

To the Cabinet Member for Adult Social Care

COMMISSIONING SPECIALIST HOME AND COMMUNITY SUPPORT

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Councillor Rachael Blake	All	Yes

EXECUTIVE SUMMARY

1. This document outlines the recommendation to progress with the development of a Specialist Home and Community Support Open Framework arrangement, outlining the reasons and benefits for the change. This paper seeks to give an overview and background, an outline of planned activity and seeks approval from the Adults Health and Wellbeing Leadership Team to progress the work to deliver specialist services through an Open Framework.

RECOMMENDATIONS

2. To establish an Open Framework arrangement to procure Specialist Home and Community Support providers to deliver bespoke and personalised individual support packages, that are cost effective and holistically meet the individual's personal needs through outcome focussed support.
3. **Key requirements within decision taken**

Agreement to the recommended decision confirms:

- Commissioners will work with key stakeholders to procure Specialist services through an Open Framework under a light touch regime.
- Commissioners will work closely with the market to ensure the implementation of the Framework and allocation of subsequent care packages meets people's needs accordingly.
- Providers will be expected to deliver flexible support arrangements with a view to developing Individual Service Fund arrangements as appropriate. Care Management will work with Commissioning to support the implementation of the process, systems and paperwork to ensure the smooth and accurate procurement of packages.
- The brokerage of the individual care packages will be coordinated and managed through the Brokerage Team within Adults Commissioning and Contracts.
- Commissioners will gain a full understanding of the current service delivery model to ensure the transfer of packages is sufficiently planned and there is no negative effect on individuals. DMBC will work closely with the providers to minimise impact on the caring workforce.

- Care Management and Commissioning will work towards an agreed definition of “specialist” which becomes embedded within the assessment process.
- Close and effective Contract Management to identify where a person’s care needs are changing, monies are not being spent/overspent, and potentially a review might be required or at least further investigation.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. The commissioning of more specialist support will have a positive impact on the Citizens of Doncaster. The Specialist Home and Community Support Service will meet a number of Adult Social Care Transformation priorities around reducing the need for residential care, empowering people to stay in their own homes for longer and promoting greater independence. The commissioning through an Open Framework will offer the individual personalised and bespoke packages that more accurately meet their individual needs and outcomes, and in addition, will offer value for money to the Local Authority and those who contribute towards their care.

BACKGROUND

5. During the development phase of the Commissioning Care and Support at Home (CCaSH) it was identified a gap in the domiciliary care offer where individuals were identified as having more “Specialist” needs. Following consideration, it was agreed that the provision of such care would be left outside of the scope of the CCaSH and separate market engagement took place to discuss the best way to broker personalised packages for individuals with additionally complex needs. Feedback from the market suggested that the use of a Framework would be beneficial with the opportunity to develop bespoke packages and bid to deliver holistic support to the individual.
6. In the year period prior to CCaSH implementation the value of services delivered by specialist providers through the historic framework arrangement was around £765,000 - for the period between 12.10.2015 until 6.11.2016. During that period, the number of new entrants to specialist services was 28, this works out approximately one every two weeks.

7. Implementation of an Open Framework

Stage 1

The establishment of a Specialist Framework where all providers will gain entrance through an established due diligence process and answering some quality questions on the delivery of Specialist Home and Community Support.

Stage 2

Once approved through this process, the provider is then able to respond to the packages advertised through a Framework call off process. Through this system the council will be looking for flexible, innovative and personalised packages which offer good value for money. Each response will be assessed by the Social Worker to ensure they meet the person’s needs and then passed to the individual/ their carers to make the decision on their preferred supplier. This process will be undertaken through the ProContract system and managed through the Brokerage Team.

OPTIONS CONSIDERED

8. There are two options considered when looking to improve the current offer for Specialist Home and Community Support, these include;

Option1- Establish a Specialist arrangement and use an Open Framework to broker and deliver personalised and flexible packages of care (Recommended.) The procurement of bespoke packages for individuals will offer greater flexibility in the delivery of services to individuals, enabling them to fulfil their outcomes as independently as possible.

Option 2 – Do nothing

There are currently no arrangements in place to deliver specialist packages. This has pushed individuals either into a Direct Payment (where this is possible), left people relying on the generic care delivered by CCaSH or lead to the development of expensive packages which include CCaSH packages topped up with Specialist Community Support through a Direct Payment. The difficulties with this include additional costs and a limited existing market place.

