

Cabinet – 18 October 2022

Extension of Adults Social Care Services Frameworks for Residential and Nursing and Community Based Services (CBS)

Portfolio: Councillor Kier Pedley

Related Portfolios Service: Adult Social Care

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1 The aim is to ensure the Council will continue to have sufficient availability of various services for adults to comply with its statutory obligations and is compliant with its responsibilities under the Care Act 2014. These extensions will support the Council to remain compliant whilst it continues with stakeholder engagement and internal review as part of developing the 'Reimagining Care' framework (work-stream 6 of our Adult Social Care Transformation Plan) which will incorporate learning from key pilot work including 'Transition Pathways' for children as they move on to adult services.

2. Summary

- 2.1 The Council is in the process of preparing for social care reforms and as part of our Care Act market management responsibilities and adult social care transformation journey, we are working with providers to update practice and contractual specifications to an outcome and strength-based approach.
- 2.2 This approach is aligned with 'Reimagining Care' with innovation and creativity to be embedded to meet our corporate priorities as the ASC directorate embraces new ways of working. Both ASC and Children's Services will jointly establish a single Re-imagining Care framework to incorporate all providers for a range of children-specific, adult-specific, and young people transition services.
- 2.3 The Spot CBS contracts are aligned with the CBS Framework end date of 31 March 2023 and the extension to 31 March 2025 will ensure that the Council is able to address need and that it continues to have services to comply with its statutory obligations.

2.4 To allow sufficient time for the actions detailed in 2.1, 2.2 & 2.3 to inform the procurement of Reimagining Care services it is necessary to further extend the frameworks and spot purchasing arrangements for:

- Residential and Nursing
- Community Based Services (CBS)

2.5 This is a key decision because it exceeds the threshold for “significant” expenditure and affects more than one ward in the Borough.

3. Recommendations

3.1 That Cabinet approves the further extension of Residential and Nursing Framework from 1 April 2023 to 31 March 2025.

3.2 That Cabinet delegate authority to the Executive Director of Adult Social Care Public Health and Hub to continue to approve the award of contracts to providers who apply and meet the requirements of the Residential and Nursing Application Process from 1 April 2023 to 31 March 2025.

3.3 That Cabinet approves the further extension of the Community Based Services Framework from 1 April 2023 to 31 March 2025.

3.4 That Cabinet approves the extension of the Community Based Services Spot Purchase Contracts from 1 April 2023 to 31 March 2025.

3.5 That Cabinet delegate authority to the Executive Director of Adult Social Care Public Health and Hub to continue to approve the award of Community Based Services Spot Purchase Contracts to manage capacity within the market to 31 March 2025.

3.6 That Cabinet delegates authority to the Executive Director of Adult Social Care Public Health and Hub to subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents for such services as identified above.

3.7 That Cabinet delegate authority to the Executive Director for Adult Social Care Public Health and Hub in consultation with the Portfolio Holders for Adult Social Care, to authorise any variations to the contractual arrangements or other related documents for such services should this be required throughout the duration of the above frameworks.

4 Report detail – know

Context

Residential & Nursing

4.1 Local authorities are expected to make genuine progress towards more sustainable fee rates, where they are not already doing so. This means increasing fee rates paid to providers (in respect of 65+ care homes and 18+

domiciliary care, including those who operate in extra care settings), and the findings from the Fair Cost of Care exercise will inform our Reimagining Care approach.

- 4.2 The Residential and Nursing Framework (as already extended) is due to end on 31 March 2023. There is an ongoing, open, and transparent 'Residential and Nursing Application' process in place whereby potential providers can complete documentation via the Council's e-tendering portal, in-tend, at any time to become an approved provider, as long as they meet the minimum basic requirements.

