

Report of: Deputy Director Integrated Commissioning, Adults and Health, Leeds City Council & NHS Leeds Clinical Commissioning Group

Report to: Director of Adults and Health

Date: 25 March 2020

Subject: Request to approve a contract extension of up to 12 months in accordance with Contracts Procedure Rule 21.1 with Aspire Services (Leeds) Ltd for the Learning Disability Community Support Service (D42104)

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- Leeds City Council commissions Aspire Services (Leeds) Ltd to deliver learning disability community support services in Leeds.
- In February 2015 approval was obtained from Executive Board for the Council's in-house learning disability support provision to be spun-out through the formation of a new social enterprise called Aspire Services (Leeds) Ltd (Aspire).
- Aspire are commissioned by the Adults and Health Directorate to deliver all of the services which were previously provided in-house. The services come under three key headings: supported living, respite and emergency respite care; day opportunities.
- The five year contract which was approved in 2015 is due to end on 31st July 2020. There is provision within the terms of existing contract to extend for a period of 12 months from 1st August 2020 until 31st July 2021.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

The Aspire service contributes to a number of the priorities specified in the 2019-2021 Best Council Plan including:

Health & Wellbeing:

- Enabling people with care and support needs to have choice and control.
- Supporting self-care, with more people managing their own health conditions in the community.

Housing

- Providing the right housing options to support older and vulnerable residents to remain active and independent.

Safe, Strong Communities:

- Keeping people safe from harm, protecting the most vulnerable.
- Being responsive to local needs, building thriving, resilient communities

3. Resource Implications

- Finance and Commissioning officers have met with Aspire to agree a price for a one year extension period. The agreed contract price for 2020/21 will be £20,497,000. This can be pro-rated for the purposes of the extension period which can run from August 2020 to July 2021. This amount is for the full block contract including supported living, respite and day opportunities and inclusive of an amount of £220,880.00 which is used by Aspire to pay third sector providers delivering other day opportunities. The agreed contract price is subject to a number of adjustments throughout the year (for example to reflect a change in service level in line with service user need). These changes are reflected on an ongoing basis on the contract change log, which is held by Adults and Health Commissioning. The 2020/21 revised contract price following these adjustments is anticipated to be £20,833,317, based on adjustments agreed in the last year.
- Aspire have Service Level Agreements (SLAs) in place with Leeds City Council to purchase some support functions. These SLAs cover Finance, Human Resources and IT, amongst others. The value of these SLAs total approximately £2million per annum.

Recommendations

- a) The Director of Adults & Health is recommended to approve the available contract extension of up to 12 months for the existing Learning Disability Community Support Service with Aspire Services (Leeds) Ltd with effect from 1st August 2020, in accordance with Contracts Procedure Rule 21.1.
- b) That the Director of Adults & Health notes that a full service review process is underway for the whole Aspire contract, the findings and recommendations of which will continue to be presented to the Learning Disability Service Review Board and the Directorate Leadership Team. This review is being carried out alongside a wider

review of all learning disability commissioned day opportunities and respite services.

1. Purpose of this report

1.1 The purpose of this report is to seek approval to invoke up to 12 months extension period available to the existing Aspire contract whilst recommissioning scenarios are developed and any resulting activity is carried out.

2. Background information

2.1 In 2015 approval was obtained from Executive Board for the Council's in-house learning disability support provision to be spun-out through the formation of a new social enterprise called Aspire Community Benefit Society.

2.2 Aspire were contracted to deliver services to residents of Leeds aged 18 and over that have a learning disability to enable them to live as independently as possible and to have fulfilling lives. Aspire currently work with over 1000 adults across the City.

2.3 Aspire employs approximately 750 staff of which the majority are former Council employees who have retained their Leeds City Council terms and conditions. 567 former Council employees who transferred to Aspire remain active members of the Local Government Pension scheme. The Council acts as pension guarantor for Aspire in relation to these legacy staff. Staff employed by Aspire since the spin-out have been recruited on new terms and conditions and have access to a new pension scheme.

2.4 Aspire deliver services across the whole of Leeds in a variety of community based and specialist settings. The current block contract has provision for 311 individual supported living placements. The support ranges from 24 hour staff on site to visiting support. Types of accommodation include shared bungalows and houses, individual flats and individual tenancies.

