
Decision to award Contracts for Care and Support at Home in Somerset

Executive Member(s): Lead Member for Adult Services

Local Member(s) and Division: N/A

Lead Officer: Paul Coles

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1. Summary / Background

- 1.1 This report includes a conclusion and recommendations from a procurement process to award a number of block contracts to successful applicants. This involved a competitive procurement process to secure the supply of quality care and support at home services. The tender evaluation report is as Appendix A.
- 1.2 This approach will help to develop a market that delivers a wide range of sustainable high-quality care and support services in difficult to source or high demand areas. It will offer guaranteed hours under 6 lots for the following areas:
- Lot 1 – Glastonbury and Street, 150 hours
 - Lot 2 – Shepton Mallet and Wells, 200 hours
 - Lot 3 – Frome, 100 hours
 - Lot 4 – Yeovil, 150 hours
 - Lot 5 – Bridgwater, 200 hours
 - Lot 6 – Minehead, 200 hours
- 1.3 This service will deliver better outcomes for people, enabling them to continue living at home for as long as it is safe to do so. This will contribute to the reduction of hospital admissions, delayed discharge or long-term care home placements and the costs associated with these.
- 1.4 A further process will be developed and implemented that will utilise a Dynamic Purchasing System (DPS) to purchase care and support services with providers that have met the eligibility criteria to join. The DPS will be set up across 13 zones, which are broadly aligned with the Primary Care Networks. This will enable Somerset Council to manage the market and joint working more effectively.

2. Recommendations

2.1. The Executive agrees to

a. Approve the outcome of the procurement process to award contracts to the suppliers named in Tender Evaluation Report Confidential Appendix B to provide home care services via a guaranteed block contract for a period up to 10 years.

Lot Number	Title	Awarded supplier
1	Glastonbury and Street – 150 hours p/w	Bidder E
2	Shepton Mallet and Wells – 200 hours p/w	Bidder E
3	Frome – 100 hours p/w	Bidder A
4	Yeovil – 150 hours p/w	Bidder A
5	Bridgwater – 200 hours p/w	Bidder A
6	Minehead – 200 hours p/w	Bidder G

b. Approves the establishment of an open framework for the Provision of new care and support at home for an initial period of 5 years, with an option to extend by two further periods of up to 2 years each and one further period of up to 1 year (up to 10 years in total). The annual value of the open framework is estimated at £26m in year 1. This figure will be adjusted for inflation annually as part of the Council's MTFP process.

c. The case for applying the exempt information provision as set out in the Local Government Act 1972, Schedule 12A and therefore to treat the attached confidential Appendix B in confidence, as it contains commercially sensitive information, and as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.

d. To exclude the press and public from the meeting where there is any discussion at the meeting regarding the confidential tender evaluation report, Appendix B, to be treated as exempt information.

3. Reasons for recommendations

3.1. The current contracts for the service are due to expire on 31 March 2024. We need to ensure a continued supply of high-quality care and support services for people at home that continues to meet the needs of an aging population. The Care and Support at Home Service is also known as Home Care or Domiciliary Care.

3.2 New contracts will need to in place on 1 April 2024 to ensure the continuation of these services so that Somerset Council meets its statutory obligations under the Care Act to:

- Meet need, promote health and well-being.

- Promote greater choice and control for people in what care and support services they receive so that they can live their life the way they want to.
- Ensure a more diverse market of care and support services that responds to people's needs and choices, that places a strong emphasis on quality.

3.3 The accompanying confidential Appendix B contains commercially sensitive information relating to the contract and the Council's financial and business affairs. Officers recommend that this is treated as exempt information. "Exempt information" is defined by Section 100 of the Local Government Act 1972, and by Schedule 12A to that Act:

"Information relating to the financial or business affairs of any particular person (including the authority holding that information)"

The public interest test is then applied and, in this instance, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

4. Other options considered

4.1. The decision to tender these services across six locations is based on areas of Somerset where capacity has been lacking in recent years. We have piloted block contracts in five of the areas listed below during 2022 and they have proven very successful, allowing Home Care providers the certainty to grow into these areas.

