

## Cambridgeshire County Council's Learning Disability Frameworks

To: Adults and Health Committee

Meeting Date: 17 March 2022

From: Will Patten, Service Director, People & Communities

Electoral division(s): All

Key decision: Yes

Forward Plan ref: 2022/049

Outcome: Establish the appropriate level of governance for Cambridgeshire County Council's Learning Disability Frameworks. The Frameworks will continue to deliver outcomes for people with Learning Disabilities in Cambridgeshire, allowing them to live as independently as possible and provide daytime and leisure opportunities.

Recommendation: Adults and Health Committee are recommended ;

- a) To consider and ratify the procurement of each framework detailed within the report.
- b) To consider and ratify the total contract values for each framework detailed within the report [see paragraph 1.4].
- c) Approval to tender and award future contracts up to the value specified under each framework is delegated to the Executive Director of People and Communities

### Officer contact:

Name: Oliver Hayward  
Post: Assistant Director: Commissioning  
Email: [Oliver.hayward@cambridgeshire.gov.uk](mailto:Oliver.hayward@cambridgeshire.gov.uk)  
Tel: 01223 699692

### Member contacts:

Names: Councillors Howitt and van de Ven  
Post: Chair/Vice-Chair  
Email: [Richard.Howitt@cambridgeshire.gov.uk](mailto:Richard.Howitt@cambridgeshire.gov.uk), [susanvanden5@gmail.com](mailto:susanvanden5@gmail.com)  
Tel: 01223 706398

# 1. Background

1.1. Under the Care Act 2014 the Council has a statutory duty to promote wellbeing and prevent the need for care and support. Adults with Learning Disabilities are supported to stay safe and well in the community in a range of ways. All people accessing these types of service will have been assessed as needing them by the local authority.

- Supported Living – Adults live in suitable or adapted accommodation in their own home or in a small group in a shared house and are given support and care by an external provider, which allows them to live as independently as possible, have choice in their daily lives, access the community and minimise social exclusion.
- Residential Care – Provision of 24-hour accommodation and support to people with complex care needs to help with all aspects of daily living such as eating and personal care. Residential care is managed and run by providers who are responsible for all aspects of residents’ care and wellbeing.
- Day Opportunities – a range of options provided for people to lead productive and enjoyable lives, which can include social and recreational opportunities, training, education, employment and volunteering.

1.2 In Cambridgeshire there are in house supported living and day opportunities services which are used if they can meet needs. However, there is a growing demand in terms of complexity of needs. Facilitation of individual choice means that the use of external provision is necessary, and the framework contract arrangement allows individuals to have more choice and control over their care. Please see Appendix for a case study.

1.3 The use of frameworks can help promote social value and deliver social, economic and environmental benefits in local areas. It enables the Council to utilise the capacity skills of local Small Medium Enterprises (SMEs) to deliver services and therefore supports economic development and job creation, promote choice through range of local providers such as day opportunities, and have a positive environmental impact through reduced transport usage.

1.4 In 2018, Cambridgeshire County Council set up three Open Frameworks for Supported Living Services, Residential Services and Day Opportunity Services for Adults with a Learning Disability for a period of 10 years from 2018 to 2028. The following table sets out the details of the frameworks:

<b>Contract Title</b>	<b>Contract Value</b>	<b>Number of Providers</b>
CCC Supported Living Services for Adults with a Learning Disability	£226 million	41 Standard
		19 Complex
CCC Residential Services for Adults with a Learning Disability	£224 million	25
CCC Day Opportunities for Adults with a Learning Disability	£40 million	19 Standard
		12 Complex

1.5 The Day Opportunities and Supported Living Frameworks are working effectively to enable the Council to access services for people with different levels of need. For example, a person with a Learning Disability receiving standard (non-specialised) support will require a lower

level of service whilst a person with complex needs may have associated multiple disabilities such as visual, hearing impairments and / or physical disability which require more specialist and intensive interventions.

- 1.6 It is worth noting, some Providers deliver services across the three frameworks and on different lots.
- 1.7 Each framework has an estimated total contract value above the key decision threshold and required Committee approval before the framework launch in 2018.

## 2. Main Issues

- 2.1 As part of some work recently undertaken within Supported Living, current quality and assurance mechanisms have highlighted an oversight in decision-making at the time these frameworks were tendered. At the time of the procurement an error was made which meant the report was not issued to the appropriate Committee and Officers are seeking to rectify this.
- 2.2 Whilst the procurement process was compliant and internal boards were consulted, a key decision as per Article 12 (Decision Making) of the Councils Constitution was not taken.
- 2.3 As a result Committee is being asked to consider this report and ratify the contract values of £490 million in total (to be spent over 10 years). There is provision in the relevant areas of the approved Learning Disability Partnership budget for £61.2 million in 2021/22 and demand and inflation funding is added to the budget annually in line with projections for growth in both areas.
- 2.4 Procurement's view is that these contractual frameworks were procured in line with regulations and law so there would be minimal risk around the local authority commissioning placements and packages from the three frameworks, should the Committee follow the above recommendations.
- 2.5 With regards to preventing this issue occurring again, a review of the Council's processes show that since 2018, improved structures and more control mechanisms have been put in place to prevent this occurring again including the use of templates within internal boards to clarify which papers require Adults Committee decision, Senior Officers review of all papers and regular staff training supported by guidance and robust checklists supporting governance and decision-making process.
- 2.6 Some similar historic shortcomings were detected by the external auditor in relation to a procurement in different part of the Council in 2015. This was reported to and discussed at the Audit & Accounts Committee in November 2021. As a result, that Committee will receive further monitoring information on the controls and processes that are now in place to prevent a re-occurrence of the issue that has arisen in this case.

