



Healthy Ageing Programme Board

10 December 2019

This Report relates to  
Item 7.1 on the agenda

# National Flexible Framework for Care and Support at Home

*(Paper presented by Glen Graham)*

*For Noting/Discussion*

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<b>List of Background Papers</b>	<p>Health and Social Care Standards National Performance Framework</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">               New National Care Standards.pdf         </div> <div style="text-align: center;">               National Performance Framework         </div> </div>

<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Membership of Working Group</li> <li>2. Flexible Framework Terms (including Specification)</li> <li>3. Pricing Schedule</li> </ol>
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## **SECTION 1: REPORT CONTENT**

**Title/Subject:** National Flexible Framework for Care and Support at Home

**Meeting:** Healthy Ageing Programme Board

**Date:** 10 December 2019

**Submitted By:** Glen Graham

**Action:** For Noting/Discussion

### **1. Introduction**

- 1.1. Dumfries and Galloway currently purchase care and support at home through a locally developed 'framework' agreement. This local framework ends on 30 September 2020 therefore new arrangements must be in place by 1 October 2020.
- 1.2. A number of members of the Care at Home Sub Group have been meeting regularly to establish effective arrangements for the future delivery of care and support services at home. Appendix 1 sets out the membership of this group.
- 1.3. Scotland Excel (SXL) has developed a national flexible framework for the purchase of care and support at home services. This is the first national care and support at home framework in Scotland and is open to all Local Authorities and Health and Social Care Partnerships (HSCPs). The tender process is underway and the framework will be operational from February 2020.
- 1.4. The local working group has been considering the opportunities this national flexible framework offers. This paper outlines those opportunities and how this compares to the current local framework.

### **2. Recommendations**

- 2.1. The Healthy Ageing Programme Board is asked to:
  - Note that new arrangements for the purchase of care and support at home services in Dumfries and Galloway must be in place by 1 October 2020

- Note and discuss the opportunities that the new national flexible framework offers for the future delivery of care and support at home in Dumfries and Galloway
- Note the ongoing work required to develop recommendations on a way forward in regard to the purchase of care and support at home to the next meeting of the HAPB

### **3. Background**

- 3.1. Care and support is provided in a person's own home by skilled and registered paid care workers. This may include personal care, practical, social and emotional support. These services support people to live in their own home for as long possible.
- 3.2. In Dumfries and Galloway 2,224 people currently receive care and support at home. 28% of them receive specialist care (learning disability or mental health conditions) and 72% are older people. This care is currently purchased through a local framework on a spot purchase basis by locality social work teams.

The current annual cost for this care and support is £32.6million (£11 million for older people and £21.6 million for specialist services).

- 3.3. When the framework was introduced in 2016 all existing packages of care and support for people were migrated to the new framework under the new terms and conditions.
- 3.4. SXL is a national specialist procurement body with experience procuring and running national framework agreements in social care such as the National Care Home Contract. SXL has worked with the Scottish Government, councils, organisations that deliver care and support and a range of stakeholders to develop a national flexible framework for the provision of care and support services.
- 3.5. Within the new national flexible framework SXL uses the term 'council' as the contracting party, but recognises that Integration Authorities direct councils under the banner of Health and Social Care Partnerships.
- 3.6. The new national flexible framework will be the first of its kind for these services and represents an opportunity to work with organisations that deliver care and support on nationally agreed terms and conditions.

## **4. Main Body of the Report**

### **4.1. Current Dumfries and Galloway Local Framework**

#### **4.1.1. The current local framework**

- Is the first care at home framework in Dumfries and Galloway, established in 2016
- Aims to deliver a structured and equitable approach to purchasing care and support at home services. For example supporting the introduction of Scottish Living Wage
- Relates to specialist and non specialist care and support
- Is ranked and services are 'drawn down' according to that ranking
- Has a fixed and capped hourly rate, currently £17.32 per hour
- Is used to purchase all care and support at home from independent organisations within Dumfries and Galloway
- Does not allow the addition of new organisations that deliver care and support or services
- Requires organisations that deliver care and support to use CM2000 to monitor direct contact within services for older people
- Is used to deliver SDS option 3 (provider selected by council)
- Has a 'time and task' approach to paying organisations that deliver care and support

### **4.2 National Flexible Framework for Care and Support**

#### **4.2.1 The national flexible framework offers a different approach to procuring and commissioning services with the aim of providing**