4.2 The decision to not re-tender was not put forward due to:

- The current contract ends on 31 March 2024 after which we would not be meeting our statutory obligations under the Care Act. There would be a reputational risk for Somerset Council if no contract is in place.
- Risk of under supply of Care and Support at Home services in relation to need in all or some areas, which can lead to safeguarding issues for adults with care and support needs.
- More admissions to hospital that could have been avoided and /or delayed discharge from hospital.
- Care workers possibly laid off due to uncertainty over future work.
- Market not expanding due to reduction in active recruitment caused by uncertainty regarding the future.
- The Public Contract Regulations (2015) and Somerset Council's Contract Standing Orders require us to competitively tender.

4.3 Somerset Council could also have chosen to make a direct award to existing Home Care providers. However, this would be unlawful and would not create the competitive bidding environment that is required to ensure value for money and quality of service in the new service provision.

5. Links to Council Plan and Medium-Term Financial Plan

- 5.1 These services contribute towards the Council Plan’s (2023-27) objectives for a “Healthy and Caring Somerset”. We want all our residents to stay as healthy as possible, for as long as possible. Promoting health and wellbeing is a crucial part of this strategy, to help people live full and healthy lives for as long as they are able.
- 5.2 These services also contribute towards the following priorities within our Adult Social Care Strategy 2023-26.

The right support at the right time - People in Somerset should have care and support that is coordinated and enables them to live as they want to, being seen as a unique person with skills, strengths and goals.

A supported skilled and flexible workforce - Our ambition is to have a vibrant, resilient and agile health and care sector which attracts, develops and retains talent in Somerset.

6. Financial and Risk Implications

- 6.1 Somerset Council has a statutory requirement to meet the social care and support needs of its population. The expected gross cost of the block contracts for 2024/25 is £1.9m. This figure takes into account fee inflation and predicted growth.
- 6.2 As well as the financial impact of Fair Cost of Care, demographics has also been considered and included within the financial modelling of the new service. The average age of a person receiving services through this contract is 79. The number of people living in Somerset that are 79 and over is estimated to increase by 4% between 2023 and 2024, and by 50% over the lifetime of this contract.
- 6.3 There are risk implications in relation to ensuring sufficient continuity of existing home care services after 31 March 2024. These have been mitigated through this procurement exercise to secure care and support services in the most difficult to serve areas of Somerset.

Likelihood	2	Impact	4	Risk Score	8
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7. Legal Implications

- 7.1. Legal advice was obtained with regard to the approach to this re-commissioning exercise.
- 7.2 For this tender exercise, a competitive, above threshold tendering process was delivered from July 2023 (advertised through Find a Tender Service, previously OJEU), to allow sufficient time for the contracts to be awarded in January 2024 including the necessary standstill period, and for providers to put TUPE arrangements in place, as appropriate.

- 7.3 Care was taken to ensure all applicable procurement legislation was properly observed (the tender exercise was conducted in line with the Public Contracts Regulations 2015); and that UK regulations concerning the provision of home care services are fully complied with. The new service specification promotes a reabling approach that contributes towards the improvement of an individual's wellbeing. The model therefore meets our statutory duties under the Care Act 2014.
- 7.4 The new contracts include robust break clauses enabling rapid termination in the event of inadequate delivery.

8. HR Implications

- 8.1 There are no relevant HR implications for Somerset Council.

9. Equalities Implications

- 9.1. The new service specification is person centred and focussed on outcomes rather than matching services to particular types of need. Needs that arise from or are closely related to protected characteristics are recognised within the service specification, including the assessment and support planning process. An awareness of the needs and how to meet them of different cultures; races; religious beliefs; gender reassignment; sexual orientation will be a requirement within contracts. This decision is unlikely to have a significant impact on human rights. An Equalities Impact Assessment can be found as Appendix 1.

10. Community Safety Implications

- 10.1. The contracts will have a positive contribution towards the health and wellbeing of Somerset's communities. The Care and Support at Home service will help to connect people to their local communities, reducing the impact on social isolation and exclusion. The tender questionnaire included how the bidders will ensure the safety of their clients, including how risk assessments will be used as part of the care planning process. This also includes the safety of the staff teams.

