

ADULT SOCIAL CARE & PUBLIC HEALTH SUB COMMITTEE

Agenda Item 9

Brighton & Hove City Council

Subject: **Home Care and Learning Disabilities Dynamic Purchasing System (DPS) extension**

Date of Meeting: **13th June 2023**

Report of: **Rob Persey, Executive Director Health and Adult Social Care**

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Ward(s) affected: All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of the Adult Social Care Home Care and Learning Disabilities Dynamic Purchasing System (DPS) report is to recommend the continuation of the existing Council's DPS for care services so that it aligns with the newly commissioned Home Care and Extra Care service.
- 1.2 The rationale for the continuation reflects attempts to balance the pressure on public finances with the need to manage and sustain the provider market to support the increasing complexity and demands for care while also complying with the duties placed on Brighton & Hove City Council ("Council") by the Care Act 2014 to meet the needs of those requiring care and support.

2. RECOMMENDATIONS

- 2.2. That Committee grants delegated authority to the Executive Director of Health and Adult Social Care to extend and vary the Home Care DPS for 2 years to 2026.
- 2.3. That Committee grants delegated authority to the Executive Director of Health and Adult Social Care to further extend the Home Care DPS to 2028.

- 2.4. That Committee grants delegated authority to the Executive Director of Health and Adult Social Care to extend the Learning and Disabilities DPS for a period of 2 months to April 2024.

3. CONTEXT/BACKGROUND INFORMATION

- 3.1 Home Care, also called Domiciliary Care, is the provision of services that support individuals in their own home, the majority of which is delivered by third-party contractors in Brighton & Hove.
- 3.2 Tasks delivered by these contractors are tailored to meet the needs of individuals and range from giving medication, to personal care support with activities such as bathing or dressing and the provision of meals.
- 3.3 Adults with learning disabilities: Supported Living, Community Support and Day Activities are all part of the existing DPS; Supported Living comprises of self-contained homes or shared housing with support to enable self-care, more independent living and choice and control over meeting individual needs. Community Support, also known as 'Outreach' support is provided to people who have their own tenancy or accommodation or live with their family. The level of support can vary significantly with some people receiving 2 hours a week with others receiving up to 70 hours per week for a wider range of tasks. Day Activities offer the chance for people to meet others who have a learning disability and build community opportunities and support as part of their ordinary daily lives.
- 3.4 Home Care and services for Adults with learning disabilities have been commissioned under a variety of arrangements:
 - 3.4.1 The current Council contracts for Home Care and Extra Care were let in 2016. These contracts are currently being re-commissioned under a new Home Care contract for the provision of home care services with an intended contract start date of 3rd July 2023 for a five year period with option to extend for an additional three years. They are being commissioned under a lead and back-up provider model operating in each of the four City geographically zoned localities.
 - 3.4.2 The above contracts are supplemented by the DPS which acts as a safety net for the main Home Care contracts, in the event that the lead and back-up providers are unable to pick up care packages.
 - 3.4.3 Learning disability services use the DPS as the contractual route to market. Providers sign up to DPS to be able to provide services in the city and sign up to the contract and specification on the DPS. Placements are spot purchased with providers at varying rates, agreed per provider. There are some contracts in place that are additional/outside of the DPS with different Terms and Conditions and specifications. The DPS is currently the primary route for Learning

Disability contracts until the Community Support and Supported Living DPS is established in late 2023.

