opportunities to keep costs low.
- 7.2. The Local Authority have budget management processes in place to ensure that spend is in line with the budgets and to manage any risks with potential overspend.
- 7.3. It should however be noted that any increase in demand for the service would result in increase in cost (as would a reduction correlate to reduction in spend).
- 7.4. The main financial risk is in relation to increased demand for services if the numbers of services users increase.
- 7.5. The budget for this category of expenditure is £1,073,000 and is contained within the overall service expenditure budget for Integrated Services for SEND and Complex Needs which for the 2021/22 financial year is set at £11,447,040.
- 7.6. The Lot A provision of care supports the CCG's Continuing Care commitment. The current combined budget for children's care for 2022-2023 is £3,273,000.

8. Legal implications

- 8.1. Under the Council's Constitution requirements about how to procure and manage contracts, this contract would be categorised by Contract Procedure Rules ("CPRs) as Category A contract and the Public Contracts Regulations 2015 as amended by the Public Procurement (Amendments etc...) (EU Exit) ("the Regulations") will also apply. Tendering this contract via open procurement would satisfy both the CPRs and the regulations.
- 8.2. As a Category A contract and Key Decision, it would be for Mayor and Cabinet to take a decision on the award of any contract and must be included in the Key Decision Plan.
- 8.3. The Equality Act 2010 (the Act) places on the Council a public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 8.4. The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations. 9.7 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-andpolicy/equality-act/equality-act-codes-of-practice-and-technical-guidance/> .
- 8.5. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty: 1. The essential guide to the public sector equality duty 2. Meeting the equality duty in policy and decision-making 3. Engagement and the equality duty 4. Equality objectives and the equality duty 5. Equality information and the equality duty.
- 8.6. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/publicsector-equality-duty/guidance-on-the-equality-duty/>

9. Equalities implications

- 9.1. One of the overarching aims of these provisions is to increase independence in young people in placements through providers offering tailor made curriculums as part of their key work sessions.
- 9.2. The Council’s Equalities objectives will be formed part of the criteria’s used in the tender evaluation.
- 9.3. As part of this procurement an Equalities Analysis Assessment will be undertaken to ensure that the equalities agenda is fully considered.

10. Climate change and environmental implications

- 10.1. The Council has made a commitment to making the borough carbon neutral by 2030.
- 10.2. Both buildings will be maintained by the awarded provider. The energy efficiency of services will be discussed and monitored in the contract monitoring meetings.

11. Crime and disorder implications

- 11.1. Short breaks services play a significant role providing positive activities for young people, keeping them safe from exploitation, anti-social behaviour or criminal activity.

12. Health and wellbeing implications

- 12.1. Short Breaks Services play a significant role in promoting the health and wellbeing of our young people. Future service will ensure that health and wellbeing outcomes are prioritised through the delivery of short breaks services, and that the impact of this provision on these outcomes can be measured.

13. Report author(s) and contact

- 13.1 Paul Creech, CYP Joint Commissioning Team
- 13.2 Comments for and on behalf of the Executive Director for Corporate Resources
Floyd Roberts, Business Partner – Schools and DSG
- 13.3 Comments for and on behalf of the Director of Law, Governance and HR
Sohagi Patel, Commercial Education and Employment Lawyer

Glossary

SEND	Special Educational Needs or Disabilities
EHCP	Education, Health & Care Plan