



EXECUTIVE MEMBER DECISION

REPORT OF:	Executive Member for Adults Social Care & Health
LEAD OFFICERS:	Strategic Director of Adults and Health
DATE:	08 December 2023

PORTFOLIO/S AFFECTED:	Adult Social Care
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WARD/S AFFECTED:	All wards
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SUBJECT: Mini Competition for Crisis Response and Planned Nights - Domiciliary Care
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1. EXECUTIVE SUMMARY

- Blackburn with Darwen Council commissions domiciliary care services. Domiciliary care is for individuals who have care and support needs, and who require additional support to remain independent within their own home. Domiciliary care tasks can include personal care and other associated services necessary to help an individual to maintain an acceptable level of health, hygiene, dignity, safety and ease in their home.
- The contracting arrangements for domiciliary care include three elements; general domiciliary care framework, crisis provision and overnight care.
- The general domiciliary care framework was implemented following a competitive tendering exercise and the framework runs from 19th Dec 2022 until 30th September 2025 (with an option to extend for a further year). This framework includes ten providers, which are divided into tier 1 and tier 2 providers. The tier allocated was based on scoring in the original tender, and any provider whose CQC rating drop below 'good' is automatically moved to tier 2.
- The next phase is to arrange a mini competition, offering the tier 1 providers the option to bid for a contract for domiciliary care crisis provision and a contract for domiciliary care overnight provision (as two separate contracts).
- This paper makes recommendations in relation to this.

2. RECOMMENDATIONS

The Executive Member agrees to support the following recommendations:

- i) To undertake a mini competition exercise from the Tier 1 providers on the General Domiciliary Care Framework for two contracts:
 - a. domiciliary care crisis provision
 - b. domiciliary care overnight provision

- ii) Crisis Response provision and Planned Nights will be paid at the standard framework rate (£19.46 in 2023-24, subject to uplift in 2024-25) and will be funded on a block arrangement.
- iii) The contract term will be aligned with the general domiciliary care framework and is expected to be awarded for the period 1st April 2024 – 30th September 2025 (with an option to extend for a further year).
- iv) In relation to domiciliary care crisis provision the model and commissioned capacity will replicate the offer which is currently in place; 7am – 1.30 pm and 4.30 pm until 10pm with two runs each with two carers on each run.
- v) In relation to domiciliary care overnight provision there is an opportunity for efficiency and the commissioned capacity will reduce from two runs overnight to one run from 23:00-06:00 with two carers. The same service offer will be in place across the borough, and the criteria for accessing this will be stringently applied going forwards.

The Executive Member notes that in relation to recommendation (v) above:

- this will generate a financial efficiency of circa £113,000 per annum. The funding source for domiciliary care overnight provision is the hospital discharge grant.
- For individuals who require 24/7 care there are a number of commissioned services available including residential/ nursing homes, supported housing and extra care. A personal budget is also be a suitable option for some service users. Domiciliary care overnight provision will remain in-place for existing service users, and new service users will be offered the service only in exceptional circumstances.

The Executive Member will be briefed on the outcome of the mini-competition exercise prior to contract award.

3. BACKGROUND

Blackburn with Darwen Council commissions domiciliary care services. Domiciliary care is for individuals who have care and support needs, and who require additional support to remain independent within their own home. Domiciliary care tasks can include personal care and other associated services necessary to help an individual to maintain an acceptable level of health, hygiene, dignity, safety and ease in their home.

4. KEY ISSUES & RISKS

The contracting arrangements for domiciliary care include three elements; general domiciliary care framework, crisis provision and overnight care.

The general domiciliary care framework was implemented following a competitive tendering exercise and the framework runs from 19th Dec 2022 until 30th September 2025 (with an option to extend for a further year). This framework includes ten providers, which are divided into tier 1 and tier 2 providers. The tier allocation was based on scoring in the original tender, and any provider whose CQC rating drops below 'good' is automatically moved to tier 2.

