



<b>Meeting of East Renfrewshire Health and Social Care Partnership</b>	Integration Joint Board
<b>Held on</b>	1 May 2019
<b>Agenda Item</b>	10
<b>Title</b>	Care in the Home Commissioning Arrangements
<p><b>Summary</b></p> <p>This report informs the Integration Joint Board about issues arising from our current contractual arrangements for care at home. It proposes moving into a Strategic Partnership to work with providers and local people to develop more locally sustainable models for delivering care in the home.</p>	
<b>Presented by</b>	Candy Millard, Head of Adult Health and Social Care Localities
<p><b>Action Required</b></p> <p>The Integration Joint Board is asked to:</p> <ul style="list-style-type: none"> <li>▪ approve the development of a strategic partnership approach to support delivery of our strategic priority</li> <li>▪ recognise the need to enter into interim contractual arrangements to sustain local provision</li> <li>▪ direct East Renfrewshire Council to establish strategic partnership arrangements for care in the home</li> <li>▪ direct East Renfrewshire council to put in place interim contractual arrangements</li> </ul>	
<p>Implications checklist – check box if applicable and include detail in report</p> <p> <input type="checkbox"/> Finance                      <input type="checkbox"/> Policy                      <input type="checkbox"/> Legal                      <input type="checkbox"/> Equalities  <input type="checkbox"/> Risk                              <input type="checkbox"/> Staffing                      <input checked="" type="checkbox"/> Directions                      <input type="checkbox"/> Infrastructure         </p>	

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# **EAST RENFREWSHIRE INTEGRATION JOINT BOARD**

**1 MAY 2019**

**Report by Julie Murray, Chief Officer**

## **CARE IN THE HOME COMMISSIONING ARRANGEMENTS**

### **PURPOSE OF REPORT**

1. To inform the Integration Joint Board about workforce and sustainability issues arising from our current contractual arrangements for care at home and discuss some of the commissioning opportunities moving forward.

### **RECOMMENDATION**

2. The Integration Joint Board is asked to:
  - approve the development of a strategic partnership approach to support delivery of our strategic priority
  - recognise the need to enter into interim contractual arrangements to sustain local provision
  - direct East Renfrewshire Council to establish strategic partnership arrangements for care in the home
  - direct East Renfrewshire council to put in place interim contractual arrangements

### **BACKGROUND**

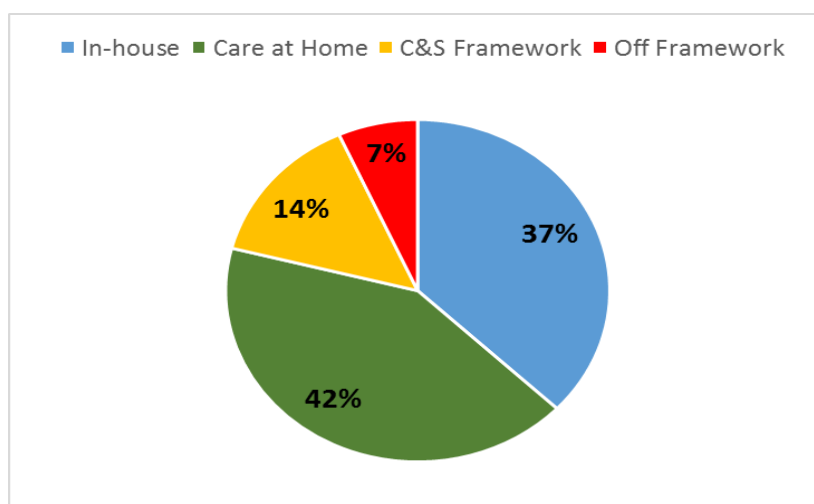
#### **Current Contractual Arrangements**

3. A Care at Home Framework was subject to a formal tendering process and was awarded to Allied Health Care, Careline, Christina's Homecare, Clyde Homecare, Constance Care and HRM Homecare in July 2016. The contract was for 2 years with the potential to extend for a further year.
4. The use of CM2000 was a new mandatory requirement for providers as part of this new framework. The system was introduced to improve data on quality and performance in areas such as continuity, punctuality and duration of visits. External Provider Home Carer are expected to use the service users' landline to phone a free phone number when they start and end the visit to 'log in' and 'log out' with CM2000 or to use a compatible call monitoring system.
5. Visit durations are rounded to the nearest minute, this means:
  - a visit with a duration of 16 minutes and 29 seconds is rounded down to 16 minutes
  - a visit with a duration of 16 minutes and 30 seconds is rounded up to 17 minutes.

