



Dumfries and Galloway  
Integration Joint Board

30<sup>th</sup> June 2020

This Report relates to  
Item 4 on the Agenda

# Care at Home Framework

*Paper presented by Glen Graham*

*For Approval*

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<b>List of Background Papers:</b>	Healthy Ageing Programme Board Paper on National Flexible Framework for Care and Support at Home Healthy Ageing Programme Board Paper on Framework for Care and Support at Home COSLA Guidance for Commissioned Services during Covid 19 Response Scottish Procurement Policy Note – Procurement Regulations During Covid 19 Outbreak
<b>Appendices:</b>	<b>Appendix 1 – Membership of Framework Working Group</b>

<b>Direction Required to Council, Health Board or Both</b>	<b>Direction to:</b>	
	1. No Direction Required	
	2. Dumfries and Galloway Council	X
	3. NHS Dumfries and Galloway	
	4. Dumfries and Galloway Council and NHS Dumfries and Galloway	

## 1. Introduction

- 1.1 Dumfries and Galloway currently purchase personal care and support at home through a locally developed 'framework' agreement. This local framework is due to end on 30<sup>th</sup> September 2020.
- 1.2 This paper seeks approval for a short extension to 31<sup>st</sup> March 2021 and the issuing of a Direction to Dumfries and Galloway Council to implement the extension.

## 2. Recommendations

### 2.1 The Integration Joint Board is asked to:

- **Approve an extension of the existing local Care at Home Framework to 31<sup>st</sup> March 2021**
- **Issue a Direction to Dumfries and Galloway Council to implement contract extension to 31<sup>st</sup> March 2021**

## 3. Background and Main Report

3.1 A local Framework Working Group was established, as a sub group of the Healthy Ageing Programme Board, to develop new arrangements for the purchase of Care at Home. Membership of the group is provided in **Appendix 1**.

3.2 The group has been considering the potential benefits and risks of either adopting the new National Flexible Framework for Care and Support at Home (NFF) for Dumfries and Galloway or developing a new local framework. The Framework Working Group has identified a number of features that any new framework (local or national should include).

They are:

- Providing the ability for new independent partners to join the framework during the life of the contract (this is not possible with the existing local framework)
- Not 'ranking' care providers within the framework. Ranking has restricted the options in selecting partner organisations that best meet the needs of people using services.
- Providing a range of pricing and draw down options that enable the flexibility to create bespoke local solutions in different situations. Current spot purchase arrangements have proven inflexible in this regard.
- Ensuring that the framework is structured in a way that drives innovation, optimising the use of digital and technological solutions.
- Exploring alliance and collaborative working between independent partner organisations that deliver care and support. This should support the inclusion of local care providers in the forthcoming 'Home Teams' across Dumfries and Galloway.

3.3 Update reports (see background papers) on the work of the Framework Working Group were submitted to the Healthy Ageing Programme Board (HAPB) in December 2019 and February 2020.

3.4 At their February meeting the HAPB supported the recommendation to extend the

existing local framework to 31<sup>st</sup> March 2021.

3.5 The Health and Social Care Senior Management Team (HSCSMT) also subsequently approved the extension of the local framework at their meeting on 10<sup>th</sup> June.

### 3.6 **Extending the existing Framework**

3.7 The NFF contains all of the features listed above, however it did not 'go live' until April 2020. This means that, at this time, there is limited information available on how well it is functioning as an operational procurement tool. Nor has there been sufficient information to establish the financial impact if it were to be adopted in Dumfries and Galloway.

3.8 The introduction of a new framework (local or national) offers an opportunity locally, to reconfigure how care and support is delivered to be more efficient, effective and sustainable. Following approval at the HSCSMT in November 2019 and working with independent sector partners, two tests of change are currently under way in Dumfries to geographically 'zone' areas of delivery.

3.9 The first within sheltered housing complexes is due to be in place until September 2020. The second in Dumfries town was implemented for up to six months from 25<sup>th</sup> January 2020. It is anticipated that these changes in approach will enable independent sector partners to deliver care and support at home in a more efficient and effective way, resulting in an overall increase in capacity to address identified unmet need.

3.10 The current COVID19 situation renders it difficult to effectively evaluate and report the impact of the tests of change.

