

**From:** Graham Gibbens, Cabinet Member for Adult Social Care  
Penny Southern, Corporate Director of Adult Social Care and Health

**To:** Adult Social Care Cabinet Committee – 4 July 2018

**Decision No:** 18/00029

**Subject:** POSITIVE BEHAVIOURAL SUPPORT SERVICE

**Classification:** Unrestricted

**Past Pathway of Paper** Adult Social Care and Health Directorate Management Team - 6 June 2018  
Strategic Commissioning Board - 8 June 2018

**Future Pathway of Paper:** Cabinet Member decision

**Electoral Division:** All

**Summary:** The Kent and Medway Transforming Care Partnership seeks to develop bespoke and personalised care and support for individuals aged 14 years and over who can move from specialist/secure in-patient services into a community setting for the delivery of their care.

In March 2018 there were 94 in-patients within the Transforming Care Partnership. The programme is required to reduce this figure to a maximum of 57 by March 2019.

To support this a new model of Positive Behavioural Support Service is required to enable commissioners to work with a small group of providers to develop this specialist provision for people with multiple and complex needs.

**Recommendation(s):** The Adult Social Care Cabinet Committee is asked to **CONSIDER** and **ENDORSE** or make a **RECOMMENDATION** to the Cabinet Member on the proposed decision (attached as Appendix A) to:

a) **UNDERTAKE** a procurement exercise for the provision of a Positive Behavioural Support Service which will commence from September 2018; and

b) **DELEGATE** authority to the Corporate Director of Adult Social Care and Health, or other nominated officer, to undertake the necessary actions to implement the decision.

## **1. Introduction**

- 1.1 The Council will act as the lead commissioner for the delivery of this framework which supports KCC's strategic aims;
- To develop and rapidly deliver a shared vision for the integration and redesign of health and social care services across Kent
  - Ensure more people receive quality care at home avoiding unnecessary admissions to hospital and care homes
  - The health and social care system works together to deliver high quality community services
- 1.2 The Council is an equal partner with the NHS to a Section 75 agreement to deliver integrated whole system change for learning disability and/or autism. Under the terms of the S75 agreement KCC's Strategic Commissioner is the representative commissioner on behalf the partners of the S75.
- 1.3 The Transforming Care Partnership (TCP) consists of all of Kent's Clinical Commissioning Groups (CCG) in partnership with Kent County Council and Medway Council. The NHS Five Year Forward View sets out a vision for the future of the NHS from 2016/17 to 2020/21. One of the nine "must dos" set out in this guidance is to:

*"Deliver actions set out in local plans to transform care for people with learning disabilities (LD), including implementing enhanced community provision, reducing inpatient capacity, and rolling out care and treatment reviews in line with published policy"*

- 1.4 To ensure these planned discharges can progress the TCP is seeking to commission a small number of providers to work with it to develop and deliver bespoke and personalised care and support. The TCP team has consulted with other Local Authorities, the Local Government Association and the NHS as well as a range of providers to determine the best contract solution.

## **2. Strategic Statement and Policy Framework**

- 2.1 The proposed decision for a Positive Behavioural Support Service links with the following KCC Strategic Outcomes:
- Outcome 1 - Children and young people in Kent get the best start in life
  - Outcome 2 - Kent communities feel the benefits of economic growth by being in work, healthy and enjoying a good quality of life
  - Outcome 3 - Older and vulnerable residents are safe and supported with choices to live independently
- 2.2 The Positive Behavioural Support Service will support the above strategic outcomes by:
- Supporting those with long term conditions to manage their conditions through access to good quality care and support

- Enabling more people to receive quality care in the community avoiding unnecessary admissions to hospital and care homes
- Enabling the health and social care system to work together to deliver high quality services
- Improving physical and mental health by supporting people to take more responsibility for their own health and wellbeing

2.3 By supporting older and vulnerable residents in Kent with assessed needs, to remain living independently in their own homes, KCC aims to:

- Tackle disadvantage
- Reduce avoidable demand on health and social care services
- Focus on improving lives by ensuring that every penny spent in Kent is delivering better outcomes for Kent's residents, communities and businesses
- Enable adults in Kent to lead independent lives, safely in their own community

2.4 The Council's Commissioning Success document underpins the strategy for the commissioning of a Positive Behavioural Support Service; improving lives by ensuring every pound spent in Kent is delivering better outcomes for Kent residents, communities and businesses.