6. Payments to providers are calculated on each visit time using the following bandings:

Bandings	Paid Duration
1 minutes to 23 minutes	15 minutes
24 minutes to 37 minutes	30 minutes
38 minutes to 52 minutes	45 minutes
53 minutes to 67 minutes	60 minutes

7. Although there is a significant amount of care at home provision with the independent sector, under the current contract partner providers do not have guaranteed levels of business and have been expected to respond to ad hoc requests to provide care packages across the whole of East Renfrewshire.
8. As reported to the Integration Joint Board on 20 March 2019, our partner providers find this contractual model difficult to sustain, and are often not able to provide staff to deliver new packages or additional hours of care and support. This has led to the HSCP having to ask providers on the Care and Support Framework or on occasion off framework providers to provide care. These providers are not subject to the same CM2000 business rules as the care at home providers. Based on weekly hours called up (i.e. planned not actual) the current market share can be seen as:



### National and Regional Issues

9. In February 2019 the Scottish Government published the report Fair Work in Scotland's Social Care Sector 2019, prepared by the Fair Work Convention. The Fair Work Convention's role is to provide advice on Fair Work to Scottish Government, policy makers and wider Scotland and advocate for Fair Work across Scotland.
10. The report states that current method of competitive tendering based on non-committal framework agreements has created a model of employment that transfers the burden of risk of unpredictable social care demand and cost almost entirely onto the workforce.

11. It found that the significant use of zero-hours, low-hours and sessional contracts in the social care sector is largely an outcome of the way care is purchased. Too often care provider organisations do not know how many support hours are required on a day to day basis. This type of commissioning in turn impacts on the type of contracts offered to staff, with flexibility benefitting the employer and burdening the social care worker with unpredictable working hours and unstable earnings.
12. It explains that commissioning agencies under budget constraints are only willing to pay for the actual amount of time that direct care services are delivered (rather than paying for a sufficient number of people to be engaged to deliver the service). Employers then pass this risk on to staff by placing them on contracts that maximise employer flexibility. This can mean workers having their shifts cancelled where demand falls, or being asked to do extra hours at a moment's notice where demand increases, leading to feelings of being always 'on-call'. Workers struggle to manage their lives around frequently changing and/or unpredictable work schedules, while many managers report spending most of their time managing rotas, covering gaps and meeting new requests, rather than supporting and developing their teams.
13. This in turn leads to in problems recruiting and retaining staff. Recruitment challenges in social services, particularly in the adult social care sector, have been regularly highlighted (e.g. SSSC Workforce Skills Report). Recruitment challenges have been linked to low pay, difficulties finding people to work anti-social hours, perceptions of the sector and the emotional stress of care work.
14. The National Health and Social Care Workforce Plan Part 2 – a framework for improving workforce planning for social care in Scotland confirms that we need a social care workforce which is skilled and valued and which works collaboratively to empower, support and protect people, with a focus on prevention, early intervention and enablement. It identifies some of the challenges involved in addressing these priorities including:
  - How to support and equip the workforce to work in multi-disciplinary teams to ensure people get the right support at the right time;
  - How to support the workforce in responding to policies which demand greater autonomy for the social care workforce and more innovation in models of support that are personalised for individuals;
  - How to improve career opportunities that recognise the variety of responsibilities and skills required in social care roles and that provide flexible career pathways which give personal job satisfaction while supporting the retention of staff.
15. Scotland Excel in collaboration with the Scottish Government scheduled three specification development events held on 20th November in Glasgow, 22nd November in Dundee and 29th November in Stirling. The purpose of the events was to consider, and advise, what should be included in a care and support tender specification, using the National Health and Social Care Standards as the basis. Attendees included Local Authorities/Health and Social Care Partnerships (HSCPs) commissioning and procurement staff (including East Renfrewshire; provider representative organisations, CCPS and Scottish Care, Scottish Government and the Care Inspectorate and an extensive representation of provider organisations.

16. Attendees voiced the importance of Fair Work practices section within a national specification for care and support services and linked to the Scottish Government wider national reform programme. In particular they made reference to:
- Requirement to demonstrate an approach which meets SSSC requirements;
  - Clear policies and procedures linked to equality and diversity, staff recruitment and retention;
  - No inappropriate use of zero-hour contracts;
  - Greater balance of risk between Local Authority/HSCP and provider;
  - Ethical Care Charter;
  - Consider wider employee benefits packages;
  - Fairly linked to pay and considering travel time;
  - Scottish Living Wage implications and impact on job roles within provider organisations;

## REPORT

### Strategic Direction

17. One of our strategic priorities is working together with people to maintain their independence at home and in their local community. Care at home is fundamental to supporting people to remain at home. Our current model of commissioning care at home is not sustainable and does not support delivery of our strategic priority.
18. The HSCP recently engaged with a broad spectrum of local and national stakeholders to develop our commissioning intentions. This exercise highlighted the commitment of a range of stakeholders to work differently in our localities, including a willingness to work in a place based approach; to developing and working with local assets building on digital opportunities and to reimagine 'care in the home'.
19. Working together we would like to move to develop locally sustainable teams, with a clear focus on recruiting, retaining and training locally. We would like to explore the opportunities offered by personalised Technology Enabled Care solutions alongside Burrzorg and other models being tested elsewhere, in order to develop locality based solutions that support our strategic priority. We consider that this is best achieved through adopting a Strategic Partnership Approach.