Community Based Services

- 4.3 The CBS Framework (as already extended) is due to end on 31 March 2023. This framework includes residential and nursing placements for ASC domiciliary care packages for over-18s and is also subject to the Fair Cost of Care exercise.
- 4.4 All the lots covered in the CBS framework will require a full review and possible contract modelling redesign which will result in the need for extensive market engagement and a possible long implementation period.
- 4.5 The Council is obliged to follow statutory guidance when commissioning services to assure itself and have evidence that contract terms, conditions and fee levels for care and support services are appropriate to provide the delivery of the agreed care packages with agreed quality of care. This will also align with the Reimagining Care work-stream to foster innovation and creativity in meeting corporate priorities as the directorate looks for new ways of working.
- 4.6 As a result of the issues set out in 4.4 and 4.5 of this report, there is a requirement to further extend the current frameworks and current spot purchase contracts, in order to ensure continuity of service provision, afford us the time to streamline our contracting arrangements, implement social care reforms and complete the Reimagining Care work, which should result in improved outcomes experienced for our service users and providers.
- 4.7 There is also the requirement to ensure that additional CBS spot purchase contracts can be awarded to providers in order to manage capacity within the market. Providers must meet the Council's minimum due diligence requirements to be awarded a spot purchase contract.
- 4.8 The recommendations of this report will ensure that the Council is compliant with its responsibilities under the Care Act 2014.

Council Plan Priorities

- 4.9 One of the key areas of focus in the Council Plan 2022 -2025 for 'People' is to:
- encourage our residents to lead more active fulfilling and independent lives to maintain or improve their health and wellbeing.
 - have increased independence, improved health and can positively contribute to their communities.

Risk management

- 4.10 Further extension of the frameworks will ensure the Council is compliant with its Contract Rules and Procurement Regulations and able to respond compliantly to meeting needs as determined as the outcome of a statutory care act assessment until the new contracting arrangements are in place following the launch of our Reimagining Care framework.

Financial implications

- 4.11 The recommendations contained within this report, to extend existing contractual arrangements, is to be implemented with no change to the rates currently paid by the Council. As a result, no additional costs will be incurred in approving the recommendations set out in this report.
- 4.12 The additional costs of any fee increases, relating to the 'Fair Cost of Care' exercise, will be contained within any specific Government grant funding allocations for this purpose.

Legal implications

- 4.13 Having taken legal advice, ASC is confident that extending the frameworks falls within modifications allowed by the Public Contracts Regulations 2015 (PCR).

Procurement Implications/Social Value

- 4.14 All procurement activity will be conducted in accordance with the PCR, the Council's Contract Rules and the Social Value Policy.

Property implications

- 4.15 There are no property implications arising out of this report.

Health and wellbeing implications

- 4.16 Continuing to commission these services will enable the Council to promote independence, choice and control for adults, children, and their families. It also links and contributes to the Council's corporate priorities referred to above.
- 4.17 The principles and actions contained within this report are in full accordance with the Marmot objectives because service users will have increased independence, improved health and can positively contribute to their communities in a safe and healthy way.

Staffing Implications

- 4.18 There are no staffing implications arising out of this report.

Reducing Inequalities

- 4.19 The implications for reducing inequalities have been considered and assessed as follows:
- (i) The Council's responsibility under the Equality Act 2010; and
 - (ii) The Council's duty to meet people's eligible needs will remain the same following the continuation of existing services under the frameworks.
- 4.20 An Equality Impact Assessment (EqIA) is not required because there is no change to the current service.

Climate Change

- 4.21 This is not applicable for this service

Consultation

- 4.22 A public consultation was not undertaken, as there is no change to the current service.

5. Decide

Cabinet is requested to consider the content of this report and to agree the recommendations as outlined in section 3.

6. Respond

- 6.1 Subject to Cabinet approval of the recommendations, ASC will work with corporate colleagues to:
- (a) Further extend the:
 - Residential and Nursing Framework from 1 April 2023 to 31 March 2025;
 - CBS Framework from 1 April 2023 to 31 March 2025; and
 - Community Based Services Spot Purchase Contracts from 1 April 2023 to 31 March 2025.
 - (b) Reassure Cabinet that ASC will retender the services by 31 March 2025, having completed the Reimagining Care workstream of our ASC transformation programme and implemented social care reforms.

7. Review

Once further extended, these frameworks will be reviewed in line with our contract management and individual support plan review process

Background papers

Residential Nursing Care for older people, Complex Care and Mental Health,
Community Based Care Services and Transitional Beds Framework
Residential & Nursing Services Cabinet Report - 09/09/2020
Domiciliary Care and Supported Living Providers Contract Cabinet Report - 12/02/2020

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6 October 2022



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6 October 2022