- 3.5 The DPS is run and managed through the platform Adam (now called Access Adam Care Commissioning). Adam provide administrative support including; initial due diligence and compliance checks for DPS accreditation (including business viability and facilitating financial checks), and maintain ongoing communications with enrolled DPS providers when they require support. Packages of care are put onto the platform for enrolled providers to bid for via the DPS. Each Package of Care includes a summary of a person's needs and any specific requirements (such as two carer visits).
- 3.6 The current Home Care and Learning Disabilities Dynamic Purchasing System (DPS) was established in 2020 for a period of 2 years with an optional extension for a further 2+2 years to 13 February 2026 with the aim of ensuring there is a safety net in the event of capacity issues with the Home Care providers and to provide potential access to Council contracts for smaller agencies with the aim of increasing capacity in the home care and adults with learning disabilities market. Both the Home Care DPS and the Learning Disabilities DPS are due to expire on 13 February 2024.
- 3.7 The Council's Home Care demand has decreased by 2% from September 2016 to November 2022 in terms of number of Home Care hours being purchased. For the number of clients being supported, this has reduced by 5%. These figures refer to existing packages of care and do not reflect the unmet need in the system or increasing complexity of packages of care.
- 3.8 Learning disability services are considered under the new commissions for Community Support, Supported Living due to commence January 2024. The contractual position for Day Services post April 2024 is being reviewed. The proposal is to extend the Learning Disabilities DPS services for a period of two months to April 2024 to ensure continuity of service.
- 3.9 The proposal is to extend the Home Care DPS for a period of 2 years to 13 February 2026 and a further period of 29 months to July 2028 and to modify the Homecare DPS to include a number of changes to the delivery of home care to ensure alignment of terms and conditions with the new Home Care commission including:
- Alignment of payment based on providers' weekly staffing rosters or— 'planned hours' of care. This aims to improve staff retention and recruitment in the industry which has been suffering from recruitment issues since the pandemic, not least because it ensures that carers will know their pay levels for their shifts. This will not affect the agreed budget for the service.
 - Moving away from time and task prescription towards a weekly allocation of hours. This promotes a person-centred approach, whereby call times are agreed between the provider and the service user (and any representatives), rather than being prescribed by the Council. This will not affect the agreed budget for the service.

- Amendment of the geographical areas from ten zones to four. This will align the geographical areas to the new Home Care and Extra Care commission.
- Consistency of collection of client contributions towards their care by providers.
- Removing the NHS Sussex Integrated Care Board (formerly known as NHS Brighton and Hove Clinical Commissioning Group) as a party to the Home Care DPS. The NHS ceased to use the Home Care DPS in May 2022 as they developed pan-Sussex approaches as part of the new Integrated Care Board.

3.10 It is further proposed that the Learning and Disabilities DPS is extended for a period of 2 months to April 2024 to allow for continuity of care whilst a new Community Support and Supported Living DPS is established and separate arrangements are made for Day Services.

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 Delivery of the services in-house

The Council currently operates a small in-house home care operation, in the form of Independence at Home. This service has a reablement focus and supports individuals with their discharge from hospital back to their own home. The service is also tasked with piloting a community-based reablement offer to prevent hospital admission and to help maximise a person's independence. This service can sometimes pick up traditional home care although this is not their primary purpose (usually in times of emergency where other care is not available or has failed). Due to the scale of the Home Care requirement across the city, the council is not resourced to expand this operation and provide the required staffing, training, legislative arrangements, logistics management and transport, or budget. This is therefore not an option.

The design, build and delivery of an internal DPS has been explored within the last 18 months with various internal IT leads. However, this has since been ruled out as an option due to the resourcing requirement for ongoing system developments and maintenance, and the management of the interface between internal Council departments, private providers and the system administrators. IT leads consulted have been positive about the design, security and support offered through the existing arrangements.

4.2 Procure a new DPS arrangement

The Council currently has a successful DPS in place for Home Care provision which offers a safety net to cover capacity that cannot be met through the current contracted Homecare providers. As there are further extension options included within the current DPS, these can be utilised ahead of a new arrangement being sought. The variations are deemed to not materially change the scope of the DPS and can therefore be modified.

4.3 End the current DPS

Home Care is currently being recommissioned with a new contract due to start in July 2023. Services for adults with learning disabilities are currently being

recommissioned under new DPS arrangements, due to be established in December 2023. If the current Home Care DPS were to end, this would mean that the Council would be reliant on the capacity of the new providers to deliver all required services. It is not recommended to discontinue the current DPS which acts as a safety net for capacity and provides potential access to council contracts for smaller agencies with the aim of increasing capacity in the home care market. The new DPS for adults with learning disabilities will not start until December 2023 so there would be the potential for gaps in services if that part of the contract was not extended.

4.4 Collaboration with another local authority

Due to the requirement to deliver the service within service users' homes, providers are required to have local care staff and operational bases within a distance that allows them to support these staff. Each local authority has their own specific challenges, approach, and provider market in relation to Home Care. As a result, contractual collaboration has been discounted as an option. However, extensive engagement, discussion and information sharing has taken place with a number of local authorities, and this has helped inform the proposed model.