2.5 There are 26 non-complex day services providing 577 spaces each week and three complex day services providing 65 spaces each week. Complex placements provide a higher staffing ratio and support some people with complex physical needs (including those who are continuing healthcare funding eligible) and people who are living with older carers. The day opportunities are spread across the city in approximately 25 community buildings including mainstream community settings and three Fulfilling Lives Centres (Bramley, Rothwell and Potternewton). Day opportunities are attended by individuals who live with family members and individuals who live in Aspire or other supported living services.

2.6 There are four general respite services each offering five spaces per week. There is also a fifth service providing emergency respite with a capacity of five spaces. The general respite services provide planned respite support. The emergency service is for short term stays (three months maximum) where a client's existing accommodation may have broken down or be at risk (e.g. a family carer goes into hospital or a relationship breakdown). Respite beds are very well-used and are managed by the Learning Disability Respite Panel.

2.7 The block contract includes an annual amount of £220,880.00 which is used by Aspire to pay third sector providers delivering other day opportunities. This amount has remained the same since the start of the contract and is a straight transfer to pay for community based support; Aspire do not charge an administration fee. In addition to

the above, Aspire lead work around the Changing Places and Safe Places projects across the City.

3. Main issues

- 3.1 The current five year contract is due to end on 31st July 2020. It is necessary to take a decision now regarding the invocation of the extension, and communicate this to the provider, in order to comply with the terms of the original contract.
- 3.2 In addition, a review of Aspire service provision and longer term recommissioning options is underway and the extension period is required in order to complete this and the subsequent re-provisioning work. The review is being undertaken by a Project Team consisting of officers from Adults and Health Commissioning, Care Management, Finance, Procurement and Service Transformation. The purpose of the review is to fully understand all of the services being delivered by Aspire, including the associated costings, and to put forward scenarios regarding the potential recommissioning options for the provision when the block contract ends. The above work is being reported to the Learning Disability Service Review Board and the Adults and Health Directorate Leadership Team.
- 3.3 Aspire have Service Level Agreements in place with Leeds City Council who provide Finance, Human Resource and IT support at an annual cost of approximately £2million. Under the current contract Aspire do not have a contractual obligation to purchase these services from Leeds City Council. As part of the Aspire review process full consideration is being given to the interdependencies between Leeds City Council and Aspire.

4. Corporate considerations

4.1 Consultation and engagement

- 4.2 In relation to this contract extension, consultation has taken place with the Executive Member for Health, Wellbeing & Adults (10th March 2020), Director of Adults & Health, Deputy Director of Integrated Commissioning and Procurement and Commercial Services (PACS), Finance and the service provider.
- 4.3 The Good Lives Leaders have visited 26 services across the city which is part of a rolling programme to carry out consultation with individuals that receive support from Aspire in a supported living setting. The results of these visits have been positive showing that individuals are well supported and are given choice and control. The review work undertaken to date has encompassed consultation regarding the current services with key stakeholders, including Social Work.
- 4.4 The approval of the contract extension will allow time to carry out further formal consultation and engagement regarding the recommissioning scenarios with individuals that use the service, family carers and other related professionals.
- 4.5 The approval of the contract extension will also allow time for the completion of wider reviews into provision of day opportunities and respite services, in order to inform future options.

4.6 Equality and diversity / cohesion and integration

4.6.1 An Equality, Diversity, Cohesion and Integration (EIA) Screening Assessment has been completed and accompanies this report. The EIA screening demonstrates that no specific group will be adversely impacted by the decision to invoke the contract extension period, given that no changes are being proposed at this time. A full Equality, Diversity, Cohesion and Integration Impact Assessment will be developed in relation to the recommissioning scenarios.

4.7 Council policies and the Best Council Plan

4.7.1 The service contributes to a number of Council and city wide plans and objectives including but not limited to:

- The Learning Disability 'Being Me' strategy (2018-2021)
- Better Lives Strategy (2017-2021)
- Leeds Health and Well-being Strategy (2016-2021)

4.8 Resources, procurement and value for money

4.8.1 Finance and Commissioning officers have met with Aspire to agree a price for a one year extension period. The agreed contract price for 2020/21 will be £20,497,000. This can be pro-rated for the purposes of the extension period which can run from August 2020 to July 2021. This amount is for the full block contract including supported living, respite and day opportunities and inclusive of an amount of £220,880.00 which is used by Aspire to pay third sector providers delivering other day opportunities. The agreed contract price is subject to a number of adjustments throughout the year (for example to reflect a change in service level in line with service user need). These changes are reflected on an ongoing basis on the contract change log, which is held by Adults and Health Commissioning. The 2020/21 revised contract price following these adjustments is anticipated to be £20,833,317, based on adjustments agreed in the last year.