3.11 An extension to the existing local Care at Home Framework is likely to enable the tests of change relating to Care at Home to be evaluated. This will be useful to inform the development of either a new local framework or the local variables for the NFF.

3.12 Covid-19 has impacted on how Care at Home services are assessed and delivered. Scottish Care, following discussions with independent partners, point to the challenges Covid-19 is posing to the short and longer term sustainability of partners. It is the view of the framework working group, which includes Scottish Care that partners are not in a position to be able to respond to a tender at this time. An extension of the existing framework will bring some stability to the local market and re-assurance for partners as they continue to deliver services

3.13 The Coalition of Scottish Local Authorities (COSLA) have recently published Commissioning Guidance (see background papers) for consideration during the Covid-19 pandemic. It outlines a number of ways in which independent partners can be supported to remain sustainable through COVID-19 noting that consideration should be given to the impact and requirement for routine (re) tendering exercises during this period. It also notes that it may take time for partners and the Partnership to return to normal following the crisis and that this should be considered when scheduling future non crisis related tendering exercises.

3.14 The Scottish Government has also issued a procurement policy note (see background papers) on regulations during the Covid-19 pandemic. For current contracts the maximum flexibility in the Procurement Reform (Scotland) Act 2014 and associated regulations to continue, extend and vary existing contracts should be applied. This includes health and social care related services such as those included the existing local framework.

3.15 Generally, a procurement framework agreement cannot exceed a four year duration. September 2020 would be the end of the fourth year of the local Care at Home Framework. However, the Council's Corporate Procurement Department has confirmed that the proposed extension to the local framework is possible.

- The Procurement Reform (Scotland) Act 2014, Public Contracts (Scotland) Act 2015 and accompanying statutory guidance (the Procurement of Care and Support Services Guidance) replaced past social care procurement guidance and legislation moving to a new 'light touch regime'. The new statutory guidance applies to all social care procurements of £50,000 and above. This Light Touch Regime covers the scope of services under the Council's current Care at Home Framework Agreement and allows for a continuation of existing arrangements in this instance.
- Spend during the proposed extension period for new packages will be below the advertising threshold under the light touch regime (existing packages are already in place under the main terms of the agreement with spend counted against these. The duration of delivery of these care packages can extend beyond the framework end date on 30<sup>th</sup> September 2020. Therefore, the extension only need apply to new care packages).

3.16 To comply with the Council's Procurement Standing Orders, formal approval needs to be obtained from the Council's Procurement and Commissioning Manager for such an extension. The Council Procurement Manager has confirmed they will give this approval.

#### **4. Conclusions**

4.1 Dumfries and Galloway requires new arrangements for purchasing care and support at home.

4.2 This can either be by adoption of the NFF or development of a new local framework. Procurement advice is that the current framework can be extended for a short period.

4.3 COSLA guidance also supports where possible the extension of existing contracting arrangements during COVID-19.

4.4 An extension to the existing framework offers the opportunity to review pricing information and assess the cost implications of the new national flexible framework. It also provides time to evaluate the care at home tests of change currently underway and will also provide a period of extended contractual stability for our independent partners during Covid-19.

4.5 This proposal to extend has been supported by the HAPB and approved by the HSCSMT.

#### **5. Resource Implications**

- 5.1 In Dumfries and Galloway 2,224 people currently receive care and support at home. The current annual budget for this is £11 million for older people and £21.6 million for specialist services.
- 5.2 As there is currently no cap on the rates of care, predicting the total overall cost of care under the NFF model is difficult. From the information currently available the new NFF may lead to an increase in the level of rates and potentially an increase in the overall cost of delivering care and support.
- 5.3 As outlined in Section 4 the NFF went live in April 2020. An extension to the local framework gives an opportunity to compare existing local rates against the new national flexible framework rates. Thus allowing a fuller assessment of the potential financial impact.