### 3. Alignment with corporate priorities

#### 3.1 Communities at the heart of everything we do

There are no significant implications for this priority.

#### 3.2 A good quality of life for everyone

There are no significant implications for this priority.

#### 3.3 Helping our children learn, develop and live life to the full

There are no significant implications for this priority.

#### 3.4 Cambridgeshire: a well-connected, safe, clean, green environment

There are no significant implications for this priority.

#### 3.5 Protecting and caring for those who need us

There are no significant implications for this priority.

### 4. Significant Implications

#### 4.1 Resource Implications

The report above sets out details of significant implications in paragraph 1.2 and 2.3

#### 4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

The request for retrospective member approval is to ensure the council are compliant with governance rules and procedures. While this is an internal governance issue, Procurement's view on implications is detailed in the above report [paragraph 2.4].

#### 4.3 Statutory, Legal and Risk Implications

The Council has the power to revisit and correct a mistake in its procurement process. As per the case of *Chaudhuri v GMC*, this inherent jurisdiction of public bodies is not confined to correcting slips or minor errors but also extends to putting right decisions or, in this case, a procurement process that is now discovered not to have had the initial requisite approval from the relevant Committee.

#### 4.4 Equality and Diversity Implications

There are no significant implications within this category.

#### 4.5 Engagement and Communications Implications

There are no significant implications within this category.

#### 4.6 Localism and Local Member Involvement

There are no significant implications within this category.

4.7 Public Health Implications

There are no significant implications within this category.

4.8 Environment and Climate Change Implications on Priority Areas

There are no significant implications within this category.

4.8.1 Implication 1: Energy efficient, low carbon buildings.

Positive/neutral/negative Status: Neutral

Explanation: Retrospective governance decision with no significant implications.

4.8.2 Implication 2: Low carbon transport.

Positive/neutral/negative Status: Neutral

Explanation: Retrospective governance decision with no significant implications.

4.8.3 Implication 3: Green spaces, peatland, afforestation, habitats and land management.

Positive/neutral/negative Status: Neutral

Explanation:

4.8.4 Implication 4: Waste Management and Tackling Plastic Pollution.

Positive/neutral/negative Status: Neutral

Explanation:

4.8.5 Implication 5: Water use, availability and management:

Positive/neutral/negative Status: Neutral

Explanation:

4.8.6 Implication 6: Air Pollution.

Positive/neutral/negative Status: Neutral

Explanation:

4.8.7 Implication 7: Resilience of our services and infrastructure, and supporting vulnerable people to cope with climate change.

Positive/neutral/negative Status: Neutral

Explanation:

Have the resource implications been cleared by Finance? Yes – email confirmation on 18.10.2021

Name of Financial Officer: Justine Hartley

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the Head of Procurement? Yes – email confirmation on 15.10.2021

Name of Officer: Henry Swann

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law? Yes

Name of Legal Officer: Barbara Lisgarten

Have the equality and diversity implications been cleared by your Service Contact?

Yes

Name of Officer: Will Patten

Have any engagement and communication implications been cleared by Communications?

Yes / No

Emailed: 09.03.2022

Have any localism and Local Member involvement issues been cleared by your Service Contact? Yes

Name of Officer: Will Patten

Have any Public Health implications been cleared by Public Health?

Yes / No

Emailed: 09.03.2022

If a Key decision, have any Environment and Climate Change implications been cleared by the Climate Change Officer?

Yes

Name of Officer: Emily Bolton

## 5. Source documents guidance

5.1 None

## Appendix 1 Example Case Study – LD Supported Living

X has a learning disability and ADHD. X is a young male who was living in a homeless unit after moving out of their family home. X really struggled in this temporary accommodation and acknowledged he needed more structured support.

X enjoys going out in the community independently, however, he needs support with maintaining a property, budgeting, meal planning and cooking and finding day opportunities. In the past, X was vulnerable to exploitation by others and could be influenced to become involved in drinking alcohol and/or using drugs. X displayed lots of potential to develop his independent living skills, however, had not had his own home before. X is proud of his cooking skills and was keen to develop this.

X would benefit from a supported living environment that he could finally call home, where he could come and go independently but have access to the amount of support he needs. X would benefit from having staff on hand if there was an issue and access to 1-1 support for the above activities and to develop his independent living skills. It was identified that a core and cluster provision\* where there are people with a similar level of independence would be most appropriate for him.

X experienced a mental health crisis during the coronavirus pandemic and made two attempted suicides.

Following this, X moved into a brand-new Core and Cluster\* Supported Living provision in Fenland. Since moving X's mental health drastically improved and he has not had any suicidal thoughts. X is engaging well with staff. X now has a tenancy on his own flat with access to support from staff on-site.

X is very proud of his home and keeps it 'spotless' with minimal prompting. X is working towards getting a job by attending work-based training at a local day opportunity, which was one of his identified outcomes. X has benefitted significantly from the support he receives and has developed a structured routine of maintaining his home, cooking meals and budgeting. X's quality of life has improved substantially, and he says that the move was 'the best thing he ever did.'  
X's mental health and emotional well-being has also improved.

Due to the excellent progress that X has made, his support has been reduced. The supported living environment ensured X received much more structured support with clear boundaries. This move has been invaluable for X.

*\*Core and Cluster - is when people live in their own flat or house that is in the same building or scheme as other people with Learning Disabilities and/or Autism. There would be staff on-site to help or support people as/when they need it.*