11. Climate Change and Sustainability Implications

- 11.1 Services have been commissioned within local areas (zones) to reduce the need for travel and enable service providers to plan more effectively in terms of making efficiencies through the deployment of locally based teams of carers. This will have a direct impact on reducing emissions through less travel time, using different modes of transport or walking.

12. Health and Safety Implications

- 12.1 The health and safety of the clients of the service is fundamental to the successful delivery of this contract. The successful bidder has their own Health and Safety plan

and as part of the tender process successfully demonstrated how they incorporate health and safety considerations into their assessment planning for clients and work force plans.

13. Health and Wellbeing Implications

- 13.1 The decision aims to have a positive impact on the health and well-being of service users as the contracts will focus on personalised care and support which will promote the health and well-being of individuals through outcome based planning and assessment. This will also have a positive impact on preventing ill-health through a service that enables people to be independent at home for as long as possible.

14. Social Value

14. As part of the procurement process, bidders were asked to submit proposals of how they will deliver against social value as part of these contracts. The successful applicants effectively demonstrated how they will develop and implement plans to deliver the proposals they put forward as part of their submission. These included a variety of outcomes that included, but are not limited to:

- Environmental benefits through reduced travel
- Economic benefits through local recruitment and employment
- Health and wellbeing benefits for local communities
- Reduced isolation through putting people in touch with their local communities.

15. Scrutiny comments / recommendations:

- 15.1 The proposed decision has not been considered by Scrutiny Committee.

16. Background

- 16.1 Somerset Council currently commissions around 19,000 hours of home care per week through Home Care providers, supporting around 1,400 adults. The gross cost of these services is approximately £26m per year (23/24 prices).
- 16.2 The current contracting arrangements for Care and Support at Home Service can be inefficient and does not encourage a collaborative approach to meeting needs at a local level. There are currently 49 active home care providers across the county but 50% of the delivery is from just 8 providers.
- 16.4 A re-commissioning exercise has been undertaken to give an opportunity to improve the quality and robustness of the care and support at home services to ensure they are fit for the future. The Local Authority role is seen as critical and under section 5 of the Care Act, the duty to shape and maintain an efficient and effective market of services for meeting care and support needs in the local area is firmly placed with Somerset Council.

- 16.5 The re-commissioning plan included a review of the current services with key stakeholders, partners, providers and customers to co-produce a service model that could respond to the following challenges:
- Demographic changes to an increasing elderly population
 - Increased demand on the health and social care services that impact on hospital admissions and delays in discharges.
 - Financial challenges regarding Fair Cost of Care and Cost of Living Crisis
 - Recruitment and retention of workforce
- 16.6 The service will support individuals with varying levels of assessed needs to live at home for as long as it is safe and appropriate to do so. In all cases, the focus is on re-abling the individual to optimise their independence through provision of personal care, support with daily living and with essential domestic tasks.
- 16.7 Services will be commissioned across 13 Zones that broadly align to the Primary Care Networks. This procurement process through a Restricted (2 Stage) tender approach was to secure guaranteed hours for Home Care Providers to deliver in the 6 areas that are most difficult to supply; a further process will utilise a Dynamic Purchasing System to purchase with providers that have met the eligibility criteria to join. There will be a Dynamic Purchasing System for each of the 13 zones which will enable Somerset Council to manage the market and joint working more effectively.
- 16.8 Collaborative working agreements have been co-produced with Home Care providers and will be incorporated into the new contracts. This will govern how providers will be expected to work together within each of the Zones to manage capacity and to meet the changing needs of that local area.

The service specification is focused on reablement and being outcome focussed. Contracts will include a section on development to allow the service to continue to evolve and develop throughout the lifetime of that contract (up to 10 years).