## **6. Impact on Integration Joint Board Outcomes, Priorities and Policy**

- 6.1 If the new National Flexible Framework for the procurement and commissioning of care and support services was to be adopted or a new local framework was to be developed instead both would be in line with the 9 national health and wellbeing outcomes and the Dumfries and Galloway Integration Joint Board (IJB) Health and Social Care Strategic Plan 2019 – 2021.
- 6.2 Both would fit in well with the existing IJB Strategic Plan and the delivery of the plan. For example local strategy commitments to:
- work with independent sector partners to support them to pay the Scottish Living Wage (SLW)
  - make the best use of technology
  - ensuring people who work in health and social care services feel engaged with the work they do and are supported to continuously improve the support, care and treatment they provide

## **7. Legal and Risk Implications**

- 7.1 There is potentially a risk that an independent partner not currently on the framework may challenge an extension to the framework on the grounds that they are being prevented from securing work. However the procurement advice is clear that contractually it is possible to extend the existing framework as outlined. Financial risks are outlined in section 5.2.

## **8. Consultation**

- 8.1 In the preparation of this paper and previous related papers consultation has taken place with Scottish Care a range of independent partner organisations, officers and wider stakeholders across health and social care with regard to the NFF and the challenges and opportunities facing the delivery of Care at Home in Dumfries and Galloway. In addition the local working group has engaged with Scotland Excel (SXL) and the Care Inspectorate.

## **9. Equality and Human Rights Impact Assessment**

- 9.1 An assessment will be carried out as part of the work plan for any new Care and Support at Home Framework.

**10. Glossary**

<b>HSCP</b>	<b>Health and Social Care Partnership</b>
<b>HAPB</b>	<b>Healthy Ageing Programme Board</b>
<b>NFF</b>	<b>National Flexible Framework</b>
<b>HSCSMT</b>	<b>Health and Social Care Senior Management Team</b>
<b>COSLA</b>	<b>The Coalition of Scottish Local Authorities</b>
<b>SLW</b>	<b>Scottish Living Wage</b>
<b>SXL</b>	<b>Scotland Excel</b>

## Dumfries and Galloway Integration Joint Board



### DIRECTION

**(ISSUED UNDER SECTIONS 26-28 OF THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014)**

1.	Title of Direction and Reference Number	Care at Home Contract Extension – Reference No TBC
2.	Date Direction Issued by Integration Joint Board	30 <sup>th</sup> June 2020
3.	Date from which Direction takes effect	30 <sup>th</sup> September 2020
4.	Direction to	Extend the existing local Care at Home (older people and specialist services) contract framework to 31 <sup>st</sup> March 2021.
5.	Does this direction supersede, amend or cancel a previous Direction? If yes, include the reference number(s)	No
6.	Functions covered by Direction	Personal Care and Support at home (older people and specialist services).
7.	Full text of Direction	Extend the existing local Care at Home contract (older people and specialist services) framework to 31 <sup>st</sup> March 2021 when the current contract ends on 30 <sup>th</sup> September 2020.
8.	Budget allocated by Integration Joint Board to carry out Direction	The current annual budget for care at home is £11 million for older people and £21.6 million for specialist services. Expenditure for this provision during the contract extension period will be met from this budget.
9.	Desired Outcomes	<ul style="list-style-type: none"> <li>Opportunity to review pricing information and assess the cost implications of potentially adopting the new national flexible</li> </ul>

		<p>framework.</p> <ul style="list-style-type: none"> <li>• Time to evaluate the care at home tests of change currently underway in Dumfries and Galloway.</li> <li>• Provide a period of extended contractual stability for independent partners during Covid-19.</li> </ul>
10.	Performance Monitoring Arrangements	Existing contract and performance monitoring arrangements will remain in place for the period of the extension.
11.	Date Direction will be Reviewed	January 2021

## **Appendix 1 – Membership of Framework Working Group**

Viv Gration, Deputy Head of Strategic Planning (Chair)

Glen Graham, Strategic Planning and Commissioning Manager

Graham Abrines, General Manager, Community Health and Social Care

Jimmy Marshall, Locality Social Work Manager, Annandale and Eskdale

Sean Barrett, Finance and Performance Manager

Stephen Atherton, Procurement Manager

Elaine McCourtney, Scottish Care

Debbie Cochrane, Scottish Care

Tracy Lamont, Trainee Procurement Officer

### **Previous Members**

Karen Scott, Procurement Manager

Sandra Smith, Strategic Planning and Commissioning Manager