REASONS FOR RECOMMENDED OPTION

9. Reasons for Recommendation include:

- a. **Open Framework** - An Open Framework will enable an unlimited number of varied providers to respond to the diverse requirements and needs of individuals requiring a more specialist and bespoke service or package of care. DMBC will evaluate and approve all new applicants in evaluation windows, all of which will be signed up to standard terms and conditions, before offering to respond to tender opportunities for individual packages of care within their area of expertise.
- b. **Value for Money** - Through the competition of individual tenders, it is felt that packages will be priced more cost effectively to meet the required outcomes and the provider will be encouraged to develop unique and innovative support plans to “win” the care package. The evaluation of individual tenders will be based on ratio percentage between cost and quality. The split will be agreed on a bespoke basis to ensure that the competition is not at a compromise of the quality and nature of support delivered. The ‘starter budget’ derived from the existing assessment process and RAS will be used as an indication of cost, although it is expected that innovative, holistic packages of care will drive costs down.
- c. **Personalised and Bespoke Packages** - Providers will be encouraged to deliver packages in line with the TLAP concept of Flexible Support and eventually through Individual Service Funds, which places the individual at the centre and in control of the support they commission and receive. Packages will make better use of “low cost/ no cost” community provisions to meet a person’s needs.

- d. **Holistic approach** – The consideration of packages as a whole instead of different elements i.e. one single coordinating provider instead of multiple agencies delivering various element of care, will enable a holistic overview. Some interventions may meet dual needs and this can create more seamless care. In addition, this system would give the provider a support planning/ coordination role, offering a more joined up approach will remove the requirement of individuals, relatives or workers to coordinate and manage various care/ support providers.
- e. **Service User Involvement** – The service user will be involved in identifying their most suitable provider and promoting their individual choice, this will be achieved through them working with their social worker to set questions with a clear criterion for evaluation.
- f. **Greater oversight as to packages** – In having a route for all Specialist Home and Community Support DMBC will have a greater oversight as personal and community wide needs understanding the needs of whole packages and service users as a whole.
- g. **Improved Provider Relations** – Following implementation of the Open Framework Commissioners will host provider sessions on a quarterly basis to discuss strategic and practical issues. Sessions will include discussions issues/ challenges, the process, performance information and positives/ lesson learned.
- h. **The old framework will be removed** – the transfer of people (clients) into the new arrangements will be managed in such a way to reduce unrest for individuals, whilst ensuring packages are moved on to the new framework in a timely manner. The existing services are delivered through five organisations in 153 packages, totalling just over 1000 hours a week. With this in mind the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended) may apply. DMBC will work with existing providers to understand the implications and facilitate discussions.

10. IMPACT ON THE COUNCIL'S KEY OUTCOMES

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>The procurement through an Open Framework will enable the council value for money therefore having a positive impact on the Council's funds. With the potential increase in future demand there is an increased likelihood this specialist services could create jobs.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>People will be supported to live healthier, more active and independent lives as safely as possible.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>None</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>The service will be a vital service for some individuals and as a result of the service they and their families will thrive in independence and meeting their outcomes.</p>
	<p>Council services are modern and value for money.</p>	<p>The commissioning of specialist support will offer a modern and innovative service whilst offering value for money to the council and those who contribute towards or fully fund their care.</p>
	<p>Working with our partners we will provide strong leadership and governance.</p>	<p>Through the Framework Adults will work closely with local providers to broker a positive working relationship to influence their practice.</p>

11. RISKS AND ASSUMPTIONS

- As a result of not having any specialist provision in place for some time, there is a risk that the demand for more specialist support is not as needed as originally anticipated, this could lead to poor take up. However, there continues to be requests for specialist services and some people are being forced to take a Direct Payment to meet their need, when this would not necessarily be their choice. The assumed risk rating is 2.
- As a result of it being the initial implementation of the system, there may be issues with process /system; this could lead to problems in procuring

packages. Given the volume of demand is approximately one every two weeks; there will be opportunity to tweak the system. The assumed risk rating is 2.

- Given the nature of the process, there is a risk that responses through the system will not offer Value for Money, as providers will price specialist support at a much higher rate. Whilst there is potential for some concern around the system and process not offering value for money, the process is designed to drive price down through competition and innovation, also the evaluation of tenders will ensure sufficient weighting to enable the cost of the service is appropriately considered. The assumed risk rating is 2.
- There is a risk that specialist provision won't appeal to the provider market and as a result there will be no providers on the framework arrangement. This is a low concern as market engagement demonstrated around 30 providers showed interest in delivering such support in Doncaster. They favoured a framework approach. The assumed risk rating is 2.

LEGAL IMPLICATIONS

12. Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives the Council the power to purchase goods and services.