The next phase is to arrange a mini competition, offering the tier 1 providers the option to bid for a contract for domiciliary care crisis provision and a contract for domiciliary care overnight provision (as two separate contracts).

The current commissioned provision for the additional two areas is as follows:

- a. **domiciliary care crisis provision** – one provider operating from 7am – 1.30 pm and 4.30 pm until 10pm, delivering two runs.
- b. **domiciliary care overnight provision** – two providers; one provider operates from 23:00-07:00 and one provider operates from 23:00-06:00.

Both services operate on a block hours arrangement and both services operate at all times with two carers.

A review of the current provision has been undertaken, and this has concluded that there is an opportunity to generate an efficiency in relation to the domiciliary care overnight provision. Therefore this paper recommends reducing from the current two runs to a single run which operates 23:00-06:00. For individuals who require 24/7 care there are a number of commissioned services available including residential/ nursing homes, supported housing and extra care. A personal budget is also a suitable option for some service users. Domiciliary care overnight provision will remain in place for existing service users, and new service users will be offered the service only in exceptional circumstances.

5. POLICY IMPLICATIONS

The Care Act 2014 sets out when the local authority has a responsibility to meet someone's care and support needs. The provision of domiciliary care is one important service offer that the local authority accesses to meet eligible assessed needs. Domiciliary care crisis provision and domiciliary care overnight provision are enhancements to the existing general domiciliary care framework, which provide additional support to enable people to remain independent at home.

The Care Act 2014 also sets out the law around market development in adult social care. In relation to this, the local authority must facilitate a diverse, sustainable high-quality market for their whole local population.

6. FINANCIAL IMPLICATIONS

As domiciliary care crisis provision and domiciliary care overnight provision are already commissioned services, the budget for this mini competition is already within planned spend and is funded from both core portfolio commissioning budget and Hospital Discharge grant.

Based on the current domiciliary care rate of £19.46 (which will be subject to uplift in 2024-25) the contracts are expected to be as follows:

- a. domiciliary care crisis provision - £340,000 per annum or £510,000 for the contract term (1st April 2024 – 30th September 2025)
- b. domiciliary care overnight provision – circa £100,000 per annum or £150,000 for the contract term (1st April 2024 – 30th September 2025)

The recommendations within this paper are anticipated to generate an efficiency saving of circa £113,000 per annum. As the funding source for domiciliary care overnight provision is the discharge grant, alternative utilisation of the grant is required to deliver efficiencies within the Commissioning budget.

7. LEGAL IMPLICATIONS

Section 5 of the Care Act 2014 requires local authorities to promote the efficient and effective operation of a market in services for meeting care and support needs in their area. This proposal will assist the Council's efforts to ensure that there is a stable market to provide for the care needs of the local community. This includes the need to ensure that providers can remain viable, and can attract and retain staff to provide the care to the required standard.

Current contractual arrangements are in place until 31st March 2024. A successful mini competition exercise will avoid the potential need for a waiver.

Adult Social Care is regulated by the Care Quality Commission and the provision of services to support service users to maintain independence at home is part of the Care Quality Commission assessment framework.

The procurement of the framework and the mini-competition will be in accordance with the Public Contracts Regulations 2015.

8. RESOURCE IMPLICATIONS

The resource implications of implementing these proposals will be absorbed by the Strategic Commissioning – People team with regards to contractual changes.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

Consultation has happened via 1) Task and Finish Group which included representation from commissioning, contracting, social care and reablement teams 2) Adults and Health Governance process via Strategic Commissioning Board and Senior Policy Team 3) current providers including assessment of activity, demand and cost effectiveness and 4) engagement with other local authorities across the northwest via the ADASS network to understand service provision and specifications elsewhere.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

The recommendations are made further to governance via the Adults & Health Directorate, and following advice from the Head of Legal and Procurement.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
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CONTACT OFFICER:	Elizabeth Fleming
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DATE:	29-11-2023
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BACKGROUND PAPER:	N/A
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