

## **Cabinet –29 October 2014**

### **Social Care and Inclusion Contract Management**

**Portfolio:** Councillor Diane Coughlan, Social care

**Related portfolio:** None

**Service:** Social Care and Inclusion

**Wards:** All

**Key decision:** Yes

**Forward plan:** Yes

#### **1. Summary**

- 1.1 This report outlines proposals for a range of services funded by Adult Social Care and Inclusion and Walsall Clinical Commissioning Group (WCCG).
- 1.2 There is a requirement to award contracts to local NHS Trusts as part of joint commissioning arrangements with Walsall Clinical Commissioning Group.
- 1.3 There is to be a procurement exercise which will be in 4 lots:
  - Tender 1 – accommodation for homeless people with complex needs
  - Tender 2 – dementia service reablement pathway
  - Tender 3 – KeyRing Floating Support Service
  - Tender 4 – bereavement support
- 1.4 There is a need to include the services listed below in the Support to Live at Home Services tender exercise:
  - Home from hospital support service
  - Rapid discharge service
  - Emergency carers support service

## **2. Recommendations**

- 2.1 That cabinet delegate authority to the Executive Director of Social Care & Inclusion in consultation with the Portfolio Holders for Social Care and Health, to award, and enter contract for the provision of Integrated Community Equipment Services from Walsall Healthcare NHS Trust via a memorandum of Agreement under a Section 75 agreement with Walsall Clinical Commissioning Group;
- 2.2 That Cabinet delegates authority to the Executive Director of Social Care & Inclusion in consultation with the Portfolio Holder for Social Care and Health, to award, and enter contract with Black Country Partnership Foundation NHS Trust for specialist health learning disability services under a Section 75 agreement with Walsall Clinical Commissioning Group;
- 2.3 That Cabinet authorises procurement tenders be undertaken in respect of the services listed in paragraph 1.3;
- 2.4 That Cabinet delegates authority to the Executive Director of Social Care & Inclusion in consultation with the Portfolio Holders for Social Care and Health, to award, and enter contracts for the services listed in 1.3 by using the most appropriate procedures and to sign or authorise the sealing of contracts, deeds or other documents in relation to the provision of the services listed in 1.3 and carry out appropriate consultation with existing users and carers.
- 2.5 That Cabinet agrees to include the services listed in paragraph 1.4 in the Support to Live at Home Services tender exercise.

## **3. Report detail**

### **Integrated Community Equipment Service (ICES)**

- 3.1 A pooled budget for ICES was established under a Section 75 agreement between Walsall Council and the then Walsall Primary Care Trust in 2005. This brought together separate services in to one integrated service that could then benefit from a single process of ordering of equipment; a single store and associated logistics for delivery and recycling of equipment; and simplifying the way that Occupational Therapists, nurses and social workers can order equipment as part of care plans.
- 3.2 ICES is an important feature of the overall health and social care system and functions in tandem with the Independent Living Centre and the provision of telecare equipment to support adults to remain independent at home, thus avoiding the need for residential placements or avoidable hospital admissions.

3.3 The scope of community equipment is captured in this definition from the Guide to Integrating Community Equipment Services DH (2001)

“Community equipment enables adults who require assistance to perform essential activities of daily living to maintain their health and autonomy and to live as full a life as possible. This equipment includes, but is not limited to:

- Home nursing equipment, such as pressure relief mattresses and commodes.
- Equipment for daily living, such as special seating, shower chairs, raised toilet seats, teapot tippers and liquid level indicators.
- Minor adaptations, such as grab rails, lever taps,
- Ancillary equipment for people with sensory impairments, such as flashing doorbells, low vision optical aids, textphones and assistive listening devices.
- Equipment for short term loan, including wheelchairs
- Communication aids for people who are speech-impaired.

3.4 ICES is delivered by Walsall Healthcare Trust from a recently purpose built unit in Willenhall that was designed specifically for the service and to allow for future integration of technology and equipment services into one location. The current pooled fund arrangement amounts to a total of £1,478,538 which is made up of £877,538 from Social Care and Inclusion and £601,000 from Walsall Clinical Commissioning Group and is managed within the Joint Commissioning Unit. Purchase of equipment via a buying agreement to optimise value for money accounts for nearly £1 million of this expenditure. This funding will become part of the Better Care Fund pooled budget from April 2015. The contract with Walsall Healthcare Trust is in the form of a Memorandum of Agreement which is co-signed by Walsall Council, Walsall Clinical Commissioning Group and Walsall Healthcare Trust.

