

APPENDIX A

THE RECOMMENDATIONS OF SOCIAL CARE, HEALTH AND HOUSING OVERVIEW AND SCRUTINY COMMITTEE HELD ON 9 SEPTEMBER 2013

The Social Care, Health and Housing OSC received the report at their meeting on 9 September and were concerned that 6 months seemed a long time to give providers to improve their performance. The Committee agreed the recommendations as set out in the report but also recommended that officers be requested to keep under review the 6 month period given to providers to rectify the causes of serious concerns and improve the quality of services and report back to Committee at a later date.

APPENDIX B

THE FRAMEWORK AGREEMENT

The Framework Agreement

The framework agreement is an umbrella agreement between the Council and a number of care home providers that enables individual contracts for specific customers (generally referred to as 'call-offs') to be awarded throughout the period of the framework agreement. It is often used, as in this case, when the total value of the contract is not known as the number of places that the Council needs to purchase will vary from month to month depending on the number of people assessed as needing accommodation in care homes.

This allows the Council the maximum flexibility to vary the number of places it purchases at any time in each care home depending on demand, the individual circumstances of each provider, their location and where people want to go. In this respect it is similar to operating a series of individual contracts through spot purchases but with more robust contractual arrangements in place in terms of the conditions of the framework agreement and the contract price which are established when the framework agreement is let rather than for every individual service that is provided.

Scope of the Agreement

The framework agreement will cover the following providers:

- 1) All care homes for older people with and without nursing in Central Bedfordshire that are registered with the CQC to provide care for people aged 65 years and over, except the 8 care homes that are currently managed by BUPA; and
- 2) Care homes with and without nursing to be opened by new providers who want to move into the area.

The framework agreement will include the following customers:

- 1) Publicly funded customers who are 65+ years old who have dementia or are physically frail or have a physical impairment or ill-health that is primarily age-related;
- 2) Publicly funded customers who have a learning disability, physical impairment or mental health need who are living within care homes in Central Bedfordshire registered to provide care to people aged 65 years and over; and
- 3) People in need of palliative and end of life care.

The Council will also purchase short-term care from within this framework agreement. This can be for a number of reasons such as to provide respite care that will enable a customer's carer to take a break from their caring responsibilities, in an emergency when a person's care arrangements have temporarily broken down or where a customer is unable to return home for a short period following hospital treatment or whilst adaptations are being made to their property. In all of these circumstances it is anticipated that the customer will return home to independent living and the provider will be expected to ensure that the period within the care home will be used to maintain or regain the skills needed to enable the customer to return home with no loss of independence.

The Impact on Existing Customers

Existing customers will not be affected by the introduction of the framework agreement. They will be able to stay within their existing care home unless they specifically choose to move elsewhere.

Additional Services

In addition to the standard services provided within the framework agreement there is the potential to provide a number of additional services depending upon the specified need for these which is currently being assessed:

- 1) **Rehabilitation & Re-ablement.** There are current discussions with the Bedfordshire Clinical Commissioning Group to consider how best to provide rehabilitation and re-ablement services some of which could be provided to people living in care homes with and without nursing.
- 2) **Respite Care Services.** Opportunities are being explored around the need to commission respite care services that are currently part of the contract with BUPA or which cannot be provided within the BUPA managed care homes.

These additional services have been referred to in the tender documents and when the Council is ready to proceed providers on the framework agreement will be approached to discuss how best to set up these services.

Continuing Healthcare Services (CHC).

There are also current discussions with the Bedfordshire Clinical Commissioning Group to include the purchasing of CHC beds for older people within the framework agreement. Issues include which service specification should be used and the contract price to be charged. The purchase of CHC beds has been referred to in the tender documents and when the Council and the CCG are ready the providers on the framework agreement will be approached to discuss the future arrangements for commissioning CHC services.

This could also allow the Council to purchase CHC places for older people on behalf of the NHS. This will take longer to organise with issues around organisational arrangements, budgets and contractual agreements needing to be resolved.

Contract Period

The maximum allowable length of a framework agreement under European Union law is four years. It is proposed that we enter into a 3 year contract with an option to extend it by one year to the 4 year maximum. This is to provide the Council with the maximum flexibility in the event that a new provider with whom we may want to do business enters the care home market during the lifetime of the framework agreement.

Given that it takes at least 3 years from the initiation of a capital project through the planning process to completion it is extremely unlikely that any development project that we are not aware of at the beginning of the agreement will be developed within the initial 3 year period.

The Council will also ensure that at the end of the framework agreement all customers continue to receive care from their existing provider whilst new contractual arrangements are put into place.