2.5 Nationally and locally there has been a positive and significant reduction in the reliance on institutional care to support people with a learning disability and/or autism. For a small number of people with multiple and complex needs there is still overreliance on inpatient treatment.

### **3. Transforming Care Programme Approach**

3.1 The Kent and Medway TCP aims to help as many people with learning disabilities and/or autism as possible to move from secure settings into supported living in their local communities by working with a small number of providers to develop and deliver bespoke and personalised care and support. This group of providers will need to be highly specialised because of the complexity of the needs of the group of people who require support.

3.2 The aim is that these providers will support the individuals, working with enhanced public sector multi-disciplinary teams within the Learning Disability Alliance, through a period of rehabilitation and community reintegration and support them to step down to less intensive support packages provided by the wider social care market. This approach will promote collaboration and partnership working within the market.

3.3 The TCP intends to work with providers who have a proven track record of the required specific expertise and experience of delivering personalised packages of support. The essential criteria for these providers being:

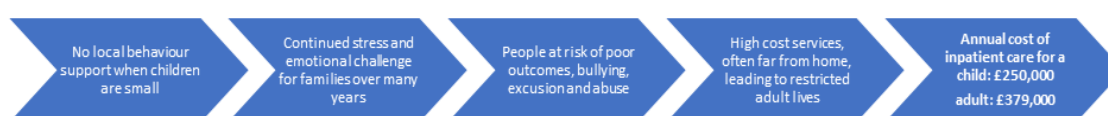
- A proven track record of successfully supporting individuals to step down from secure services into the community.

- Experience and knowledge in supporting individuals with learning disabilities and/or autism spectrum conditions.
- Care provided will be based around: personalisation, outcome-focused, positive behaviour support, promoting independence, promoting education, learning and work, community inclusion, partnership approach, safeguarding individuals from abuse, and providing value for money.

#### 4. Options Considered to achieve desired outcomes

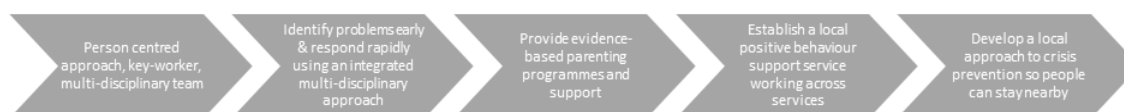
4.1 Research undertaken by the Challenging Behaviour Foundation has described the 'well-trodden path' to inpatient care.

##### The 'well-trodden' path



4.2 The research also tells us that it is possible to take a different path that results in better outcomes for the person, their family and services.

##### A path for better outcomes



- Because of taking a different path
  - Bristol managed to save £1.8 Million over a four-year period and enabled 10 out of 12 children to stay in their local school
  - Ealing managed to enable people to remain in the community. The annual cost of intensive support and follow up for seven young people was £109,337; less than the annual cost of just one inpatient placement
  - In the North East, a Local Authority and a CCG managed to keep a young man out of hospital. An individual service fund was set up initially in 2015 at £222,000. The provider agreed to 'No Agency' and built in 'Standby' so that they could immediately increase support when needed and decrease again when not needed. Almost three years later the young man is still living in the community and his individual service fund is now reduced to £131,000.

#### 5. Commercial and Procurement Considerations

5.1 The Care Act (2014) introduced new duties for Local Authorities to facilitate and shape a diverse, sustainable and quality market, emphasising the responsibility for promoting the wellbeing of the whole local population, not just those whose care and support they currently fund.

- 5.2 Developing a Positive Behaviour Support partnership is a key way of shaping the market for people with learning disabilities and/or autism with complex needs and/or challenging behaviour.
- 5.3 The procurement can be delivered through a Light Touch Regime process (LTR) as the service can be categorised under Schedule 3 of the Public Contracts Regulations 2015 (PCR 2015) and the value of the service exceeds the higher threshold of €750,000 (£625,050 sterling equivalent).
- 5.4 The Council has undertaken preliminary Market Engagement and has a session planned for 18 July 2018 to finalise the service requirements and further consult with internal and external stakeholders. This will also include an outline of the procurement, including how the solutions will be discussed and formal competitive tendering.