3.5 There is a bi-monthly contract review meeting between the JCU and Walsall Healthcare Trust where an agreed set of performance indicators is monitored and actions for improvement agreed as necessary. Projected overspends on the budget available are closely scrutinised and risk sharing for any overspend is incorporated in to the Section 75 agreement. There has recently been a significant increased demand upon this service leading to an overspend in 2013/14 which was met in its entirety by Walsall Clinical Commissioning Group. This will be handled as part of the Better Care Fund in the future. Performance targets for delivery of equipment within 7 working days and for recycling rates have been and continue to be met and the scheme is providing an excellent service.

3.6 Each year, the JCU sets out commissioning intentions for any further development of services. Governance for this pooled budget is provided by reporting to the Joint Commissioning Committee which reports to the Health and Well Being Board as necessary, and there are routine reports to Scrutiny and

Performance Panel. Any major variation in service delivery is required to be jointly agreed in advance and may be the subject of a formal consultation exercise.

- 3.7 This is the contract award in the form of a Memorandum of Agreement currently under negotiation for the 12 month period from April 2014 to the end of March 2014. Council procurement regulations require consideration be given to market testing contracts of this size and from time to time in previous years this has been considered and rejected on the grounds that the service is an integral part of the health and social care system in such a way that separating it away from its current provider would have a negative impact on provision and thus compromise the extent to which it is preventing people from entering hospital or having to have more expensive care packages. This will be re-considered again in time for April 2015 with a report to the Joint Commissioning Committee. Such consideration needs to separate the equipment and non-equipment elements of the service.

### **Specialist Health Learning Disability Services**

- 3.8 The Walsall Integrated Learning Disabilities Service is provided by Black Country Partnership Foundation NHS Trust and comprises:

- Consultants Psychiatrists, two staff grade doctors (1 vacancy), 0.54 GP and 2 Medical secretaries.
- NHS Learning Disability Psychology Services
- NHS Learning Disability Physiotherapy Services
- Community Behaviour Support Team
- Specialist Community Nurses & Community Nurse Support Workers
- Specialist Community Nurses (Dementia, Long Term Conditions, Transition, Forensic, Acute Liaison).
- Specialist Speech and Language Therapy Service.
- Specialist Occupational Therapy & Technician.
- Specialist Health Facilitation Team
- Orchard Hills Assessment /Treatment Service at Daisy Bank.
- Suttons Drive Forensic Step down unit.
- Clinical Team Leader
- Divisional Manager Learning Disability services and administrative support.

- 3.9 The overall aim of the service is to provide direct high quality health care to people with Learning Disabilities. The service is required to meet the national standards and recommendations set out within Valuing People (2001), Health Care for all (2008) and Valuing People Now (2009). Most recently, Government guidance has been issued to ensure there is no repeat of the abuse of people with learning disability that took place at Winterbourne up until the exposure by

the BBC Panorama Team in 2010, and some other places around the country up until then.

- 3.10 The service aims to ensure that people with Learning Disabilities have access to primary and secondary care, to provide excellent physical care in all settings; to safeguard vulnerable adults; and to empower individuals to make their own decisions on an equal basis in every health intervention. Specific proactive and clinical interventions are included and Health Action Planning is key to providing good health and enablement/recovery across the service. The service works to deliver services integrated health and social care services in partnership with Walsall Council. The service meets the needs of individuals with some of the most complex conditions including those who have previously been subject of the criminal justice system for various offences.
- 3.11 During 2010/11 the Department of Health Transforming Community Services (TCS) mandate required all Primary Care Trust's (PCT) to separate their commissioning arm from their provider operations. The services were therefore separated out of Walsall PCT in April 2011 to join the BCPFT (previously known as Sandwell Community Care Trust). The TCS programme was supported by the DOH and specified that where an existing health service is transferring to a single provider organisation under the TCS mandate, they were not subject to a procurement process.
- 3.12 The service is provided by Black Country Partnership Foundation NHS Trust (BCPFT) at an annual service contract in excess of £3 million per annum which is transferred to Walsall Council Social Care and Inclusion Directorate each year from Walsall Clinical Commissioning Group as part of a Section 75 pooled fund arrangement, which is commissioned within the Joint Commissioning Unit. In line with the NHS framework the contract is reviewed annually and for the last three years a "Deed of Variation" has been completed to ensure that advances / updates within health are transcribed within the on-going practice of providers. The 2014/15 contract has been commissioned for one year as per the guidance provided by the CCG which is in line with all other Walsall CCG contracts for 2014/15.
- 3.13 There is a bi-monthly contract review meeting between the JCU and BCPFT where an agreed set of performance indicators is monitored and actions for improvement agreed as necessary. Each year, the JCU sets out commissioning intentions for any further development of services. Governance for this pooled budget is provided by reporting to the Joint Commissioning Committee which reports to the Health and Well Being Board as necessary, and there are routine reports to Scrutiny and Performance Panel. Any major variation in service delivery is required to be jointly agreed in advance and may be the subject of a formal consultation exercise.

