

# APPENDIX C

## THE OPERATION OF THE FRAMEWORK AGREEMENT

### The Allocation of Contract Prices

**New Customers** within the framework agreement will be paid for at the new contract prices from the commencement date of the framework agreement, except that:

- (1) Where the quality performance rating of a care home with and without nursing goes down there will be a 6 month transition period in which it will retain its current price to allow time for it to improve its quality performance rating; and
- (2) When a new care home with or without nursing opens any placement to it will be paid at a price equivalent to that of an 'adequate' care home until it can be allocated to a quality performance band and a contract price established, at which time any difference will be backdated.

**New Customers** in care homes that are outside of the framework agreement and within Central Bedfordshire will be paid for at a price equivalent to that of an 'adequate' care home. If this is less than the fee charged by the care home there will have to be a third party contribution to enable the customer to move there.

**New Customers** in care homes that are outside Central Bedfordshire will be paid for at the host local authority's usual rate. If this is less than the fee charged by the care home there will have to be a third party contribution to enable the customer to move there.

**Self Funders** with diminishing resources who become eligible for public funding:

- 1) If living within a care home that is within the framework agreement, will be paid for at the agreed contract price irrespective of the fee they were originally paying;
- 2) If living within a care home that is outside the framework agreement and following a care and risk assessment that deems them to be able to move to alternative accommodation:
  - a. will be offered a choice of any of the 8 Council or BUPA owned care homes within their preferred location at the agreed contract price; then
  - b. if these do not meet their needs they will be offered a choice of the care homes on the framework agreement within their preferred location at the agreed contract price.

If they choose to stay in their current care home and the fees are higher than those for an 'adequate' care home or what the host authority would normally pay if outside of Central Bedfordshire there will need to be a third party contribution for them to stay there; or

- 3) If living within a care home that is outside the framework agreement and following a care and risk assessment that deems them unsuitable to move to alternative accommodation, will be publicly funded within that care home without there having to be a third party contribution.

### **The Placement of New Customers within Care Homes**

All new customers will be offered places within the care homes of providers that have been accepted onto the framework agreement plus the 8 care homes managed by BUPA. However given that for the foreseeable future the current block contract with BUPA will continue, albeit reducing over a 7 year period, priority will be given to the BUPA managed care homes.

The process for allocating publicly funded customers to places within care homes within Central Bedfordshire will be:

- 1) Customers will initially be offered a choice of any of the 8 Council or BUPA owned care homes within their preferred location; then
- 2) If these do not meet their needs they will be offered a choice of the care homes of the providers on the framework agreement that are within their preferred location.

The Council will not generally offer customers a place within a care home that:

- 1) Is not one of the 8 BUPA managed homes or is owned by any provider that is not on the framework agreement; or
- 2) Has been assessed through the Quality Monitoring System as having a quality performance rating of 'poor'.

However the Council reserves the right in exceptional circumstances to offer places outside of the framework agreement. This will only be used once all options within the framework agreement have been exhausted.

Customers will be given information about each care home, including its quality performance rating, to enable them to find a care home that meets their requirements into which they are happy to move.

If a customer want to go to a care home with or without nursing that is outside of the 8 BUPA managed homes or the framework agreement the Council will facilitate this to provide choice to customers providing that if the care home is:

- 1) Within Central Bedfordshire the rate that the Council will pay will be equivalent to that of an 'adequate' care home with or without nursing. If this is less than the fee charged by the care home there will have to be a third party contribution to allow the customer to move there; or

- 2) Outside of Central Bedfordshire the rate that the Council will pay will be the same as that usually paid by the host authority. If this is less than the fee charged by the care home there will have to be a third party contribution to allow the customer to move there.

The allocations process will be reviewed in the future so that priority is not given to any one provider, thereby increasing choice and enabling customers' decisions to be based on the quality of the care homes. The timing of this will be dependent on the negotiations with BUPA about the future block contract and the programme for closing the 7 Council owned care homes.

### **Third Party Contributions**

Third party contributions were introduced by the government to increase choice to people moving into care homes with and without nursing. They are only available in certain specific circumstances, the details of which are governed by DH statutory guidance and contained in Local Authority Circular [LAC (2004) 20]. This says that a third party contribution:

“applies only when a resident explicitly chooses to enter accommodation other than that which the council offers them and where that preferred accommodation is more expensive than the council would usually expect to pay.”

A customer may thus explicitly choose, if available, a placement within a care home other than that offered by the Council under this contract and which is more expensive than the contract price that the Council would normally pay for a person with their assessed needs.

In such a case the difference between:

- (a) the Contract Price that the Council would normally pay to meet the customer's assessed needs ; and
- (b) the actual price charged by the care home;

must be met by a third party contribution in order for the customer to move there.

These are the only circumstances in which a third party may be asked by the Council to make a contribution to the cost of a customer's care home fees. All other potential circumstances for third party contributions will be addressed on a case by case basis in accordance with the statutory guidance.