## 6. Options Appraisal of Procurement Routes

Option	Advantages	Disadvantages	Risk
1 Do nothing and procure support through open market	Access to wider market Initially less time consuming	Maintains status quo and evidence has shown us that very specialist support is needed for the client group and although providers say that can meet needs – they cannot and placements quickly breakdown	Transforming care is one of the 9 NHS five Year Forward View must dos ... not progressing this work would bring significant risk of failure of this programme, and long-term future costs to the NHS and KCC
2 Single Provider	Easy to contract manage consistency of offer across the county	Single point of failure, does not promote market shaping as per the vision of the Kent Sustainability Transformation Partnership (STP) Provider failure / safeguarding or quality issues meaning we are unable to use provision would halt TCP programme	Transforming care is one of the 9 NHS five Year Forward View must dos ... not progressing this work would bring significant risk of failure of this programme, and long-term future costs to the NHS and KCC
3 Dynamic Purchasing System	Increases transparency for suppliers and Small Medium Enterprises (SMEs) and new entrants to the	Does not promote the TCP's vision of working with the sector to develop a range of support options. Providers is the past	Transforming care is one of the 9 NHS five Year Forward View must dos ... not progressing this

	<p>marketplace Creates active competition in real time No time limit in duration for a DPS (frameworks limited to four years)</p>	<p>have said that they can cope with challenging behaviour, only for placements to fail because they don't have the right models of support back up with well trained and supervised staff - the open market will say they can do this history has shown they can't!</p>	<p>work would bring significant risk of failure of this programme, and long-term future costs to the NHS and KCC</p>
<p>4 Framework Agreement <b>(Preferred Option)</b></p>	<p>Allows us to develop and work with select group of providers who can show their track record of delivery with this highly complex client group. Allows relationships to develop with statutory services and lays foundations for better collaboration and risk sharing in the support of such complex people.</p>	<p>Initially more time consuming. Limited to four years Closed to new providers during that time.</p>	<p>Transforming care is one of the 9 NHS five Year Forward View must dos .. not progressing this work would bring significant risk of failure of this programme</p>

## 7. Preferred Option Framework Agreement

7.1 A Positive Behavioural Support Framework will provide better long-term solutions for people and ensure services are at the heart of this process. Supporting individuals with complex needs in the community requires true multi-agency working, involving providers, health and care workers, families and commissioners as part of a team.

7.2 The framework will be restricted to a small group of providers who can develop working relationships and establish effective partnerships:

- between providers
- between providers and health and social care teams
- between providers and commissioners.

### 7.3 High Level Project Milestones

Milestone Activity	Date
Commissioning plan approved at Strategic Commissioning Board	May 2018
Commissioning Plan discussed at Adult Social Care Cabinet Committee	July 2018
Service specification completed and signed off	July 2018
Framework established and commissioned	August/September 2018
Provider mobilisation	September/October 2018
Match in-patients to appropriate providers to begin the placement design and discharge planning process	October/November 2018

## 8. Financial Implications

- 8.1 The planned framework will run for four years with individual call-offs for each package of need. The expected value of call-offs is approximately £3m per annum, with costs met jointly by TCP partners.

## 9. Legal Implications

- 9.1 The main legislative frameworks for the Positive Behavioural Support Service are the Care Act 2014 (for adults), the Children Act 1989 (for under 18s), and the principles of Mental Capacity Act 2005. These are all statutory duties and the new service will be compliant with these legislative frameworks.

## 10. Equality Implications

- 10.1 An Equality Impact Assessment (EQIA) has been completed and will be updated as the work to deliver the new contracts is progressed. The EQIA is attached as Appendix 1.

## 11. Conclusions

- 11.1 Kent has already made significant improvements in the care pathway for people with a learning disability. This has significantly reduced the use of in-patient services and increased the focus on preventative interventions.

- 11.2 Processes have been established to allow continuous review and adaptation of this care pathway to ensure it delivers improved outcomes including Integrated Commissioning and Locality Collaborative Forums. These include:

- Preventative and proactive interventions to identify and address the needs of children and young people in high risk groups
- Intensive support for adults at risk of admission to in-patient services

- Co-production of care and support plans and packages of care with people and their families /carers including crisis and contingency plans
- Improved communication and co-operation between services
- Joint working with other agencies to achieve improved outcomes and seamless care
- Removing service gaps at crucial junctures in people lives e.g. transition.

11.2 The new Positive Behavioural Support Service will enable a small group of providers to develop specialist provision for people with multiple and complex needs and deliver services that improve the outcomes for these individuals through a more efficient and collaborative approach.

## 12. Recommendation(s)

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b) **DELEGATE** authority to the Corporate Director of Adult Social Care and Health, or other nominated officer, to undertake the necessary actions to implement the decision.

## 13. Background Documents

None

## 14. Contact details

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