APPENDIX C

THE TENDER PROCESS

Timescales for the Tender Process

The proposed timetable for the tender process is:

Activity	Implementation Date(s)
Advert published and ITT available on In-Tend	Friday 26 th July 2013
Questions and answers and clarification period	Monday 29 th July to Monday 2 nd Sept 2013 (5 weeks)
ITT response deadline date (fixed)	Monday 9 th September 2013
Overview & Scrutiny Committee	Monday 9 th September 2013
Issues raised by OSC meeting addressed and incorporated into contract and Executive report	Tuesday 10 th September to Friday 4 th October 2013 (3+ weeks)
Model answers finalised for quality questions	Tuesday 10 th Sept to Monday 7 th October 2013 (3+ weeks)
Draft report to Executive	Monday 7 th October 2013
Tender analysis	Monday 7 th October to Friday 18 th October 2013 (2 weeks)
Final report to Executive	Monday 21 st October
ITT evaluation meetings	Monday 21 st October to Monday 4 th November (2 weeks)
1st evaluation meeting	Wednesday 23 rd October 2013
2 nd evaluation meeting	Tuesday 29 th October 2013
3 rd Evaluation meeting	Wednesday 30 th October 2013
Final decision on providers accepted onto the framework agreement	By Friday 1 st November 2013
Executive meeting	Tuesday 5 th November 2013
Providers Informed of decision and their quality banding	From Wednesday 6 th to Wednesday 13 th November 2013 (1 week)
Contracts signed and briefing meeting(s) for successful providers take place	From Wednesday 13 th November to Wednesday 18 th December 2013 (5 weeks)
Operational processes are implemented	From Wednesday 6 th November to Wednesday 18 th December 2013 (6 weeks)
Framework agreement in place	Monday 6 th January 2014

Tender Evaluation

The tender will bring providers onto the framework agreement by assessing whether they are a 'fit and proper' organisation from whom we wish to purchase accommodation within care homes.

The evaluation will be based on the completion of:

- a) A Provider Questionnaire (50% of evaluation) which covers financial stability and organisational procedures (e.g. data handling; equalities; health & safety; insurances; business continuity and safeguarding); and
- b) References from two existing commissioning authorities (50% of evaluation) covering (quality of care; caring for people with dementia; maximising independence; handling complaints; staff development; management competency; value for money; maintaining records & partnership working).

The tender will evaluate each provider to determine whether or not they are to be accepted onto the framework agreement. Thus a provider with more than one care home with or without nursing in the area will only apply and be evaluated once, not for each care home.

The tender evaluation team will comprise the Assistant Director Strategic Commissioning, Commissioning and Contracts Officers within the Social Care, Health and Housing Department and a Procurement Officer. It will also involve the Executive Member/Deputy Executive Member for Social Care, Health and Housing and the Chair of the Older People's Reference Group.

The evaluation will be completed by the end of October and a list of the successful providers will be tabled at the meeting. The Executive will be asked to approve these successful providers for acceptance onto the framework agreement so that it can begin operation in January 2014.

APPENDIX D

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; 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 these are less than the fees 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 governed by DH statutory guidance the details of which are contained in Local Authority Circular [LAC (2004) 20].

The framework agreement has no effect on and does not change the circumstances in which third party contributions can be set up or the ability of third parties to make contributions to the costs of care for publicly funded customers. Any existing third party contributions that have been established under the current regulations will continue and any that are able to be established in the future will be able to be set up within the framework agreement.

APPENDIX E

THE QUALITY MONITORING SYSTEM

The care homes with and without nursing that are owned by those providers accepted onto the framework agreement plus the 8 BUPA managed care homes with and without nursing on the block contract will be evaluated on an annual basis in accordance with the system that is currently being introduced as part of the process for monitoring the quality of care homes within Central Bedfordshire.

This quality monitoring system will rate each care home and allocate them to a quality performance band, similar to the Ofsted system of rating schools. Each care home will initially be given a score within the five domains of the quality monitoring system based on the monitoring visits that have been carried out in the 18 month period from April 2012 to October 2013.

These scores will then be aggregated to give a composite score that equates to one of the following four quality performance bands:

1. Excellent
2. Good
3. Adequate
4. Poor

The allocation of a care home to the 'poor' quality performance band will only take place if the Council has serious concerns about the quality of care being provided, sufficient for it to initiate a process within its Safeguarding Adults Policy and Procedures asking the provider to take remedial action.

If this situation arises outside of the annual performance review of the care homes the Council will immediately downgrade the care home to 'poor' until the provider resolves the issues that the Council has identified and the care home moves out of serious concerns and is able to improve its quality performance band to 'adequate' or higher.

In these circumstances the Council will not immediately move customers to another care home but it would not place any new customers within a care home with or without nursing that has been assessed as 'poor'.

The Council will work with the provider of any care home with or without nursing identified as 'poor' for a period of 6 months to help it rectify the causes of the serious concerns and improve the quality of the services. If there has been no improvement after this period the Council will reduce its contract price and consider whether to offer customers places within other higher quality care homes with and without nursing.

During the contract period of the framework agreement a formal annual review of the quality of each care home will take place in which the previous 12 months monitoring information will be considered and the quality performance rating and contract price of the care homes adjusted as necessary. This will be implemented immediately following the review date.