

HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

7 DECEMBER 2023

THE SUPPORT TO LIVE AT HOME SERVICE

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Summary

This report provides a summary of the recommissioning of the Support to Live at Home Service. The framework agreement(s) will commence on 1 April 2024 and end on 31 March 2028.

This service will be commissioned on a four-year framework, with one framework for Homecare services and one framework Extra Care services. An open procurement procedure was used to enable any potential providers to bid for the opportunity.

Procurement Timetable.

Project Phase	Action	Date
Gateway 1	Consultation – Internal	May 2023
	GW1 CADMT	5 June 2023
	GW1 Procurement Board	21 June 2023
	GW1 Cabinet	11 July 2023
Service Specification	Consultation - Provider Event	July 2023
	Finalise Tender Suite – Specification, T&Cs, Tender Docs etc.	August 2023
Tender Stage	Issue ITT	September 2023
	Tender Evaluations	October 2023
Gateway 3	GW3 Draft	October 2023
	GW3 CADMT	December 2023
	GW3 Procurement Board	December 2023
	GW3 Cabinet	January 2024
Contract Award	Contract Award	January 2024
Mobilisation	Mobilisation	February 2024
Implementation	Service goes Live	1 April 2024

1. Recommendations

- 1.1 To note that Cabinet will be recommend to award The Support to Live at Home Service contract(s) to the successful bidders that will be evaluated as the most economically advantageous against the Councils award criteria.
- 1.2 To note that The Support to Live at Home Service will replace the current Framework Agreements for the provision of Homecare and Extra Care. The intention is to appoint multiple providers to the Framework Agreement for homecare services and between 1 – 5 providers for extra care services.
- 1.3 To note that a Gateway 3 report has been drafted for pre-approval by the Children and Adults Departmental Management Team on 7 December 2023, before submission to Procurement Board on the 20 December 2023 and Cabinet on 16 January 2024.

2. Budget and policy framework

- 2.1 The recommissioning of the Support to Live at Home framework meets the councils core values, strategic priorities, statutory obligations and departmental / directorate service plans as detailed below. This service is funded through existing adult social care budgets.
- 2.2 Medway Council's Strategy 2023-2024 sets out the overarching aims and priorities. Under the vision for people, Medway Council has set outcomes and goals to support residents to realise their potential. This framework agreement enables the delivery of the outcomes; improving everyone's health, reducing inequalities and improving support for vulnerable adults by working with partners and communities.
- 2.3 The Support to Live At home service will assist in delivering the following Medway Council strategies: Adult Social Care Strategy, People Strategy, Joint Health and Wellbeing Strategy and the Ageing Well Strategy. The specific role contracted providers play in the delivery of these strategies as a key local stakeholder are defined within the service specification(s).
- 2.4 The delivery of Homecare and Extra Care services contributes to meeting Medway Councils Adult Social care vision of:
 - Prevention:
We will focus shared learning and build on evidence-based interventions that can help to prevent avoidable demand on statutory health and care services.
 - Early intervention and recovery:
We will proactively work with individuals, families, and other agencies to help people who have experienced ill-health or crisis to recover as quickly as possible, reducing their ongoing needs and helping them return home.

- Enablement:
We will work on the assumption that people want to be enabled and supported to live independently at home and access employment when possible, ensuring that residential care is only used when there is no alternative.
- Safeguarding:
We will place the right of all adults to live their lives free from harm, abuse, and neglect at the heart of everything we do.

3. Background

- 3.1 Medway provided Homecare and Extra Care to approximately 1250 people, delivering 495,000 hours of care and support during 2022/23.
- 3.2 The Support to Live at Home Service provides care and support to eligible vulnerable individuals to enable them to remain living independently in their own homes. The service will be delivered by local care workers in collaboration with social work teams, health care services and third sector providers to provide a holistic person-centred package of support.
- 3.3 This service will provide care and support to people in their own home and to those living in the five Medway Extra Care schemes and will cover long term care and enablement care.
- 3.4 Support To Live at Home will place emphasis on maintaining and improving health and wellbeing, through enablement-based care practices to support people to live as independently as possible.
- 3.5 The aim of the service is to provide good quality care and support that has health benefits by enabling people to live how they normally would at home. It provides tailor made care packages that promote independence, which positively affects mental and physical well-being.
- 3.6 Homecare is provided where there is an assessed need for the service and a financial assessment is made to determine the contributions towards the cost of care payable by the service user.
- 3.7 A failure to facilitate a supply of good quality Homecare and Extra Care services could result in a high number of admissions to residential care and hospital which has a greater financial cost. This can also cause a negative impact on a person's mental wellbeing.
- 3.8 A lack of Homecare and Extra Care may also affect the ability to discharge patients from hospital in a timely manner which can lead to an increase in delayed transfers of care. It is a responsibility of Medway Council within the Health and Care Partnership and Kent & Medway Integrated Care System to facilitate timely discharges. This is also a key enabler in the delivery of the Better Care Fund Plan programme 2023 / 2025.

