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Head of Commissioning**

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Report of: *Executive Director, People Services*

Report to: *Cabinet Member for Children and Families*

Date of Decision: *19 November 2019*

Subject: *Agreement with Guinness Housing Partnership for Supported living accommodation for people with learning disabilities*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? Children and Families		
Which Scrutiny and Policy Development Committee does this relate to? <i>Healthier Communities and Adult Social Care</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>414</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
Xx appendix		
<i>"The appendix is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>		

Purpose of Report:

1. The Guinness Partnership (Guinness) operates a number of supported living schemes for people with learning disabilities at Handsworth, Mansfield View, Newfield Farm Close and Brindley Crescent. Guinness is a Registered Provider of Social Housing. The Council nominates service users to live at the schemes; support is provided under the Council's Supported Living Framework Agreement.
2. This report focusses on entering into a new agreement for supported living accommodation covering these schemes and with the flexibility to add new schemes should the need arise, with the aim of ensuring that accommodation-based care and support for adults with learning disabilities is fit for purpose for current and future service users.
3. The agreement will have provision for nominations by the Council to vacancies in the schemes, the relationship with support providers, and payments by the Council if Guinness incurs loss of income because of voids lasting longer than 6 weeks.
4. This report also makes provision for paying Guinness for the voids that have occurred at Handsworth and Mansfield View since January 2017

Recommendations:**It is recommended that:**

- The Council enters into a single nomination and voids agreement with the Guinness Partnership Limited (Guinness) in the form attached to this report for the provision of supported living accommodation for the four sites outlined in this report..
- The Director of Adult Services is authorised to negotiate future variation of Schedule 2 to the agreement to include other learning disabilities schemes if appropriate in consultation with the Cabinet Member.
- The Director of Adult Services in consultation with the Director of Legal and Governance Services and the Director of Finance and Commercial Services is authorised to take such steps as necessary to implement these proposals as outlined in this report.

A payment of £62,389.18 is made to Guinness in respect of void losses incurred at Handsworth and Mansfield View since January 2017 for the reasons outlined in the report.

Background Papers:*(Insert details of any background papers used in the compilation of the report.)*

Draft Agreement for Supported Living Accommodation

Lead Officer to complete:-	
1	<div> <div> I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required. </div> <div> Finance: Sam Dunker Legal: Andrea Simpson Equalities: Ed Sexton </div> </div> <div> <i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i> </div>
2	EMT member who approved submission: John Doyle
3	Cabinet Member consulted: Cllr Drayton
4	<div> I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1. </div> <div> <div> Lead Officer Name: Joe Horobin </div> <div> Job Title: Head of Commissioning Adult Social Care </div> </div> <div> Date: <i>(Insert date)</i> </div>

1. PROPOSAL

1.1 The Guinness Partnership (Guinness) operates a number of supported living schemes for people with learning disabilities at Handsworth, Mansfield View, Newfield Farm Close and Brindley Crescent. Guinness is a Registered Provider of Social Housing. The Council nominates people with a Learning Disability to live at the schemes as tenants of Guinness; support is provided by a separate support and care provider contracted under the Council's Supported Living Framework Agreement.

1.2 Following a decision in 2009 by the Acting Director of Adult Services, in consultation with the Cabinet Member for Healthy and Independent Living, the schemes at Newfield Farm Close and Brindley Crescent are the subject of a longstanding agreement between the Council and Guinness covering the respective responsibilities of both parties and the relationships with the support provider. These schemes were built as part of the Council's Hostel Reprovision Programme (as a result of a series of Cabinet decisions between 2003 and 2009, and a tender process in which Guinness were appointed as a strategic partner) to ensure good quality accommodation for people in Sheffield with a learning disability.

Mansfield View was built by Guinness to replace provision of the Sandleigh registered nursing care home (which had transferred from the NHS to Guinness) as this was no longer meeting the needs of the residents. Consideration was given to incorporating Mansfield View into the above agreements but this was not progressed, and the agreement would benefit from updating

Handsworth was a Registered Care Home, having, like Sandleigh, transferred from the NHS as a legacy of the closure of the old long stay hospitals in the 1970s and 1980s. It is now deregistered, with the support of both the Council and NHS Sheffield, and the service has been reconfigured, with minimal change to the fabric of the buildings, into supported living, with residents being granted tenancies as in the other schemes.

1.3 It is proposed that the Council enters into a new agreement for supported living accommodation to reflect the change in status of the Handsworth scheme as a supported living scheme and incorporate the existing supported living schemes at Mansfield View, Newfield Farm Close and Brindley Crescent into this agreement so that all schemes are dealt with consistently, with the aim of ensuring that accommodation-based care and support for adults with learning disabilities is fit for purpose for current and future service users.

1.4 The agreement will have provision for nominations solely by the Council to vacancies in the schemes, the relationship with support providers, and payments by the Council if Guinness incurs loss of income because of voids lasting longer than 6 weeks. The current agreement in respect of

Brindley Crescent and Newfield Farm Close, which is expressed to terminate if both parties sign a replacement agreement, provides for void payments from the Council to Guinness after 4 weeks so a change to payments after 6 weeks is a benefit to the Council as it reduces the number of weeks a void payment is made at these two schemes. This resulted in a reduction of £673.06 on new voids between 1st January 2017 and 30th September 2018. There have been no voids from this point.