17. Background Papers

N/A

Appendices

A – Tender Evaluation Report




B – Tender Evaluation Report CONFIDENTIAL

Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	21/10/23
Communications	Peter Elliot	20/10/23
Finance & Procurement	Nicola Hix	27/10/23
Workforce	Alyn Jones	30/10/23
Asset Management	Oliver Woodhams (Charlie Field)	30/10/23
Executive Director / Senior Manager	Mel Lock	27/10/23
Strategy & Performance	Alyn Jones	30/10/23
Executive Lead Member	Cllr Dean Ruddle	30/10/23
Consulted:	Councillor Name	
Local Division Members	N/A	
Opposition Spokesperson	Cllr Sue Osborne	27/10/23
Scrutiny Chair	Cllr Gill Slocombe	30/10/23

APPENDIX C - Somerset Equality Impact Assessment

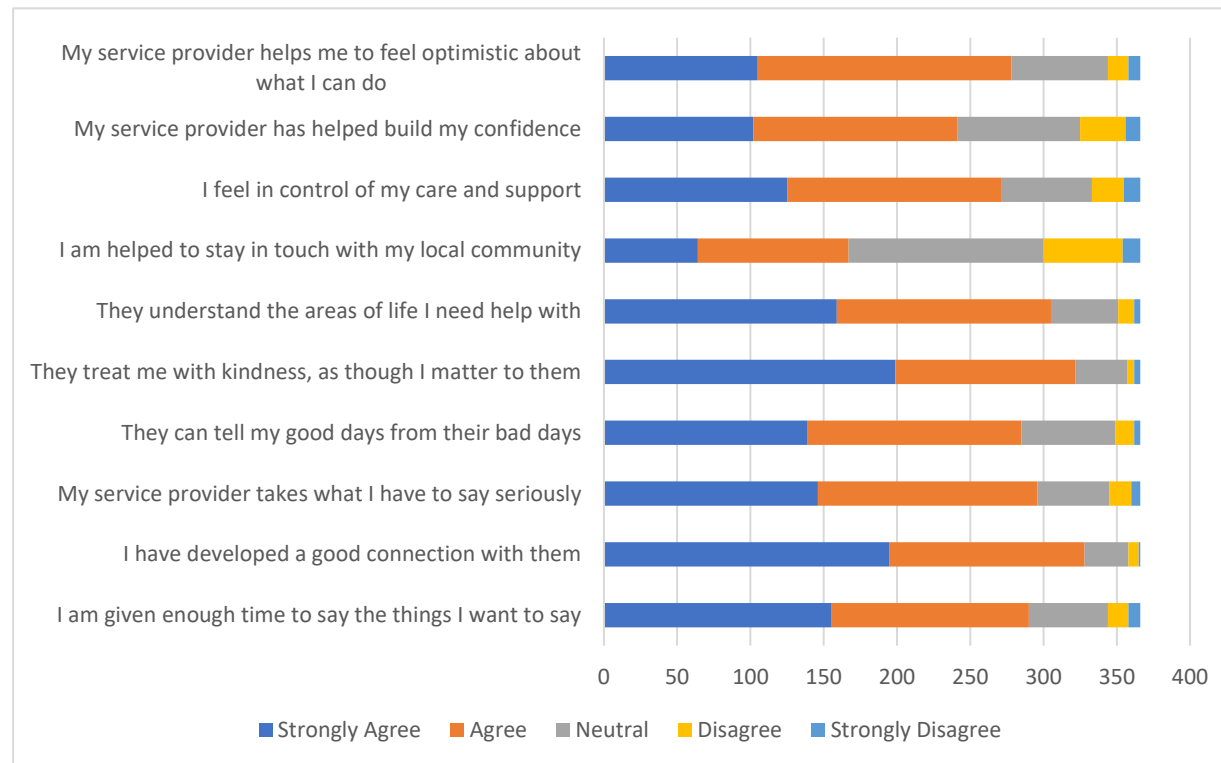
Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)	 Somerset Council		 NHS Somerset		 NHS Somerset NHS Foundation Trust	
Version	V1		Date Completed	04.10.23		
Description of what is being impact assessed						
To award block contracts to deliver care and support at home services in Somerset.						
Evidence						
What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the Office of National Statistics , Somerset Intelligence Partnership , Somerset’s Joint Strategic Needs Analysis (JSNA) , Staff and/ or area profiles , should be detailed here						
JSNA in terms of population data, current contract performance data, Eclipse data and area demand profiling. Demographic pressures will affect this service. The average age of a person receiving services through this contract is 79. The number of people living in Somerset that are 79 and over is estimated to increase by 4% between 2023 and 2024, and by 50% over the lifetime of this contract.						