Service Design / Service Model

- 3.9 Nine Homecare providers were appointed on the current Homecare Framework. A provider may deliver care in more than one locality area. Homecare packages are allocated to the most suitable provider following a referral being sent to all providers on the framework.
- 3.10 Homecare is commissioned on a locality-based model mirroring the structure of Adult Social Care. Homecare providers are allocated to work in the three locality areas, with packages of care allocated to providers based in that location. The three Adult Social Care localities are as follows:
- Locality 1 - ME7 & ME8
 - Locality 2 - ME4 & ME5
 - Locality 3 - ME1 & ME2 & ME3
- 3.11 Five providers are currently appointed in each of the three localities to deliver homecare service on behalf of Medway Council.

Medway Council – Adult Social Care Locality Model

Locality 1 ME7 / ME8 5 Locality based Home Care Providers Population 18-64 & 65+ 99,458	Locality 2 ME4 / ME5 5 Locality based Home Care Providers Population 18-64 & 65+ 79,574	Locality 3 ME1 / ME2 / ME3 5 Locality based Homecare Providers Population 18-64 & 65+ 100,841
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Locality 1 ME7 & ME8	Locality 2 ME4 & ME5	Locality 3 ME1 & ME2 & ME3
Hempstead and Wigmore	Rochester West and Borstal	Strood Rural
Rainham Southeast	Rochester East and Warren Wood	Hoo St Werburgh and High Halstow
Rainham Southwest	Fort Pitt	Strood North and Frindsbury
Rainham North	Fort Horsted	Strood West
Twydall	Princess Park	Cuxton Halling and Riverside
Watling	Wayfield and Warren Wood	All Saints
Gillingham South	Lordswood and Walderslade	
Gillingham North	Luton	
	St Marys Island	
	Chatham Central and Brompton	

- 3.12 Extra Care is a housing scheme for people aged 55+ which consists of self-contained apartments owned or rented by individuals or couples. Extra Care

schemes allow for the provision of care and support in a safe, community-based setting. Tenants or shared owners can retain their independence within their own home with the reassurance of having staff on site 24 hours a day, 365 days a year, to provide emergency care and ongoing planned daily support. Medway currently has five Extra Care schemes, they are:

- Bellerophon House, Rochester
- Montgomery Court, Wainscott, Rochester
- Prospect Place, Gillingham
- Atlas Place, St Marys Island, Gillingham
- Rogallo Place, Rochester

3.13 Currently there are three providers delivering care and support within the five Extra Care schemes across Medway:

- Provider 1 – Bellerophon House
- Provider 2 – Atlas Place and Rogallo Place
- Provider 3 – Montgomery Court and Prospect Place

Delivery Model

3.14 The commissioning of the 2020 – 2024 contracts incorporated a different delivery method. Care previously was delivered as time and task for example 8:30 am for 30 minutes to provide personal care. The current service is provided as a basket of hours. A ‘basket of hours’ approach gives providers a weekly number of hours to meet a service users desired outcomes rather than a prescriptive time and duration plan. The emphasis is placed on the provider to work with the individual to plan when and how care is delivered.

3.15 This approach gives service providers the freedom and flexibility to provide care in way that is responsive, enabling and meets the changing needs of the individual. It also gives the service user greater input to how and when their care is delivered. The same service delivery model will be used for the 2024-2028 Framework Agreement.

3.16 Individuals are assessed by Adult Social Care Teams who determine the service users desired outcomes. These outcomes are set in collaboration with the service user and includes input from family and non-paid carers. Service user outcomes are sent to providers as a care referral.

3.17 The service provider meets with the service users and the details of the care package are discussed and implemented giving the service user greater involvement in the delivery of their individual care plans. This places emphasis on the provider to work with the individual to plan when and how the care is delivered.

