

Meeting of:	Cabinet
Date of Meeting:	Monday, 09 March 2020
Relevant Scrutiny Committee:	Healthy Living and Social Care
Report Title:	Joint Care Home Contract
Purpose of Report:	To gain Cabinet approval for the use of the Joint Care Home Contract for all commissioned residential and nursing placements for older people.
Report Owner:	Cabinet Member for Healthy Living and Social Care
Responsible Officer:	Director of Social Services
Elected Member and Officer Consultation:	<p>Head of Resource Management and Safeguarding.</p> <p>Operational Manager, Commissioning and Information.</p> <p>Operational Manager, Locality Services.</p> <p>Operational Manager, Legal Services.</p> <p>Senior Lawyer, Legal Services.</p>
Policy Framework:	This is a matter for executive decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> • This report brings to the attention of Cabinet the work undertaken with regional partners and providers in order to agree a common care home services contract for use with residential and nursing home provision. • The report proposes that the contract be adopted for use with placements made with providers who are included in the Council's approved Provider List, with an effective date of 1st April 2020. 	

Recommendations

1. That Cabinet consider and agree the contract for Care Home Services for use with residential and nursing provision from 1st April 2020.
2. That the Head of Service for Resource Management and Safeguarding be given delegated authority to enter in to agreements for care home services with providers who are included on the Council's Approved Provider List, and to agree any variations on the grounds of updated legislation or Council policies/procedures, in consultation with the Cabinet Member.
3. Delegated authority be granted to the Monitoring Officer/Head of Legal and Democratic Services to agree the contract terms and Head of Finance to agree the financial implications of the contract.

Reasons for Recommendations

1. The current contract documentation used for residential and nursing care provision has been in place for a number of years and is no longer reflective of current legislative and Corporate requirements. Furthermore, the new contract documentation requires both providers and commissioners to work towards achieving identified outcomes for individual residents.
2. Delegated authority will allow agreements to be entered in to and varied in a timely manner, whilst maintaining the requirements of the Council's Contract Procedure Rules and Financial Procedure Rules.
3. To ensure the Terms of the Contract and Financial Implications are understood and sufficient.

1. Background

- 1.1 The Social Services and Well-Being (Wales) Act 2014 (the Act) came in to force on 1st April 2016. The Act imposes various duties on local authorities and health boards that require them to work to promote the well-being of those who need care and support, or carers who need support, working on a regional basis wherever possible.
- 1.2 The current contract used for residential and nursing home placements was last updated over 10 years ago. It does not meet the requirements of various pieces of legislation and Corporate policies that have come in to effect since that time. In addition to the Act, these include, but are not limited to:
 - The Regulation and Inspection of Social Care (Wales) Act 2016;
 - The Data Protection Act 2018;
 - The Welsh Language (Wales) Measure 2011; and
 - The Welsh Language Standards.
- 1.3 A working group was set up comprising of Social Care and Health Board Commissioners, legal representatives from the Vale of Glamorgan and Cardiff

Councils, care home providers from the Vale of Glamorgan and Cardiff, and legal representative for the Care Home Forum. The group considered the work of other regions on this matter as well as bringing their own experiences of commissioning or providing care in the residential and nursing care field.

- 1.4 It was agreed that the Vale of Glamorgan Council would provide the lead legal advice for commissioners on this matter.
- 1.5 A set of draft contract documentation was devised, including the terms and conditions of contract, service specification and individual service contract. A consultation exercise took place whereby all providers of residential and nursing care provision commissioned by the Councils and Health Board, and commissioners, were asked for their comments on the structure and content of the documentation. This feedback was considered by the working group and final comments were requested in December 2019. No further feedback was received, and the working group agreed the final documentation in January 2020.

2. Key Issues for Consideration

- 2.1 The contract for Care Home Services strengthens the existing requirement for providers and commissioners to work together in order to provide services that meet the care and support needs of individual services users.
- 2.2 Although the contract has been designed for use by both the Vale of Glamorgan and Cardiff, each local authority commissions care individually; therefore, each Council will enter in to a separate agreement with residential care providers. Nursing care provision is jointly commissioned by Social Services and the Health Board. The contract agreement for these services will be signed by the individual local authority, Cardiff and Vale University Health Board, and the nursing care provider.
- 2.3 The documentation allows for a programme of quality assurance to be developed, which will evidence the outcomes being achieved for service users and maintain the integrity of service provision. It is expected that this will highlight issues and concerns at an early stage, allowing for the Council's Provider Performance Protocol to be initiated in a timely manner.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 The Well-being of Future Generations Act 2015 ("the 2015 Act") requires the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change.
- 3.2 To make sure we are all working towards the same purpose, the 2015 Act puts in place seven well-being goals on the Council. The 2015 Act makes it clear the listed public bodies must work to achieve all of the goals, not just one or two, these being:

- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and Welsh Language
 - A globally responsible Wales
- 3.3** This proposal contributes to achieving the well-being goals by ensuring that there are robust arrangements in place for vulnerable people who are in need of care and support services, delivered in a residential or nursing care home setting.
- 3.4** The 2015 Act sets out five ways of working needed for the Council to achieve the seven well-being goals, these being:
- The importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs.
 - Considering how the Council's objectives impact upon each of the well-being goals listed above.
 - The importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the area which the Council services.
 - Acting in collaboration with other persons and organisations that could help the Council meet its well-being objectives.
 - Acting to prevent problems occurring or getting worse.
- 3.5** The Council has committed as part of the Corporate Plan 2016-20 to achieving a vision of 'Strong Communities with a Bright Future'. This plan is reflective of the Welsh Government's Well-being of Future Generations Act and is comprised of a number of well-being objectives to deliver this vision.
- 3.6** Well-being Outcome 4, 'An Active and Healthy Vale' is specifically linked to social services, and includes the following actions:
- Implement new ways of working in light of the Social Services and Well-Being (Wales) Act.
 - Improve access to health and social care services by improving the speed, simplicity and choice of how to access services.
 - Work with partners to progress the integration of adult social care and community health services.
 - Improve procedures with providers of nursing, residential and domiciliary care providers to enable early intervention and prevent the escalation of incidents.

- Undertake an annual programme of targeted inspections at premises undertaking commercial activities that affect vulnerable people (for example care homes and food establishments in schools).

4. Resources and Legal Considerations

Financial

4.1 There are no financial considerations in relation to this report.

Employment

4.2 There are no employment considerations in relation to this report.

Legal (Including Equalities)

4.3 As previously stated, the contract documentation reflects the requirements of various legislation, including but not limited to:

The Social Services and Well-Being (Wales) Act 2014;

The Regulation and Inspection of Social Care (Wales) Act 2016;

The Data Protection Act 2018;

The Welsh Language (Wales) Measure 2011.

5. Background Papers

None