



Doncaster Council

Report

Date: 27th April 2022

To Councillor Andrea Robinson

Joint Residential and Nursing Care Home Contract

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Andrea Robinson	All	Yes

EXECUTIVE SUMMARY

1. The current Older People and Learning Disabilities Care Home Contract is due for renewal and requires updating so to be consistent with current legislation, regulation and the Council ways of working and processes.
 - 1.1 The purpose of this report is to:
 - Agree to Doncaster Council entering into a joint care home contract with NHS Doncaster Clinical Commissioning Group (DCCG) for older people and learning disabilities care homes.
 - Agree to the new joint contract being implemented across the care home sector on a phased basis.

EXEMPT REPORT

2. Not applicable

RECOMMENDATIONS

3. That Councillor Robinson agrees to:
 - 3.1 Doncaster Council entering into a joint care home contract with Doncaster Clinical Commissioning Group (DCCG) for the provision of Nursing and Residential Care across Doncaster.
 - 3.2 Delegate to the Director of Adults Health and Wellbeing the phased implementation of the joint care home contract.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. For the citizens of Doncaster the change to a joint care home contract means:
 - Focus remains on delivering and continuing to improve services with a single quality assurance framework, Contract Monitoring will be undertaken by the Operational Commissioning Service within Adults Health and Wellbeing and Lead Nurse for the DCCG.
 - Care will be centred on the needs of individuals and will be achieved through a whole-system, collaborative approach. To move from reactive to proactive care, so that the care home will anticipate what could happen and put in place arrangements to avoid, delay or better manage a crisis.
 - To meet the assessed needs of individuals with social/nursing/complex health care needs and to enable them to live a life where they feel supported and cared for.
 - The care home should commit to and focus on the health, safety and well-being of the individual
 - The home will support people to maintain and maximise independence and prevent unnecessary admission to hospital. A single contract for both health and social care terms and conditions will simplify and streamline outcomes for individuals.

BACKGROUND

5. The current care home contract is in excess of 15 years old and does not reflect current legislation.
- 5.1 Work commenced on the development of the joint care home contract in 2019 but due to the impact of the Covid pandemic, this work was delayed until the end of 2021.
- 5.2 There is no financial impact on changing to a joint care home contract with care homes, as the terms and conditions and specification does not put any burden on the home that will cause them to incur any additional costs upon implementation. This contract and specification is about improving on their working practises and links with their health partners.
- 5.3 As part of the covid response, Doncaster CCG provided all care homes with an iPad, to develop and improve the Enhanced Health in Care Homes. A multidisciplinary team (MDT) of GPs, community nurses and allied health professionals (AHPs) will help to support the care of vulnerable residents. This approach will endeavour to reduce the need for additional referrals to core membership, which will negate the need for care homes to create new referrals to physio and OT services as examples.
- 5.4 The joint contract refers to local prices and payment terms, for both Doncaster Council and Doncaster CCG that will need amendment to take into account 22/23 agreed uplift rates. The current payment terms and process for Doncaster Council remains in place.

- 5.5 Doncaster currently contracts with 45 older peoples and 31 learning disabilities care homes within the borough that provide approximately 1993 older people's beds and 327 learning disabilities beds.
- 5.6 The NHS Short Form Contract is to be utilised to form the basis of this joint contract and specification, as it supports improved links and care delivery between care homes and primary and community services. There is no impact to the contracting arrangements for the Council in using the NHS contract, as all elements of the current Council contract will be included within the Contract particulars or the specification. The care homes will need to support these new contracts, which will help to shape:
- Structured medicine reviews and optimisation with improved links and care delivery between care home providers and primary and community services
 - Enhanced Care in Care Homes – responsible clinical lead per care home, home rounds to improve integrated care support and delivery
 - Anticipatory and Personalised care 2021/22
- 5.7 As part of the refresh work for the joint care home contract to engage with care home providers and explore their view of the new specification, a number of sessions were held with them to share initial drafts of the specification, which will be inserted into the new contract. 12 providers attended these sessions, who own 23 (30%) care homes across Doncaster.
- All responses were very positive, there were no elements that they felt were unachievable and identified additional areas to be included, including:
- Greater emphasis for joint working and accountability
 - More detail for dementia standards
 - Specification for regional use across ICS to support homes that are within SYB region, (understand opportunities for wider regional specifications to support larger organisations- Yorkshire and Humber)
 - Assistive technology to include more reference to governance, privacy and dignity and human rights act
 - Reduction of carbon footprint

OPTIONS CONSIDERED

Option 1: Keep the current care home contract

6. The current contract does not support robust outcomes and objectives that local authorities should be implementing and promoting across the Borough, as the Care Act general responsibilities for local authorities are about prevention, information and advice, and shaping the market of care and support services.
- 6.1 The current contract does not focus on a collaborative process between the person supported by services and those supporting them which is based on a strength based practice

- 6.2 The contract has not been updated to reflect the changes in legislation, regulation and policies such as:
- GDPR
 - Brexit
 - Equality and Diversity
- 6.3 The current contract does not address or focus upon integrated care in communities or the needs of older people including the use of community multidisciplinary teams, urgent community responses and enhanced health in care homes.

Option 2: Change to a joint council and NHS care home contract

- 6.1 The current contract is out of date and the new contract will include up to date legislation, regulations and policies
- 6.2 The joint care home contract includes the benefit of bringing Health and Social Care commissioning together to reduce duplication.
- 6.3 Monitoring of the quality of care homes is undertaken jointly with the DCCG and therefore the contract will reflect the ways of working

REASONS FOR RECOMMENDED OPTION

7. Doncaster Council and NHS Doncaster Clinical Commissioning Group (CCG) have come together to jointly commission services for the Doncaster borough. The Doncaster Place Plan sets out the vision:
- Maintain health and wellbeing
 - Develop our workforce
 - Improve individual experience
 - Avoid duplication
 - Improve individual and community outcomes
 - Make best use of the Doncaster pound
- 7.1 Integrated contracting and commissioning presents an opportunity for commissioners to work with providers to ensure that gaps in services are addressed and improved experiences and outcomes for service users are promoted.
- 7.2 The option presented is equitable to providers and fully auditable, providing assurance that expectations of outcomes and objectives are fair and transparent.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

8.