- A greater choice of high quality care and support
- The option for councils to purchase services on behalf of individuals through Self Directed Support (SDS) Option 3 or the option for individuals to purchase services through an individual budget ( SDS Options 1 and 2)
- A non-ranked framework which focuses on the provider who can best meet the person's outcomes
- A vehicle for sharing best practice between councils and organisations that deliver care and support
- The flexibility for new organisations that deliver care and support to apply to be on the framework at set times during the life of the contract
- A better understanding for people of the services available to them across care and support at home and the associated costs
- A streamlined approach to continued delivery of the Scottish Living Wage and fair work practices
- Opportunities for positive risk taking to explore innovative approaches to service delivery

### **4.3 Differences between the current Dumfries and Galloway Framework and the National Flexible Framework**

4.3.1 Some areas of the national flexible framework terms (see appendix 2) are similar to the local framework, such as minimum requirements for organisations that deliver care and support. However there are some key differences in three distinct areas

- Specification
- Framework Flexibility
- Framework Pricing

#### **4.4. Specification**

4.3.1. The national flexible framework specification provides examples of types of services to be delivered and seeks to support the Scottish Government National Performance Framework (background papers) and the Health and Social Care Standards (background papers). These standards are used to underpin service delivery under the national flexible framework.

4.3.2. National Contract Management and Monitoring – SXL will provide the required resource and support for the overall management of the new framework. Organisations that deliver care and support will supply performance information to SXL as set out in section 11 of appendix 2. SXL will also convene a meeting with organisations that deliver care and support annually to discuss the practical operation of the national flexible framework and explore potential improvements for any future frameworks.

4.3.3. Local Management and Monitoring – As outlined in section 12 of appendix 2 there remains a need for some management and monitoring at a local level. These changes provide an opportunity for us to review how we currently monitor contracts and work with organisations that deliver care and support to develop innovative and new ways of working to deliver improved outcomes for people.

4.3.4. Technology – As part of the national flexible framework organisations that deliver care and support will be expected to work with the council to consider the use of technology to increase an individual's independence, enhance their support and experiences where appropriate. This has potential to reduce, or delay the amount of care a person requires.

#### **4.4. Framework Flexibility**

4.4.1. Under the current local framework organisations that deliver care and support provide either specialist or non specialist services. Non specialist is predominately provided for older people and is normally associated with personal care within time slots of 15/30 minutes. Specialist care at home is

predominately provided for people considered to have complex needs such as a learning disability and/or mental health condition and is normally for longer periods of support up to 24 hours per day.

- 4.4.2. The differences between these services are lessening, as non specialist organisations that deliver care and support are increasingly supporting people with more complex needs. The new national flexible framework offers a more flexible payment structure which allows organisations that deliver care and support to agree, with councils, local rate variables which will better equip them to meet the challenges in supporting people with more complex needs. This flexibility does not exist within the existing local framework.
- 4.4.3. The current local framework does not allow new organisations that deliver care and support to be added during the life of the framework. This has historically been a barrier to increasing the number of organisations that deliver care and support available to meet local needs. Within the new national flexible framework organisations that deliver care and support can apply to be on the framework at set points (quarterly) during the life of the contract. Organisations that deliver care and support can register for the services they provide and can add or remove services as their business changes; this offers further flexibility to respond to market changes. It is important to note that organisations that deliver care and support applying to join the new national flexible framework will be subject to the same level of scrutiny as those who applied initially.
- 4.4.4. The existing local framework within Dumfries and Galloway is currently used to purchase services under SDS Option 3 where the local authority selects a provider on behalf of the individual requiring a service. The organisations that deliver care and support are ranked based on initial tender submissions and this ranking must be followed when identifying a package of care for someone before another provider can be considered. Having to consider each organisation that deliver care and support in order can be time consuming and can lead to significant delays in providing care and support to people.
- 4.4.5. Organisations that deliver care and support locally have also described the impact this ranking can have on the sustainability of service delivery. As new care and support packages for people are continually awarded to those highest on the framework it is difficult for those who are ranked lower to replace packages that have come to an end.
- 4.4.6. The new national flexible framework will not be ranked. Instead councils will have a number of flexible options to consider in drawing down services. These options can be used individually or collectively.
- 4.4.7. Where the council is selecting on behalf of the individual (SDS Option 3) within the new national flexible framework they will consider the following
  - The specific groups of people the organisation that delivers care and support has indicated they can support. For example, older people or people with learning disabilities

- The geographical areas the organisation that delivers care and support has indicated they can deliver
- Ability to meet the supported person's personal outcomes within the budget identified through the assessment process

4.4.8. Should a number of organisations that deliver care and support meet the requirements stated above, there are additional options for the council to consider in choosing a provider that do not exist in the local framework. These include