- . The Care Act 2014 sets out the Council's duties in relation to the need for care and support for service users within its area.
- . This service is a light touch service for the purposes of the Public Contracts Regulations 2015 (Regulations) and therefore the service must be procured in accordance with the Regulations and the Council's corporate procurement rules.
- . The establishment of an Open Framework has the potential to mean that the employment of any staff currently delivering the services will transfer from the employment of the current provider to any new provider. This transferring of staff is likely to be regarded as a relevant Transfer within the meaning of the Transfer of Undertakings Protection of Employment Regulations 2006 (as Amended). The relevance of this is that the legislation imposes obligations on both in old and new employer in relation to consulting with staff. Not consulting in accordance with the legislation can give rise to a claim to a Tribunal where both the new and old employers can be found to be responsible for any financial penalty imposed therefore care should be taken to ensure the staff transferring are consulted in accordance with the legislation to avoid legal and financial liability. This legal obligation includes informing the staff of any action it is proposed to be taken by the new Employer following the transfer. The Council should therefore ensure the new employers have complied with their obligation to inform of any action to be taken and that this is communicated to transferring staff. Any staff, whose principal or main role is with the transferring service are likely to transfer. Employees are entitled to transfer on their current terms and conditions. Liability in respect of the employment of the transferring staff transfers to the new employer and advice must be taken when considering indemnities in respect of these liabilities.

- . Further legal advice and assistance will be given prior to and during the procurement of this service.
- . The attached due regard statement and the equality implications below set out the consideration of the Council's equality duties under s149 of the Equality Act 2010 in regard to this service. We are required when exercising our functions to have due regard to the need to: eliminate discrimination, harassment and victimization; advance equality of opportunity; and foster good relations between people who share relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation; and only in regard to eliminating unlawful discrimination -marriage and civil partnerships), and those who do not. The duty must be exercised in substance, with rigour, and with an open mind and is not a question of ticking boxes. It is for the decision-maker to decide how much weight should be given to the various factors informing the decision, including how much weight should be given to the public sector equality duty itself. The duty is a continuing one and there should be a record/audit trail of how due regard has been shown. The decision maker must also pay regard to any countervailing factors and decide the weight to be given to these, which it is proper and reasonable to consider; budgetary pressures, economics and practical factors will often be important.

FINANCIAL IMPLICATIONS

13. The service currently delivers home care of circa £760,000 per year. The intention of the new contract is to deliver holistic packages of support that will better meet clients' needs and so is not intended to be purely a like-for-like service.
14. All clients included in this service however will already have an indicative personal budget identified as part of the social care assessment process, and as such the care to be brokered is expected to be within that limit. This means that the service is expected to be within existing budgets and not incur additional costs.
15. Financial Management are involved in the next stage of the commissioning process, which is to finalise the service specification and ensure that suitable controls are in place to minimise costs and ensure that the service delivers within existing budgets, or that any potential additional cost are identified as soon as possible and reported accordingly.

HUMAN RESOURCES IMPLICATIONS

16. There are no apparent HR Implications as far as this Report is concerned. Recent Service Reviews have been consulted upon and implemented with teams being set up to support the Adults Transformation Agenda.

TECHNOLOGY IMPLICATIONS

17. There are no specific technology implications at this stage. However, the Commissioning Team should engage with Digital & ICT early in the process to

fully consider any arising IT implications. Any additional technology requirements to support the delivery of the recommended option must be submitted via the prescribed Business Case pro-forma for consideration by the ICT Governance Board.

EQUALITY IMPLICATIONS

18. In developing the model for Specialist Home and Community Support the council has given due regard to equalities needs. The service has been developed to meet the particular needs of those with complex disabilities, meeting particular needs outside the generic home support offered through the council.
19. The flexibility built into the procurement of the service will also allow consideration for particular cultural or religious needs such as the gender of a carer or enabling flexibility in support to enable/ facilitate religious practice. The service will also monitor the equalities areas (disability, gender, location, age etc.) of those entering into the service to ensure provider staff are suitably trained and supported to work with people's particular needs, this information will also feed into other council intelligence.

CONSULTATION

20. In preparing the model and process engagement has taken place with people who currently access specialist support and the specialist market.
21. Feedback from both sessions suggested that the Specialist Home and Community support would be a welcomed and valuable service which would offer individuals the chance to have personalised packages to meet their own unique outcomes.
22. Feedback from both sessions has been fed in to the specification.

BACKGROUND PAPERS

Due Regards Statement Specialist Home and Community Support

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