- 1.5 The draft agreement is attached to this report. It is proposed that if Guinness develops any new similar schemes in the future the agreement may be varied to include them.
- 1.6 There is a robust vacancy management process in place for specialist learning disabilities schemes which will include these properties. This is the Brokerage Function for Learning Disabilities Accommodation and Support based in Adult Social Care Commissioning. This team identifies voids that are coming up and matches voids with potential tenants through an established matching process. Estate agent type brochures are produced and the final decision is made by the Individual with appropriate support. This process ensures that any on-going voids issues are identified at an early stage. The process is robust but there are sometimes compatibility issues for the tenants, however there is little turnover in these properties.
- 1.7 When Guinness reconfigured the residential care home at Handsworth to supported living the use of a nominations and voids agreement was proposed and negotiated, subject to the approval of both parties. Changes in personnel both in Guinness and Adult Social Care meant that the new contract was not formally completed. It is proposed that a payment is made to Guinness to cover the void losses that they have incurred during this period in furtherance of maintaining the good working relationship.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The change from residential care to supported living has meant positive changes in services for people, offering more choice about where people live and who they live with. Individuals are tenants, with increased access to benefits, and support plans are personalised to reflect the greater flexibility of supported living. This supports the Better Health and Wellbeing Priority in the Council's Corporate Plan.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 There is no requirement to consult on the proposals in this report, which concerns an agreement between the Council and Guinness governing arrangements between the parties that has no practical implications for the residents of the schemes or Learning Disabilities Service users.

- 3.2 Residents of the schemes and their families were able to choose a new care and support provider from the Supported Living Framework through the “Deciding Together” process. The Council asked care and support providers on the Supported Living Framework to express an interest in providing this service, anonymised pen pictures of the people to be supported were included and interested providers were required to complete method statements detailing how they would provide the service to these specific people. They and their families were then involved in the decision to select their provider.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 The nine people that were living at Handsworth residential care home all transferred to the Handsworth supported living and now have a tenancy and access to other welfare benefits. The scheme is available to anyone with a learning disability that requires a higher level of care and support as this is a 24/7 provision.

4.2 Financial and Commercial Implications

- 4.2.1 Tenants of supported living schemes are liable to pay rent to the landlord (in this case The Guinness Partnership) and their contribution for service charges that are ineligible for Housing Benefit. In most cases rent would be expected to be covered by Housing Benefit. As a Registered Provider of Social Housing, Guinness charges rents that are affordable and there are unlikely to be any problems with housing benefit covering the full rental costs. Care and support needs will continue to be met through the Council’s Supported Living Framework Agreement.
- 4.2.2 Through this nominations and voids agreement the Council is liable for any void costs beyond a six week void period for any unit, which carries a potential financial risk. The risk is mitigated by the measures described in paragraph 1.6 above.

Brindley Crescent and Newfield Farm Close are already part of a nominations and voids agreement where the Council pays for the void after 4 weeks, this agreement changes this to 6 weeks, a benefit of two weeks rent cost per void to the Council. From 1st April 2017 to 30th September 2018 the cost of voids, in total, for Brindley Crescent has been £7,779.33 and for Newfield Farm Close £2,983.29. This has been at the 6 week rate for any new void from 1st January 2017.

The Council have been working with Guinness to identify any letting issues and to find solutions. Currently there are 4 voids across the four schemes, all within the matching process.

There have been no vacancies at Brindley Crescent from 3rd December

2018. There has been a long term vacancy of a room in a shared flat due to compatibility issues but this has now been let.

There have been no voids at Newfield Farm Close since January 2018.

4.2.3 Voids at Handsworth

Since the change from residential care to supported living there have been two long term voids due to compatibility issues, one held void at the Council's request and one void that has been going through the matching process. The number of bed spaces at Handsworth has now reduced from 12 to 11 by agreement with Guinness.

The current void cost is **£24,282.26 up to 30.6.2019**.

4.2.4 Voids at Mansfield View

This is a 16 bed scheme comprised of 1, 2 and 4 bed units. Two rooms are being reconfigured as a single person accommodation therefore there is no rent charge from 1 July 2018. There are currently 2 voids being managed through the matching process.

The current void cost is **£38,106.92 up to 30.6.2019**

4.3 Legal Implications

4.3.1 This nominations and voids agreement will include all the supported living properties currently provided by Guinness. It covers nomination arrangements to vacancies and the relationship with support providers and makes the Council responsible for any lost rental income and service charges arising from voids lasting over 6 weeks. However, it is recommended that this contract has the flexibility to increase and decrease the properties included within this agreement by contract variation.

4.3.2 The Council will have 100% nomination rights to the supported living vacancies. A nomination to a Registered Provider is classed as an allocation under Part VI Housing Act 1996, which requires a local housing authority to adopt an "allocations scheme" and, except in defined circumstances, to allocate property only in accordance with the scheme. The Council's statutory allocations scheme is its Allocations Policy, which makes provision for allocations to supported accommodation at paragraphs 7.8 – 7.11. Nominations to vacancies in these schemes will be managed in accordance with those provisions.

4.3.3 The effect of the nominations and voids agreement is that financial assistance may be provided by the Council to the Guinness Partnership to enable voids to be held until suitable tenants have been identified. The Council has the power to provide financial assistance to the Housing Association but requires the consent of the Secretary of State under section 25 of the Local Government Act 1988. A general consent has been issued which covers the proposed agreement.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The alternative to entering into a new agreement for supported living accommodation with Guinness for all schemes is to continue with the status quo for Newfield Farm Close and Brindley Crescent and either to incorporate Handsworth and Mansfield View into the existing agreement, to enter into a new agreement for one or both of these two schemes only, or to have no agreement for these two schemes. These options were rejected as having an agreement brings clarity and regularises the arrangements, but the current agreement is out of date.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The Guinness Partnership is positive about continuing to provide supported living accommodation for people with learning disabilities and the Council wishes to continue working with Guinness on the same basis. Entering into an agreement about these schemes, with the flexibility to include new schemes in the future if the need arises, brings clarity and regularises the arrangements.