- Capacity to provide care and support within the desired timescales
- Care Inspectorate grades
- Consideration of the number of hours the organisation who delivers care and support is delivering compared with the sustainable number of hours they submitted as part of their tender
- The risk profile of organisations who deliver care and support operating in the area and the need to ensure sustainability
- The organisations that deliver care and support ability to offer innovative solutions and/or work with technology solutions
- The cost of the care and support
- The organisation that delivers care and support approach to fair work practices, sustainability community and social benefits

4.4.9. The national flexible framework also allows councils to enter in to one or a number of block contract arrangements with organisations that deliver care and support. This option could be utilised to provide a sustainable core level of work to one provider in an area where it has been difficult to issue individual packages. It could also be used to target particular areas of need.

4.4.10. Councils, organisations that deliver care and support and other partners are encouraged to work collaboratively within the new national flexible framework. For example organisations that deliver care and support may choose to form an alliance to deliver a block contract.

## **4.5. Framework Prices**

4.5.1. The current local framework has a fixed, capped hourly rate of £17.32. This has only increased over the life of the framework in response to increases to the Scottish Living Wage. This local capped rate is comparable with other local authority areas.

4.5.2. Within Dumfries and Galloway independent organisations that deliver care and support are paid for the contact time that their care workers spend with people they support. While the existing local rate does make some provision for travel time and costs, training and supervision, Organisations that delivery care and support report that this is not sufficient when providing care and support in rural areas. For example, when they are asked to deliver small packages of support two or three times a day in a rural area the mileage and travel time costs are often greater than the income they receive.

- 4.5.3. There is a lack of flexibility and limited tools to address unsustainable packages of care for people within the existing local framework. As the rate in the local framework is capped, the only opportunity to change the rate is through a price competition.
- 4.5.4. The proposed pricing approach in the new national flexible framework means that there will be no single agreed hourly rate, nor will the rates be capped. Within the pricing schedule (see appendix 3) organisations that deliver care and support will be asked for a base price covering the standard specification for care and support at home. Tender returns will detail care staff costs to ensure fair work practices are applied to basic rate, payment for travel time and mileage and statutory minimum 'on costs' such as national insurance.
- 4.5.5. In addition, within the pricing schedule, organisations that deliver care and support will be asked to list other variable costs such as additional travel time or mileage above average, specialised training or complex needs training. These flexible elements and rates will be agreed locally with the council.
- 4.5.6. This new approach to pricing makes predicting the total cost of care difficult and there is potential that the core hourly rate could be higher or lower than the current local framework rate. To offer some guidance a 10p difference to the current cap of £17.32 will either cost the partnership £190k more or less. This does not account for the increased complexity or additional variable costs.
- 4.5.7. SXL through the adoption of a robust price schedule will seek to provide transparency of costs to better inform choice and decisions while ensuring a focus on quality and sustainability.
- 4.5.8. Those providing a tender response will also be asked for a staff schedule setting out the number of staff and contractual hours to ensure a sustainable price is being tendered. All prices will be subjected to clarification based on nationally benchmarked and statutory minimum rates.
- 4.5.9. The new national flexible framework will go live in February 2020. There will therefore be an early opportunity for Dumfries and Galloway to compare existing local rates against the rates within the new national flexible framework. This will allow a full assessment of the financial impact of any projected differences in the cost of delivering care and support before deciding whether the national flexible framework is the right way forward locally.

## **4.6 Other Considerations**

- 4.6.2. SXL has advised that twenty-two (22) councils have already indicated they may use the national flexible framework. This number may increase over the period of its four year lifetime.

- 4.6.3. The SXL team will lead on the procurement of the national flexible framework from tender submission and evaluation to contract award and will subsequently take on a contract management role for the framework. This is a significant piece of work which would have to be replicated locally if the Partnership chooses to develop a new local framework to replace the existing framework.
- 4.6.4. Within Dumfries and Galloway the framework working group has engaged with local organisations that deliver care and support in relation to the national flexible framework. Scottish Care, who represent organisations that deliver care and support are involved in that working group. In addition there have been discussions at the Care at Home Sub Group of HAPB and at meetings with organisations that deliver care and support.
- 4.6.5 During this engagement organisations that deliver care and support have indicated that the national flexible framework offers more flexibility and has potential to support increased sustainability. They are open to working collaboratively with partners to be innovative and make best use of the resources available across the region.
- 4.6.6. Whether Dumfries and Galloway choose the national flexible framework or to develop a second local framework consideration will have to be given to what happens to existing packages of care and support for people. When the local framework was introduced in 2016 advice from procurement colleagues locally indicated that re-tendering all existing packages was a high risk option. This approach may lead to people who receive and the paid workers who deliver care and support having to transfer between organisations at short notice. It was agreed at that time that existing packages would migrate on to the new framework terms and conditions.
- 4.6.7 It is the view of the framework working group and the organisations that deliver care and support that a similar approach is taken in regard the forthcoming change of framework. Engagement with a range of stakeholders is already underway to develop a plan for how to do this within the available timeframe to meet the 1 October 2020 deadline.