3.18 Providers will be required to actively ensure the Service users desired outcomes are achieved. These could include, but are not limited to managing and maintaining nutrition, maintaining personal hygiene, managing toilet needs, being appropriately clothed, being able to make use of the adult's

home safely, maintaining a habitable home environment, developing and maintaining family or other personal relationship, accessing and engaging in work, training, education or volunteering, making use of services in the local community, including public transport, and recreational facilities or services.

Service Aims and Objectives

3.19 The service will work providers to deliver care in accordance with legislation and industry standards. The service aims to:

- Reduce inefficiencies across the whole system but enabling hospital discharges to occur in a timely manner.
- Improve service standards of homecare.
- Improve transparency in care delivery.
- Increase independence and reduce reliance on long term care.
- Ensure capacity in the market meets future demand.
- Reduce the need for long term residential care.

3.20 The Support to live at home service will ensure the following.

- Homecare providers deliver services based on outcomes.
- More flexibility and service user choice in the way care is provided through the basket of hours approach.
- Improved transparency in care delivered using Electronic Call Monitoring Systems.
- Accurate payments based on actual care delivered.
- Individuals get greater choice around how care is delivered and managed, either through direct payments or commissioned packages of care.
- Recruitment of skilled and professional homecare workforce to meet the needs of service users, including those with very complex needs.
- Promote health benefits by positively impacting on mental and physical health.
- Assist in reducing social isolation through care worker interaction in the individuals home setting.
- Deliver a good quality service across Medway to enhance opportunities and reduce health inequalities.
- Promote personalization and choice.
- Prevent deterioration in health through the promotion of a healthy balanced diet, smoking cessation (where applicable) and increased physical activity.
- Deliver care that works with our key partners by connecting the care from the NHS, social care, community, and voluntary sector organisations.
- Promote mental wellbeing by reducing social isolation through interaction with social prescribing and community-based activities.

3.21 Providers will be required to operate an Electronic Call Monitoring (ECM) system. ECM systems provide real time data about the care provided

through the logging of care calls and provide the ability to track and monitor outcomes.

4. Options

Option 1 - Do Nothing

4.1 The current framework agreement is due to expire on 31 March 2023, after which there will be no contractual arrangement for the provision of Homecare and Extra Care services.

Advantages

- Medway Council could choose to use any CQC service provider to deliver the service.

Disadvantages

- Service could be not legally compliant.
- Uncompetitive pricing.
- Capped rate no longer applies impacting on budgetary constraints.
- Service demands may no longer be met.
- Key Performance Indicators would not apply.
- Loss of innovation.
- Unfair allocation of care packages.
- Service inefficiencies through allocation of referrals to providers for any of the localities.
- Does not encourage integrated working and sharing of expertise.
- Possible increase in residential care placements and reduce hospital discharge times.
- Medway Council would become reliant on spot purchase providers.
- A framework agreement provides the necessary security of homecare referrals for providers, without which providers could be encouraged to diversify into specialist areas which can result in providers leaving the sector resulting in fewer homecare providers within the market.
- Providers that are placed upon a framework have a degree of certainty with regards to the levels of work and can recruit staff accordingly. This ensures business continuity and workforce retention for providing the service can be met.

Option 2

4.2 Recommission new Homecare and Extra Care framework contracts that complies with the Public Contracts Regulations 2015. In time for the expiration of the current contracts to provide a seamless transition.

Advantages

- Legally compliant service.
- Competitive and fair pricing.
- Providers are required to provide the service within a capped rate which enables the service to be delivered within budgetary constraints.
- Can meet service demands on a large-scale service with over 1000 people receiving care.
- Key Performance Indicators would apply enabling robust contract monitoring, ensuring good quality care for service users.
- Providers are encouraged to provide services in an innovative way through the contract specification.
- Provides a fair allocation of care packages to providers.
- Achieving efficiencies through allocation of referrals within contracted localities.
- Encourages integrated working and sharing of expertise.
- Develops standardise processes.
- Provision of a framework agreement would enable faster allocation of referrals which can reduce residential care placements and reduce hospital discharge times.

Disadvantages

- Obligated to use framework providers. If demand outstrips supply this could create capacity issues. Note: this is managed / mitigated through the above advantages.
- The allocation of packages of could see some providers move resources from one area of Medway to service their contracted area.
- Providers appointed a place on the framework are not mandated to accept referrals. This is managed and mitigated through strong contract management of the service.

