

<b>Subject:</b>	Care Home Approved Provider Arrangements		
<b>Date of Meeting:</b>	24 <sup>th</sup> September 2012		
<b>Report of:</b>	Director of Adult Social Services/Lead Commissioner People		
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<b>Ward(s) affected:</b>	All		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Some existing care home contracts must be renewed. Current arrangements need updating to reflect the changes in national policy as outlined in Putting People First and Caring for the Future, together with the new flexibilities around registration categories introduced by the Care Quality Commission. Both the current Terms and Conditions and Service Specifications are in need of revision.

#### 2. RECOMMENDATIONS:

- 2.1 That the Board agree the process for procuring & the awarding of the contract and the timescales outlined in this report.
- 2.2 That the Board agree to the Director of Adult Social Services having delegated authority to award contracts.

**(Note: These recommendations were agreed by the Adult Care & Health Committee on 24 September 2012).**

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 There are currently different contractual arrangements in place broadly for Older People (OP) / Older People Mental Health (OPMH) and people under 65 (U65). This is an historical arrangement and lawyers have advised change to a generic contract, one which embraces both older people and people under 65.

- 3.2 The proposed generic care home contract is comprised of Terms and Conditions and a Service Specification, with additional Clinical Standards for Nursing Homes. It is an Approved Provider agreement in the sense that it sets out agreed terms and conditions for providers, and individual placements are then made with providers on the basis of those pre-agreed Terms and Conditions. Selecting which service user goes to which provider will be dependent on which care home has vacancies at the time, and whether or not the provider is able to meet the assessed needs of the person requiring care home services. In the event that there are two or more vacancies that could meet those assessed needs, the selection process would then be led by service user choice.
- 3.3 As was the case with OP/OPMH it is a joint Health and Adult Social Care contract and potentially includes all independent and voluntary sector care homes in the city.
- 3.4 The vast majority of the Terms and Conditions in the new contract remain similar to the previous contracts for both OP/OPMH and U65. The Service Specification has been substantially revised in line with Department of Health good practice and is now outcome based with a focus on partnership working.
- 3.5 In order for care homes to join the approved provider arrangement they must complete an application form and provide a range of information. This procedure will ensure that the Council is confident that the providers on the approved provider arrangement have the suitable technical knowledge and experience, capability-capacity, organisational and financial standing to provide the services.
- 3.6 Providers will be able to access the application form through the South East Business portal and if successful they will be included on an Approved List of care home contractors held by the Council.
- 3.7 The rationale for advertising the Application form on the portal is to give an opportunity to new providers to join the list of Council contractors.
- 3.8 It is anticipated that the new contract will take effect from April 2013 onwards on a rolling programme.
- 3.9 The anticipated length of contract is one year from the commencement date, and thereafter from year to year, subject to the termination clause.
- 3.10 The anticipated annual value of spend through the contract is £26.6 million although this is not guaranteed to any particular supplier.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 The care home contract has been consulted upon widely. This has included consultation and engagement with practitioners, the public and providers, with the latter in particular having influenced the process regarding health & safety and financial requirements in the contract
- 4.2 Following significant public consultation a brochure entitled 'Your Rights and What to Expect in a Care Home' has been developed. This includes an

explanation of the different parts of a care home contract and what they mean in real terms.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### **5.1 Financial Implications:**

The new contract is expected to support the delivery of Value for Money. Care Home Fees will be the subject of a separate report, the level of fees proposed will be within budget strategy assumptions.

*Finance Officer Consulted: Anne Silley Date: 03/09/12*

### **5.2 Legal Implications:**

The services provided under the framework are Part B services for the purposes of the Procurement Rules. There is not considered to be a cross border market for these services, and there is therefore no requirement for an OJEU advance notification. The process to be followed in signing providers up to the new contract is required to be fair, transparent and non discriminatory. These requirements appear to be satisfied.

The terms and conditions of the new contract have been updated to reflect changes in legislation.

There are no specific Human Rights Act 1998 implications arising from this report.

*Lawyer Consulted: Jill Whittaker Date: 06/09/12*

### **5.3 Equalities Implications:**

A full Equalities Impact Assessment has been undertaken.

### **5.4 Sustainability Implications:**

Placing the Application on the South East Business portal has the facility to maximise the number of in-city providers, thus increasing local capacity and minimising the number of out of city placements and associated costs.

### **5.5 Crime & Disorder Implications:**

No specific Crime and Disorder implications arise from this.

### **5.6 Risk and Opportunity Management Implications:**

A Risk log is attached to this piece of work

### **5.7 Public Health Implications:**

The new Service Specification has an emphasis on re-abling and maximising independent and well being.

The nursing competencies will minimise infection and ensure robust clinical support.

5.8 Corporate / Citywide Implications:

All in city care homes are encouraged to apply for Approved Provider status.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 No change to status quo – not viable in procurement terms and could present a risk in terms of current equalities legislation

6.2 Full tender – risk of losing in-city provision with immediate effect and also over time

**7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 The new contract is robust and compliant with procurement and legal advice.

**SUPPORTING DOCUMENTATION**

**Appendices:** None