### Developing a Strategic Partnership approach

20. The National Guidance on the Procurement of Care and Support Services 2016 states that:
- "The procurement of care and support services should promote partnership working across sectors. Successful partnership working must be built upon openness and transparency, mutual respect and a joint understanding of the roles and responsibilities of each partner and the challenges that they face. To achieve this, as best practice, a public body should:*
- *recognise service providers' contributions to achieving positive outcomes for people who use services;*
  - *involve service providers in the development of local commissioning strategies and local policies and procedures for the procurement for care and support services;*

- *be proactive in involving service providers in service design and the development of service specifications; and*
  - *in doing so, continue to ensure compliance with the procurement rules – for example by ensuring that there is no conflict of interest which could distort competition or prevent the equal treatment of bidders.”*
21. *“A public body may seek ... a strategic partner or partners to redesign and achieve major changes in the delivery of a service and/or the use of resources. For example, it may decide to work with a service provider or providers to determine what could be provided across a range of services within the available resource, rather than tendering for particular services. In this situation, the choice of strategic partner(s) should be on the basis of a transparent and competitive process in accordance with the public procurement rules.”*
  22. If this way forward is agreed by the Integration Joint Board we will work with East Renfrewshire council to issue a procurement Prior Information Notice to seek expressions of interest for the Strategic Partnership.
  23. Following consultation with East Renfrewshire council legal series we have agreed that in the interim we will enter into spot purchasing arrangements to last for not longer than 12 months. After which we will either move to local commissioning arrangements as designed through the partnership or purchase under Scotland Excel's National Care and Support Framework, which should be in place in 2020.

## **CONSULTATION AND PARTNERSHIP WORKING**

### Recent local stakeholder engagement

24. The HSCP has a longstanding Care at Home provider's forum through which it has seen the willingness of stakeholders to work cooperatively with the HSCP on tests of change and openness to working with the Council's employability partnership (WorkER) to develop programmes to support local people into care as a career. They have consistently reiterated their commitment to working in partnership to develop a more outcome focused model of care.
25. We are a named learning partner for East Ayrshire HSCP in their successful bid to the Technology Enabled Care Programme. The East Ayrshire Pathfinder aims to use TEC as a key enabler to fully transform health and social care provision for people aged 65 and above and those with long term health conditions living in the Irvine Valley. The citizens of the Irvine Valley will be able to access personalized TEC solutions to support them to live at home, improve their capacity to self-manage and achieve their personal outcomes. This bid builds on East Ayrshire's existing sector leading peer mentor model so that their workforce are confident and supported to 'think TEC first'.

## **IMPLICATIONS OF THE PROPOSALS**

### Finance

26. The current budget 2018/19 spend on care at home is £9million, with approximately £4million on our in-house service, and £5million to the external market.

### Risk

27. There are risk associated with our current model of commissioning and the impact of this on workforce and availability of care in the home. The proposed strategic partnership will look at how these risks can be mitigated across the whole care at home system.

### Directions

28. This report recommends two directions to East Renfrewshire Council.

## **CONCLUSIONS**

29. Care at home is fundamental to supporting people to remain in their communities. The current model of commissioning services is not sustainable and does value the workforce who provides this essential service. It is important that we take time to develop solutions that will work for local people and reflect the needs within our localities. This work needs to be undertaken in partnership local people and providers.
30. It is proposed that in the interim we move to a contract based upon a spot purchase agreement. This would give the Integration Joint Board and Council contractual certainty whilst developing an approach that is fit for purpose and fit for the future.

## **RECOMMENDATIONS**

31. The Integration Joint Board is asked to:
- approve the development of a strategic partnership approach to support delivery of our strategic priority
  - recognise the need to enter into interim contractual arrangements to sustain local provision
  - direct East Renfrewshire Council to establish strategic partnership arrangements for care in the home
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## **REPORT AUTHOR AND PERSON TO CONTACT**

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Chief Officer, HSCP: Julie Murray



April 2019

## **BACKGROUND PAPERS**

Procurement of care and support services: best practice guidance

<https://www.gov.scot/publications/guidance-procurement-care-support-services-2016-best-practice/>

Unison's Ethical Care Chapter

<https://www.unison.org.uk/content/uploads/2013/11/On-line-Catalogue220142.pdf>

Fair Work in Scotland's Social Care Sector 2019

<https://www.fairworkconvention.scot/wp-content/uploads/2018/11/Fair-Work-in-Scotland's-Social-Care-Sector-2019.pdf>

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