4.8.2 The service will continue to be contract managed by officers within the Adults and Health Directorate and overseen by the Head of Commissioning – Working Age Adults. Robust contract management processes allow for the ongoing monitoring of quality, performance and value for money.

4.9 Climate Emergency

4.9.1 The Council declared a Climate Emergency in March 2019, with the stated ambition of working towards a carbon neutral city by 2030. In order to support the achievement of this, it is paramount that the impact on the climate is considered across all officer work. Aspire services operate from a number of community sites across the City to aid easy access, reducing the need for people to travel outside of the local area to attend services, therefore potentially reducing the carbon emissions and improving air quality.

4.9.2 Within these services, people who attend are often encouraged to take part as appropriate in walking activities and utilise public transport. By supporting people to increase their independence, for example through travel training, this not only

achieves a positive outcome for the individual but can also reduce the impact on the environment by reducing the usage of private vehicle transport.

- 4.9.3 Part of the review process that will take place will include ensuring the service specification requires that the Provider shall meet all Legislation, Guidance and Good Industry Practice in environmental management and the objectives of the Authority's sustainability policies. Officers from Adults and Health will work with the service through the contract management process to ensure it is proactively seeking to minimise its carbon footprint thereby supporting the Council in achieving its ambition to be carbon neutral by 2030.

4.10 Legal implications, access to information, and call-in

- 4.10.1 This decision is a consequence of a previous key decision taken at Executive Board on 11th February 2015, and is therefore a Significant Operational Decision and will not be subject to call in.
- 4.10.2 The original decision taken on 11th February 2015 contained provision for the option to invoke a 12 month extension within the terms of the original contract. The extension period is from 1st August 2020 until 31st July 2021.
- 4.10.3 The recommendation within this report is in accordance with Contracts Procedure Rules 21.1 which allows a contract to be extended before its expiry date where it is in accordance with its terms and proves to deliver value for money.
- 4.10.4 There are no grounds for treating the contents of this report as confidential with the Council's Access to Information Rules.
- 4.10.5 Although there is no overriding legal obstacle preventing the extension of this contract the contents of this report should be noted. In making their final decision, the Director of Adults and Health should be satisfied that the course of action chosen represents best value for the Council.

4.11 Risk management

- 4.11.1 Invoking the extension period will allow for service continuity whilst the recommissioning scenarios for this provision are developed and consulted on.
- 4.11.2 If the contract extension period is not approved there is a risk that the existing service will either cease or continue on an implied basis that will not provide any reassurances of service delivery. If the service was to terminate, this would leave many service users without day opportunities, supported living and respite provision. The provision is well used and there is a statutory responsibility on Leeds City Council to provide such services. It would also seriously impact on Care Management colleagues who would have to source alternative provision which is not available in the quantity needed in the locality.
- 4.11.3 There are a number of complex and multi layered inter dependencies that exist between Leeds City Council and Aspire following its spin out 5 years ago, and as such a range of risks which will continue to be managed throughout the proposed extension period. This includes regular quality and financial monitoring through routine quality assurance processes, through current safeguarding arrangements and also through continued close working with care management.

5 Conclusions

- 5.1 The contract extension period will allow Adults and Health to conclude a detailed review of Aspire provision, further scope and develop future commissioning scenarios and undertake consultation in relation to these.
- 5.2 The invocation of the extension period will ensure continuity of service whilst this work is undertaken.
- 5.3 There is provision within the terms of the existing contract to extend for a period up to 12 months from 1st August 2020 to 31st July 2021.

6. Recommendations

- 6.1 The Director of Adults & Health is recommended to approve the available contract extension of up to 12 months for the existing Learning Disability Community Support Service with Aspire Services (Leeds) Ltd with effect from 1st August 2020, in accordance with Contracts Procedure Rule 21.1.
- 6.2 That the Director of Adults & Health notes that a full service review process is underway for the whole Aspire contract, the findings and recommendations of which will continue to be presented to the Learning Disability Service Review Board and the Directorate Leadership Team. This review is being carried out alongside a wider review of all learning disability commissioned day opportunities and respite services.

7. Background documents¹

- 7.1 Leeds City Councils Executive Board Minutes 11th February 2015, minute 145.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.