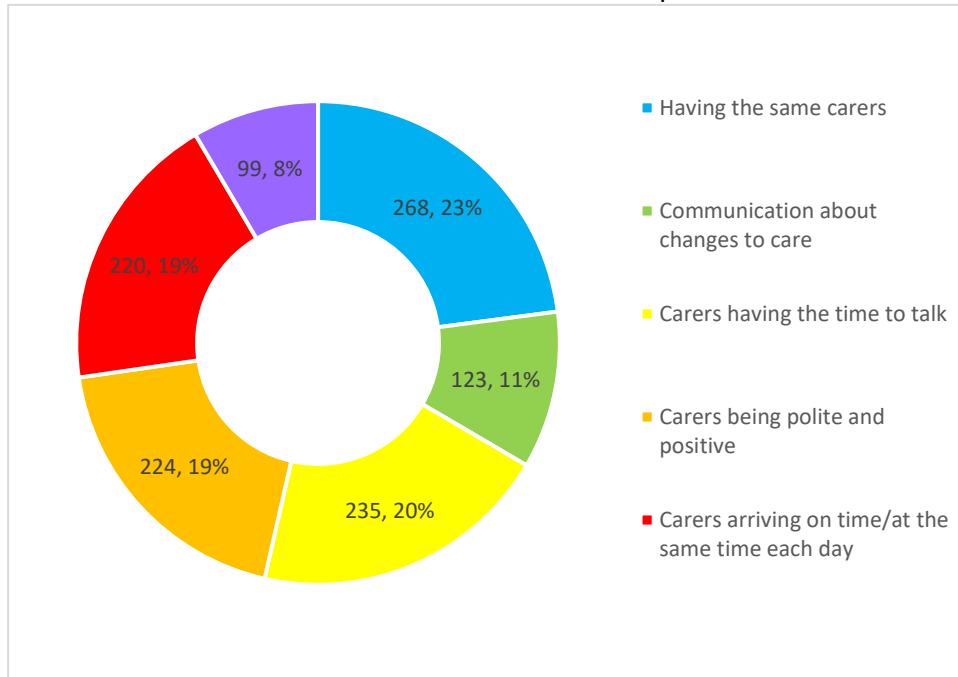
Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?

We have consulted with all the current service users through an on-line and paper questionnaire. We have also engaged providers and key stakeholders of the service.

Existing customers of the service were asked to respond to a number of statements. The results below show a very positive response with regard to the impact the current service is having on their lives.



Customers were also asked about what are the important elements of an effective Care and Support at Home service?



A full report of the findings is available.

We have also engaged providers and key stakeholders of the service. The outcomes of this work were as follows:

- Concerns with regard to Micro-providers being unregulated
- Staff recruitment and retention is challenging

We also talked with Carers at Carers Support Groups and they told us the following:

- Guilt of not knowing what to do for my partner to help them.
- Not knowing what to do when the care workers arrive.
- Care workers need to be more mindful of the family and carers within the home
- Need to consider the relationship between the carer and the cared for, how can calls be scheduled to ensure that the carer or family members is included i.e. meal times.
- Can be very stressful as a carer when care workers do not arrive on time, can be particularly disruptive for those where routine is so very important.
- Need to ensure family are supported to be involved in the care if they want to be.
- More training needed so care workers understand the effects of more illnesses.
- Some care workers can be very mindful and understanding of individual's needs based on their illness or how they represent, but this is now always the case. Some care workers don't understand the diagnosis.
- Care workers can sometimes be very vocal in terms of the role of the carer or family member, this can be stressful.
- Do not know what help is available.
- Did not know how to contact Somerset Council.
- Micro-providers not covering weekends.
- Lack of support available when transitioning from Children's services to Adults.
- Lack of consistency with the carers who are arriving which is a concern particularly with people who have dementia.
- Lack of consistency with quality of the care given, some do some tasks and some don't – reference to insurance reasons.
- Arriving early or late