## **5. Conclusions**

- 5.1. Dumfries and Galloway needs to establish new arrangements for the purchase of care and support services at home by 1 October 2020.
- 5.2 The focus of this paper has been on the opportunities offered by the new national flexible framework. It should be noted that if Dumfries and Galloway to develop second local framework, there are benefits to mirroring many of the features and approaches offered by the national flexible framework.
- 5.3 Adoption of the national flexible framework offers
- Greater flexibility in how services are purchased compared to the existing framework in Dumfries and Galloway.

- The ability to create bespoke local solutions in different situations to support sustainable provision
- The opportunity to drive innovation and explore alliance and collaborative working between organisations that deliver care and support
- The opportunity to transfer existing packages on to the new framework with minimum impact on people receiving or delivering care and support
- Providing a structure where people have a better understanding of the care and support available to them and the associated costs for whatever SDS option is being considered
- An opportunity to review local contract management process to re-focus on supporting organisations that deliver care and support and outcomes for individuals
- A greater emphasis on both the council and organisations that deliver care and support to consider technology solutions in the delivery of care at home and support

5.4 The working group will continue to explore arrangements for the future delivery of care and support services at home and will bring a further report to the next meeting of the HAPB. By then the national flexible framework should be operational and there will be further information available from SXL about the costing model to help inform local decision making.

## **SECTION 2: COMPLIANCE WITH GOVERNANCE STANDARDS**

### **1. Resource Implications**

- 1.1. In Dumfries and Galloway 2,224 people currently receive care and support at home. The current annual budget commitment for this care is £11 million for older people and £21.6 million for specialist services.
- 1.2. As there is no cap on the rates of care predicting the total cost of care difficult under the national framework model is difficult and there is a risk that the new framework will lead to an increase in the level of rates and potentially an increase in the overall cost of delivering care.
- 1.3. As outlined in section 4 the new national flexible framework is to go live in February 2020. There will therefore be an early opportunity to compare existing local rates against the new framework rates. This will allow a full assessment of the financial impact of any projected differences in the cost of delivering care before having to commit to the new national flexible framework when the existing local framework comes to an end in October 2020.

### **2. Impact on Health and Social Care Senior Management Team, Priorities and Policy**

- 2.1. If the national flexible framework for the procurement and commissioning of care and support services was to be adopted it is in line with the 9 national health and wellbeing outcomes and the Dumfries and Galloway Integration Joint Board Health and Social Care Strategic Plan 2016-2019.
- 2.2. The new national flexible framework fits in well with the Strategic Plan. For example local strategy commitments to work with organisations that deliver care and support to support them to pay the SLW, make the best use of technology and in respect of 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.

### **3. Legal & Risk Implications**

- 3.1. Financial risks as outlined in section 4.5.6 and 5.2 above while risks linked to the transfer of services from the current framework are outlined in 4.6.

### **4. Consultation**

- 4.1. In the preparation of this paper a range of organisations that deliver care and support, officers and wider stakeholders across health and Social Care have been engaged with in regard to the new national flexible framework and the challenges and opportunities facing the delivery of Care at Home in Dumfries and Galloway. This has included the Healthy Ageing Programme Board Care

at Home Sub Group. A workshop has also taken place with organisations that deliver care and support.

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

5.1. Not required at this time.

## **6. Glossary**

Health and Social Care Partnership (HSCP)

Healthy Ageing Programme Board (HAPB)

Scotland Excel (SXL)

Self Directed Support (SDS)

The Scottish Living wage (SLW)

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

Viv Gration, Deputy Head of Strategic Planning (Chair)

Glen Graham, Strategic Planning and Commissioning Manager

Sandra Smith, 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

Karen Scott, Procurement Manager

Lesley Law, SDS Manager

Elaine McCartney, Scottish Care

Debbie Cochrane, Scottish Care

## **Appendix 2**

1318001 Part 2B – Schedules 1-6 of the Flexible Framework Terms



1318003 Part 2B -  
Schedules 1-6 of the

## **Appendix 3**

Pricing Schedule



Financial  
Information.xlsx