- 3.14 This contract award is for the service in 2014/15 and is based upon a standard NHS contract for these services which has been adjusted to ensure it is compliant with Council contracting and procurement procedures. BCPFT is in effect a sole provider for these services locally due to the specialist nature of this range of services which is not available elsewhere as a single integrated package. This range of services is an integral part of the health and social care support arrangements for people with learning disability and they are provided in a way that makes the whole system interdependent. There is therefore, no current intention to market test, but this may be considered in the future.

### **Services to go to out to Tender**

#### **Tender 1 – accommodation for homeless people with complex needs**

- 3.15 The current homelessness service is provided by Beswick House Supported Accommodation Limited at Wilbraham Court in the grounds of The Manor Hospital, and supports 22 vulnerable adults through the provision of a 10 bedded hostel core unit, and 3 dispersed houses which prepares 12 service users for move on.
- 3.16 Historically funded by the Supporting People (SP) Programme this service has been reviewed and remodelled on a number of occasions to achieve value for money and meet commissioning needs. This service has never been subject to a procurement exercise, but the Joint Commissioning Unit is currently testing the market and if there is no response from any other potential provider then a direct award will be considered in line with procurement procedures.
- 3.17 The service supports single homeless people or those at risk of homelessness with complex needs where they have additional support needs, for example due to a learning disability, mental ill health, a history of offending, physical and or sensory disability and substance misuse. Most of these service users do not meet Fair Access to Care (FAC's) criteria and have a history of being excluded from main stream services due to the complexity of their needs/behaviours.
- 3.18 The council's Supported Housing Service also use this service to accommodate homeless people with complex needs, which they are unable to accommodate within the Council's supported accommodation service. Without this type of service there would be a gap in provision likely to particularly impact on A&E and police resources and the council would be unable to discharge its statutory duty to a number of people who are accommodated there. It is likely that some of the residents would have required more expensive care packages or possibly a residential placement.
- 3.19 Adult Social Care has a current annual budget of £180,549.46 and has no savings target attached to this service on the basis that it provides a cost effective alternative to residential placements.

## **Tender 2 – Dementia Service Reablement Pathway**

- 3.20 Following a procurement exercise a two year contract was awarded to Accord Housing to provide a number of dementia cafes across the borough, 2 dementia advisors and 2 support workers to promote safe hospital discharge. Urgent Authority was given by the Executive Director of Adult Social Care to extend this contract to 31 March 2015. These services play an important role in supporting people with dementia and their carers to remain independent and avoid hospital admissions or care home placements.
- 3.21 Funding for this service of £150,000 per annum is transferred to Social Care and from Walsall Clinical Commissioning Group and the funding will become part of the Better Care Fund from April 2015. The contract is managed from within the Joint Commissioning Unit and due to the growing numbers of people with dementia there is no savings target attached to this service.

## **Tender 3 – KeyRing Floating Support Service for Vulnerable Adults**

- 3.22 This service provides community based support for people with a learning disability to live independently in the community by linking a network of 8 or 9 people together and providing volunteer support to them.
- 3.23 Historically funded by the Supporting People (SP) Programme this service has been reviewed and remodelled on a number of occasions to achieve value for money and meet commissioning needs. This service has never been subject to a procurement exercise and is actively contract managed from within the Joint Commissioning Unit with agreed performance monitoring.
- 3.24 Delivered by KeyRing, in 2011 this service was expanded from supporting 2 networks (16 service users) to 10 networks (90 service users) on the understanding that the service would be self-funding by acting as an alternative to residential placements.
- 3.25 When the service was remodelled in 2011 the annual contact value was £503,600.00 per annum to deliver 10 networks. Following market testing, this was reduced to £453,600.00 per annum from 1 April 2014 and further reduced to £403,600.00 per annum from 1 October 14.

## **Tender 4 – Bereavement Support**

- 3.26 Walsall Bereavement Support Service (WBSS) exists to provide caring and sensitive support to every bereaved resident of the Walsall borough whenever they might need it. It is a small charitable organisation, which was first

established in 1996. Since then it has grown steadily and having reacted to requests from adults about support for their children, WBSS has also developed a children and young people's bereavement service which is known locally as THE SWING.

- 3.27 Bereavement support workers are either qualified counsellors or trainee counsellors working towards qualification and they all offer their services and skills voluntarily.
- 3.28 Social Care and Inclusion has a current annual budget of £56,582.00. There was a proposal to end the contract as part of the savings target for Social Care and Inclusion Directorate in 2014/15, but this was not accepted and so an Urgent Authority was given by the Executive Director of Adult Social Care to extend this contract to 31 March 2015. This service has never been subject to a procurement exercise, but the Joint Commissioning Unit is currently testing the market and if there is no response from any other potential provider then a direct award will be considered in line with procurement procedures.