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<p>Data show us that we have an increasing older population and the service will need to continue to meet the needs of people now and into the future.</p> <p>This service is to support people 18 years and over. The specification reflects and responds to the full range of needs of people irrelevant of age. Providers will need to ensure that individual outcomes are meet in a variety of ways.</p> <p>The Contracts and Quality Team will ensure that the service is being delivered according to the services specification and quality standards and will take account of customer feedback.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<p>The service currently supports a large number of people with physical disabilities. The ethos of the new service will be to support people to remain/become as independent as possible. The specification therefore requires the provider to reflect and respond to the full range of needs of people with physical disabilities, based on supporting people to remain as independent as possible within their own home. This will include people with sensory loss and people with a learning disability. Providers will be</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<p>required to effectively understand individual's needs in terms of the support they require and tailor the support and communication so that the individual can play a key role in the development of their care and support plan where appropriate.</p> <p>The Contracts and Quality Team will ensure that the service is being delivered according to the services specification and quality standards and will take account of customer feedback.</p>			
Gender reassignment	<p>Those who have had gender reassignment may be concerned about being treated unfairly. The service specification requires the service provider to conduct its business in accordance with the principles of the care and support being focussed on enabling people to live independently, to stay healthy and make the most of their lives by managing their lives in the way they choose and to not discriminate.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage and civil partnership	<p>We have considered this protected Characteristic and do not foresee any disproportionate positive or negative impacts.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<p>We have considered this protected Characteristic and do not foresee any disproportionate positive or negative impacts.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race and ethnicity	<p>People from different backgrounds and of a different race may need to have information and support provided in a range of formats. Within the service specification it is a requirement for the provider to ensure that the information about the service will need to be made available in a variety of formats to suit individual needs. Also attention will be given to how care</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	and support is delivered in order to achieve the outcomes agreed by the individual and tailored to suit their individual needs.			
Religion or belief	People with different religions or beliefs may need to receive information in a variety of formats. Within the service specification it is a requirement for the provider to ensure that the information about the service will need to be made available in a variety of formats to suit individual needs. Also attention will be given to how care and support is delivered in order to achieve the outcomes agreed by the individual and tailored to suit their individual needs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex	We have considered this protected Characteristic and do not foresee any disproportionate positive or negative impacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	The service specification will require the service provider to conduct its business in accordance with the principles of the care and support being focussed on enabling people to live independently, to stay healthy and make the most of their lives by managing their lives in the way they choose and to not discriminate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Armed Forces (including serving personnel, families and veterans)	We have considered this protected Characteristic and do not foresee any disproportionate positive or negative impacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>Other, e.g. carers, low income, rurality/isolation, etc.</p>	<p>The service is open to all people who have been assessed as having a care need via an Adult Social Care Assessment. Within the service specification the provider will be required to ensure that people will have the best possible quality of life, including life with other family members supported in a caring role. The approach to the re-commissioning of the services includes having 13 zones across the County, this is to reduce the need for travel and improve reach to rural areas of Somerset.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Negative outcomes action plan
 Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Monitor the quality of services delivered against the service specification	Ongoing	Contracts Team	Contract Review Meetings	<input type="checkbox"/>
Monitor the effectiveness of the partnership working arrangements	Ongoing	Commissioning Team	Partnership Forums	<input type="checkbox"/>
Monitor the effectiveness of the delivery of services against the hours required	Ongoing	Commissioning Team & Sourcing Care Team	Review of live data/dashboards	<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

	Select date			<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.				
N/A				
Completed by:	Vicky Chipchase			
Date	27.09.23			
Signed off by:	Tom Rutland			
Date	30.10.23			
Equality Lead sign off name:	Tom Rutland			
Equality Lead sign off date:	30.10.23			
To be reviewed by: (officer name)	Vicky Chipchase			
Review date:	30.10.24			