5 **COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The Council is committed to co-production. Regular Care Home Forums and Home Care Stand-up meetings are held where provider organisations can raise issues. Similarly Learning Disability Providers Forums are held to discuss issues of relevance.
- 5.2 The annual Social Care and Support Services survey for clients has resumed this year and the responses from it are always considered by the Council's Adult Social Care Commissioning & Contracts Team. People are given the opportunity to comment freely on their services.
- 5.3 Healthwatch are engaged to undertake client reviews for people who use home care services, focused on a different provider agency each month. Responses are collated and reported back to the Adult Social Care Commissioning & Contracts Team.
- 5.4 Extensive engagement has taken place with stakeholders, clients and carers regarding the re-commissioning of the Home Care/Extra Care contract and similar processes are underway regarding the recommissioning of the Learning Disability services.

6. **CONCLUSION**

- 6.1 The proposed extensions and modification will ensure that there is continuity in service provision for both Home Care and Learning Disability services.

- 6.2 Continuation of the Home Care DPS will supplement the recommissioning arrangements for Home Care allowing for further capacity within the supply base and provides potential access to Council contracts for smaller agencies.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The current DPS arrangements have two costs associated. These are the system costs related to licences, managing the online platform and administrative support, and the Council's expenditure on ongoing care services commissioned using the DPS process.
- 7.2 The budgeted annual cost for system is £0.074m per annum, however some costs are variable based on the DPS activity data.
- 7.3 The spend for ongoing care services are demand led. The majority of the care spend relates to home care packages commissioned via DPS. The 2023/24 forecast home care spend resulting from commissioning from DPS totals approximately £6.6m. The care spend is contained and monitored within the overall Community Care budget.

Finance Officer Consulted: Sophie Warburton Date: 18/05/2023

Legal Implications

- 7.4 Regulation 72 (1)(e) of the Public Contracts Regulations 2015 ('PCR') permits contracts to be modified without a new procurement procedure where the modification is not substantial within the meaning given to the term substantial set out in Regulation 72 (8) of the PCR. A modification is substantial if it renders the contract materially different in character from the original contract, changes the economic balance in favour of the contractor in a manner not provided for in the original contract, extends the scope of the contract considerably or if it introduces conditions that had they been part of the initial award procedure, would have changed who bid or won the contract. These modifications are not considered substantial and the risk of legal challenge is low.

Lawyer Consulted: Manjinder Nagra Date 05/06/2023

Equalities Implications:

- 7.5 This funding will have an impact in ensuring that some of the most vulnerable members of our community in the City receive good quality, effective care and support services and will contribute to reducing health inequalities. An uplift in fees will also provide support for an increasingly fragile market (both locally and nationally) and demonstrates a commitment to provide support for both service users and some of the lowest paid members of the local workforce.

- 7.6 Equalities Impact Assessments are currently being conducted as part of the recommissioning process for both the Care Home and the Home Care contracts and will take place for any other re-commissioning.

Sustainability Implications:

- 7.7 There are no specific sustainability implications for this report; it does not include changes to services or recommissioning. However, it is of note that the DHSC Covid-19 funding was available to providers to use to purchase bicycles for staff to use to get to/from work or to visit clients
- 7.8 Sustainability implications are part of the recommissioning process currently underway for both care homes and home care.

Brexit Implications:

- 7.9 Recruitment has become more challenging as a result of Brexit and the government's requirements regarding entry to the UK to work which are restrictive in terms of cost to providers and that many carers would not satisfy the Skilled Visa requirements. In February 2022 the government placed Carers on the Shortage Occupation List but carers will need to earn £10.50 per hour and work a 48 hour week to satisfy the salary requirements.

Any Other Significant Implications: None

Crime & Disorder Implications:

- 7.10 There are no Crime & Disorder implications.

Risk and Opportunity Management Implications:

- 7.11 Existing Home Care providers will be required to sign up to new terms & conditions of contract which are aimed to reflect the new main Council Home Care contract so far as possible. For providers that have been sole DPS providers these will be mainly familiar but for any providers that have been on the current main Council Home Care contract there will be significant differences. If providers do not wish to sign up to the new DPS terms & conditions then existing people will receive services under the expiring terms and conditions (as has happened in the past with previous home care contracts) but the providers will not be eligible for new work.
- 7.12 The Learning Disability services are due to end by end March 2024 due to re-procurement of the services; it is a risk if the re-procurement does not take place in the required timescales.