Option 3

- 4.3 Medway Council to provide Homecare and Extra Care services in-house.
- 4.4 This option has not been progressed in full due to the time constraints of the procurement process. The Framework Agreements are due to expire on 31 March 2024. Whilst there is not sufficient time to implement an in-house service, the framework specifications do allow scope for this at a later stage.
5. Advice and analysis
- 5.1 The preferred procurement option is Option 2 as it meets the service aims and Council objectives.
- 5.2 A Diversity Impact Assessment has been completed as part of the Gateway 1 process.

6. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
<p>Suppliers may bid at a high price meaning the cost of the service increases significantly, or may decide not to bid due to price caps placed on tenders</p>	<p>Financial</p>	<p>Price caps have been put in place as part of the tendering process. These caps will be guided by information from other local authorities and intelligence relating to the true cost of care, however ultimately these will be determined by Medway Council budgets. Robust financial review of tender submissions will be undertaken and prices will be discussed at contract management meetings.</p>	<p>D3</p>
<p>Re-tender process will cause workforce instability and result in staff leaving</p>	<p>Contract Delivery</p>	<p>Reassurance through clear communications. The provider market was kept informed of the Council's commissioning intentions and timelines.</p> <p>Provider engagement event to capture their input and address any concerns they may have about the procurement.</p>	<p>C2</p>

Risk	Description	Action to avoid or mitigate risk	Risk rating
		This has enabled commissioning officers to gauge the level of interest being expressed	
Failure to attract sufficient successful bids	Procurement	<p>Provider engagement event to capture their input and address any concerns they may have about the procurement.</p> <p>This has enabled commissioning officers to gauge the level of interest being expressed</p>	C3
Unsuccessful bidders slowing down the process by challenging award decision	Legal	Robust procurement process in line with best practice and Public Contracts Regulations 2015	D3
Provider fails to fulfil contractual obligations	Contract Delivery	Commissioners will work in partnership with providers to ensure early identification of issues. Contract management will be robust and performance reviews will be conducted regularly. Other stakeholders including social workers and the Business & Intelligence Team will support the management of the service.	D2

Likelihood	Impact:
A Very high B High C Significant D Low E Very low F Almost impossible	1 Catastrophic (Showstopper) 2 Critical 3 Marginal 4 Negligible

7. Consultation

- 7.1 A project group was established to review current processes and to further develop the service specification(s). This included Adult Social Care, Adults Partnership Commissioning, Systems, Business & Intelligence, Public Health, Quality Assurance, Brokerage, Client Financial Affairs, Legal and Category Management.
- 7.2 Medway Council continuously consults with providers regarding the current service. This takes place through individual provider meetings, monthly contract management meetings and the Provider Forum held bi-monthly.
- 7.3 A market engagement event was held in August 2023. This engagement was an opportunity for providers to freely discuss the services provided. This engagement was an opportunity for providers to engage with commissioners as part of the development of the service specification(s) and working arrangements.
- 7.4 Medway Council carried out a service user engagement exercise in July/August 2023. Surveys were sent to all Homecare and Extra Care recipients asking for their views on what is important to them in relation to the care and support they receive. Medway received over 100 responses. The specification(s) have been drafted to reflect the key themes, for example they place emphasis on providers ensuring promptness of service delivery and good levels of communication.

8. Climate change implications

- 8.1 [The Council declared a climate change emergency in April 2019](#). Item 1038D refers to the target set by Medway of becoming carbon neutral by 2050.
- 8.2 The specification(s) require providers be aware of, and support, Medway Councils Climate Change Action Plan 2022. Medway Council as part of this plan have set out 11 priorities, which includes engaging with local businesses to encourage them to work towards zero net carbon target.
- 8.3 The specifications include a range of clauses related to climate change. In bidding for the service providers are agreeing to work towards and within these measures, they include but are not limited to the use of public transport and increasing the use of walking care workers to reduce vehicle journeys.

8.4 The service model supports this by appointing providers to certain localities within Medway.

8.5 Providers will be required to have an environmental policy and a sustainability plan that strategise how their business practices positively impact on the environment and communities.

9. Financial implications

9.1 The procurement requirement and its associated delivery as per the recommendations will be delivered from existing revenue budgets. The latest budget monitoring forecasts an overspend of £7.3million. This will need to be dealt with as part of the budget build for 2024/25 along with any additional pressures around uplifts to current contracts.

9.2 Should there be no appointed framework agreement in place at the time of the current framework expiring, the cost of delivering care could increase significantly. Service providers will no longer be contracted to provide the service at contracted rates. This could have a significant impact on Council budgets.