	Outcomes	Implications
	Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;	The joint care home contract will support stability across the sector and provide employment opportunities in Doncaster

	<ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>The joint care home contract and framework moves away from traditional reactive models of care delivery towards proactive care that is centred on the needs of individual residents, their families and care home staff</p> <p>The joint care homes contract also starts to explore reduction in carbon footprints of providers within the Care Home sector.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>The joint care homes contract will outline a detailed specification on the quality of service to be delivered and will ensure all current legislation, regulation and policy is enforceable through its contracting arrangements.</p>
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible 	<p>The joint care homes contract ensures we are providing care at a reasonable rate for local people,</p>

	workforce <ul style="list-style-type: none"> • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	putting care homes within their communities through the Enhanced Care home work, joint contract with joint governances, commissioning and leadership
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RISKS AND ASSUMPTIONS

9. As the current contract does not reflect current legislation or regulation there is a risk that the Council is contracting using an out of date contract, which may lead to the Council, being open to legal challenge.

LEGAL IMPLICATIONS [Officer Initials...PCol Date12.04.22]

10. Section 111 of the Local Government Act 1972 gives a local authority power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The Care Act 2014 obligates the Council to meet the eligible needs for care and support of its population in accommodation in a care home or by providing care and support to those individuals in their home or in the community. The Council can provide these services themselves or arrange for someone else other than it to provide the service.

The Council's current residential care homes contract does not reflect current legislation or guidance and there is a need to rectify this.

The NHS Standard Short Form Contract used by Doncaster Clinical Commissioning Group ("DCCG") sets national terms and conditions. To ensure these terms and conditions continue to reflect up to date requirements, national variations are published which are then incorporated into the NHS Standard Short Form Contract However from April 2022 any variations will apply automatically from the date of publication on line.

The Council will build its own requirements into a consolidated Specification (which has already been produced and consulted upon) and the Councils processes and policies will be inserted into the NHS Standard Short Form Contract to create the joint care home contract. If a Provider no longer wishes to provide services on the basis of the joint care home contract it will have the option to terminate its contract on notice.

Once the Health and Care Bill is passed and the necessary establishment

orders made, DCCG will cease to exist and will be replaced by an Integrated Care Board ("ICB"), on the 1st July 2022. NHS 2022 /23 Technical Guidance advises that contracts will then transfer from DCCG to the ICB under a nationally arranged transfer scheme provided for in the Health and Care Bill.

The NHS long- term plan is to give people the support they need joined up across local Councils and the NHS and other partners. The creation of the joint care home contract is very much in line with this in order to ensure that people do not experience disjointed care.

The decision maker must comply with the public sector equality duty pursuant to section 149 Equality Act 2010 when reaching decision upon whether to implement consolidated contract terms. The need to promote equality for persons with "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and have due regard to eliminate discrimination, harassment, and victimisation, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not share it should be considered.

In order to do this the decision maker will need to have sufficient information about the effects of the proposed changes on the aims of the equality duty. The Equalities Implication section below is designed to assist with compliance with this duty and so the decision maker must take that into consideration and the public sector equality duty before taking the decision.

Legal Services along with appointed external lawyers are to assist with agreeing the final version of Contract.

FINANCIAL IMPLICATIONS [Officer Initials DB Date 13/04/22]

11. By Doncaster Council entering into a joint care home contract with Doncaster Clinical Commissioning Group (DCCG) it is not anticipated that that there will be any directly related impact on the overall number of contracted placements made in these care settings. It is also set out in the report that the final contract terms and conditions will not put any additional burdens on care homes that will cause them to incur any additional costs that would require any related fee increases to cover any such burdens. Therefore, the expenditure levels for care home placements within the adult social care ladder should not be impacted upon as a direct result of this decision.

The provider payments team and financial management will need to be involved in the phased implementation of the joint care home contract to ensure the proposed provider fee rates and payment terms, for both Doncaster Council and Doncaster CCG, remain in place and to ensure there is no adverse financial impact from any changes proposed.

HUMAN RESOURCES IMPLICATIONS [Officer Initials AT Date 13/4/22]

12. There are no direct HR implications within this report.

TECHNOLOGY IMPLICATIONS [Officer Initials...PW Date 11/04/22]

13. There are no anticipated technology implications in relation to the proposed joint contract with NHS Doncaster Clinical Commissioning Group (CCG) for older people and learning disabilities care homes. Any technology requirements to support the implementation of the new contract would require further consultation with Digital & ICT. The service should also consult with the Financial Systems team regarding any changes to financial processes.

HEALTH IMPLICATIONS [Officer Initials...RS.....Date 11/04/2022]

14. The older people and learning disabilities care home contract is one way to ensure the health, safety and wellbeing of residents is maintained and even improved. It is reasonable to enter into this jointly with NHS partners and to use the most up to date contract possible as that will be based on learning and experience from across the country.

EQUALITY IMPLICATIONS [Officer Initials...KAB... Date 11/04/2022]

15. The new joint care home contract and specification will ensure we are compliant with the equalities legislation and regulations.

All care homes in Doncaster will be able to sign up to the same contract so will not cause an impact on equalities across the sector.

CONSULTATION

16. Engagement events have been held with Care Home providers as outlined within the above report.

REPORT AUTHOR & CONTRIBUTORS

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