#### **Services to be included in the Support to Live at Home Services Tender**

- 3.29 Following a procurement exercise in 2012, the Home from Hospital Support Service, Rapid Discharge Service and Emergence Carer's Support Service commenced March 2012, November 2012 and March 2013 respectively; all services are provided by Sevacare home care agency.
- 3.30 The purpose of the Home from Hospital Support Services (£80,000 per annum) and Rapid Discharge Service (£70,000 per annum) is to promote safe, swift hospital discharge for those vulnerable adults, who don't have a network of support, to free up hospital beds and make the links with services in the community to prevent unnecessary readmissions. The Emergency Carers Support Service (£101,000 per annum) is designed to provide short term care where a carer is ill or needs respite to enable them to continue to their caring role.
- 3.31 Funding for the home from hospital service and rapid discharge service is transferred to Social care and Inclusion Directorate from Walsall Clinical Commissioning Group and this funding will become part of the Better Care Fund from April 2015. The funding for the Emergency carers Support Service is part of the carer's budget and there is a projection of a higher demand for carer support services as a result of the implementation of the Care Act 2014.
- 3.32 Each of these contracts is actively monitored from within the Joint Commissioning Unit with regular contract review and an agreed set of performance monitoring data. As part of the integration of services taking part under the arrangements for the pooled budget for the Better Care Fund there are no plans to make savings from this funding.



#### **4. Council priorities**

- 4.1 Commissioning these services which incorporates early intervention and prevention will help the council to continue to promote independence and reduce hospital admissions; improve health and wellbeing and help to create safer and inclusive communities

#### **5. Risk management**

- 5.1 There is a risk of legal challenge both to the current contracting arrangements and also if the procurement process is not conducted correctly.

#### **6. Financial implications**

- 6.1 Total funding for the ICES pooled fund in 2014/15 amounts to a total of £1,478,538 which is made up of £877,538 from Social Care and Inclusion and £601,000 from Walsall Clinical Commissioning Group. Purchase of equipment via a buying agreement to optimise value for money accounts for nearly £1 million of this expenditure. Therefore any consideration of market testing this contract is only for the non-equipment element of the expenditure. During the 2012/13 the store relocated to a purpose built facility in Willenhall at a capital cost of £380,000 and during 2013/14 a new computerised logistics system for tracking equipment has been implemented as at a capital cost of £50,000. These investments were funded from the Department of Health Capital Grant to the Council and have led to further efficiencies, for instance from recycling rates.
- 6.2 The annual service contract for specialist health learning disability services is £3.3 million which is transferred to Walsall Council Social Care and Inclusion Directorate each year from Walsall Clinical Commissioning Group as part of a Section 75 pooled fund arrangement, which is commissioned within the Joint Commissioning Unit.
- 6.3 The current annual budget for the support service for homeless people in 2014/145 is £180,549.46.
- 6.4 Funding for the dementia reablement pathway is £150,000 per annum which is transferred to Social Care and from Walsall Clinical Commissioning Group and the funding will become part of the Better Care Fund from April 2015.
- 6.5 When the service was remodelled in 2011 the annual contact value for the Keyring floating support service was £503,600.00 per annum. Following market testing, this was reduced to £453,600.00 per annum from 1 April 2014 and further reduced to £403,600.00 per annum from 1 October 14.

6.6 Social Care and Inclusion has a current annual budget for the Walsall Bereavement Service of £56,582.00.

## **7. Legal implications**

The Council will ensure the delivery of care and support services are compliant with equality legislation and the legal and procurement process is compliant with the Council's Contract Rules 2010 and procurement legislation to mitigate the risk of challenge.

## **8. Property implication**

There are no direct property implications for the Council.

## **9. Health and wellbeing implications**

The overall aim is to deliver these services to meet needs whilst encouraging independence and to improve the quality of care and outcomes for individuals. This may also create employment opportunities for local communities which should promote a healthy standard of living which is in line with the Marmot objectives.

## **10. Staffing implications**

The services subject to tender may result in 25 full time staff posts employed by existing providers being TUPE'd across to successful providers. Staff affected may face redundancy but the tender should create the similar number of new employment opportunities

## **11. Equality implications**

When commissioning and procuring the services, as a minimum, we will include contract conditions which:

- Prohibit the contractors from unlawfully discriminating under the Equality Act
- Require them to take all reasonable steps to ensure that staff, suppliers and subcontractors meet their obligations under the Equality Act.

## **12. Consultation**

Consultation across this range of services is an integral part of on-going contract management and takes various forms ranging from feedback from people attending the dementia café's, to individual case reviews of people with learning disability using specialist health services. There is active on-going contract management for all these contracts within the Joint Commissioning Unit.

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**Signatures**



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20 October 2014



Councillor Diane Coughlan  
Portfolio holder

20 October 2014