9.3 Annual spend on commissioned Homecare and Extracare is forecast to be around £12.5-£13 million for 2023/24. Annual uplifts will need to be agreed by full council each year and will be dependent on available funding during the budget setting process. The capped rate as part of this tender represents a headline 5% uplift on current capped rates. The new capped rate will be applied from the commencement of the contract (1 April 2024). This was agreed on the 13 October 2023 by the Assistant Director of Adult Social Care and the Chief Operating Officer.

10. Legal implications

10.1 The procedure gives a high degree of confidence that the Council's primary objectives for procurement are met, as required by Rule 2.2 of the Council's Contract Procedure Rules ("the CPRs").

10.2 Under the Council's Contract Procedure Rules, the procurement is a Process 3 procurement (Rule 18), and the process set out in this report meets the requirements for such procurements. The procurement was advertised on the Kent Business Portal, in compliance with rule 18.4 of the CPRs.

10.3 Medway Council has the power under the Local Government (Contracts) Act 1997 and the Localism Act 2011 to enter into contracts in connection with the performance of its functions.

10.4 The process described in this report complies with the Public Contracts Regulations 2015 and Medway Council's Contract Procedure Rules.

- 10.5 This report has been presented as a Gateway Process 3 Medium Risk procurement, and therefore the Monitoring Officer, in consultation with the Procurement Board will therefore set the risk and reporting stages for the remainder of the procurement process for Gateway 4.
- 10.6 The Council has a range of statutory duties and powers to provide services to vulnerable adults such as older people, people with learning disabilities, physical disabilities, ill health and people with mental health conditions. The Care Act 2014 builds on recent reviews and reforms, strengthening previous social care guidance and replacing previous legislation.
- 10.7 The Care Act 2014 and statutory guidance forms the basis of statutory duties for Local Authorities, replacing the National Assistance Act 1948, the Chronically Sick and Disabled Persons Act 1970, and the NHS and Community Care Act 1990.
- 10.8 A fundamental principle of the Care Act 2014 requires that local authorities promote an individual's wellbeing by ensuring care and support provided meets the individual's identified outcomes. Under the Act, local authorities can provide or commission services in a variety of ways, including through a Direct Payment, to meet the needs of those it assesses as eligible for services.
- 10.9 The Provider must remain compliant with the Care Act 2014 and comply with all relevant legislation throughout the Contract Period.
- 10.10 When arranging services, local authorities must ensure commissioning practices and the services delivered comply with the requirements of the Equality Act 2010, the Mental Capacity (Amendment) Act 2019 and the Human Rights Act 1998.
- 10.11 Homecare is only provided where there is an assessed need for the service and a financial assessment is made to determine the contributions towards the cost of care payable by the service user. The assessments are in line with Medway Council's eligibility criteria.
- 10.12 Extra Care Housing is available in Medway through third party providers. The Council undertakes its statutory obligation in respect of the care delivered to each tenant living within the scheme.
- 10.13 Providers are expected to deliver the services in accordance with the Mental Capacity Act 2005 and Mental Capacity (Amendment) Act 2019. Providers must maintain an insight into safeguarding guidance and legislation but should also take into account the issue of capacity and shall recognise the rights of Individuals to make personal decisions that may appear unwise.

Lead officer contact

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Appendices

None

Background papers

<https://www.legislation.gov.uk/uksi/2015/301/note/made>

Description of Document	Location	Date
Medway Adult Social Care Strategy	https://www.medway.gov.uk/downloads/file/1066/medway_adult_social_care_strategy	2021-2025
Medway Council People Strategy	https://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=60760&nobdr=2	2021-2025
Medway Council Joint Health and Wellbeing Strategy	https://www.medway.gov.uk/downloads/file/3710/joint_health_and_wellbeing_strategy_2018_to_2023	2023
Medway Council Aging Well Strategy	https://www.medway.gov.uk/info/200591/medway_s_joint_strategic_needs_assessment_jsna/1567/enabling_our_older_population_to_live_independently_and_well	
The Care Act 2014	https://www.legislation.gov.uk/ukpga/2014/23/contents/enacted	2014
Mental Capacity (Amendment) Act 2019	https://www.legislation.gov.uk/ukpga/2019/18/enacted/data.htm	2019
Mental Capacity Act 2005	https://www.legislation.gov.uk/ukpga/2005/9/contents	2005
Care Support (business failure) Regulations 2015	https://www.legislation.gov.uk/uksi/2015/301/note/made	2015