

## JOINT STRATEGIC COMMISSIONING BOARD

### Liverpool City Region (LCR) Complex Care Framework

Risk Please indicate	High N	Medium N	Low Y
<b>Detail of Risk Description</b>	<p>There is a risk that the annual fee referred to in this report could increase following a review after year one, however, any decisions relating to the ongoing cost will be subject to further approval.</p> <p>There is a risk that roles, responsibilities and liabilities are not clearly defined and/or understood. To mitigate this a Memorandum of Understanding is currently in development which will underpin the flexible purchasing system including, but not be limited to:</p> <ul style="list-style-type: none"> <li>• How the Flexible Purchasing System (FPS) will operate and how Councils and Clinical Commissioning Group's (CCGs) will work together.</li> <li>• The commitment of the Councils and CCGs to use the FPS (e.g. whether or not exclusive or to minimum volumes);</li> <li>• Organisational liabilities</li> <li>• Role and liability of the lead Council</li> <li>• How joint costs are to be borne;</li> <li>• How decisions are to be made that affect the Councils jointly</li> <li>• How the FPS generally will be monitored.</li> </ul> <p>This document will be legally binding and adoption of the agreement will undergo the appropriate governance process.</p>		

<b>Engagement taken place</b>	Y
<b>Public involvement taken place</b>	N
<b>Equality Analysis/Impact Assessment completed</b>	Y
<b>Quality Impact Assessment</b>	N
<b>Strategic Themes</b>	
To empower the people of Wirral to improve their physical, mental health and general wellbeing	Y
To reduce health inequalities across Wirral	Y
To adopt a health and wellbeing approach in the way services are both commissioned and provided	Y
To commission and contract for services that: <ul style="list-style-type: none"> <li>• Demonstrate improved person-centred outcomes</li> <li>• Are high quality and seamless for the patient</li> <li>• Are safe and sustainable</li> <li>• Are evidenced based</li> <li>• Demonstrate value for money</li> </ul>	Y
To be known as one of the leading organisations in the Country	Y
Provide systems leadership in shaping the Wirral Health and Social Care system so as to be fit for purpose both now and in five years' time.	Y

# JOINT STRATEGIC COMMISSIONING BOARD

(Committee in Common)

<b>Meeting Date:</b>	<b>16 October 2018</b>
<b>Report Title:</b>	<b>Liverpool City Region Complex Care Framework</b>
<b>Lead Officer:</b>	<b>Jason Oxley</b>

## 1 INTRODUCTION / REPORT SUMMARY

- 1.1 This report seeks approval from the Joint Strategic Commissioning Board to commence a procurement exercise to support the creation of a single Liverpool City Region (LCR) flexible purchasing system (FPS) for care and support services for adults with complex needs. The FPS will be made available to the six LCR Councils as well as NHS Clinical Commissioning Groups (CCGs) operating across LCR.
- 1.2 This proposal will support the following priorities as outlined in the Wirral Plan 20/20
- Wirral is a place where the vulnerable are safe and protected, every child gets a good start in life and older residents are respected and valued.
  - Wirral is a place where employers want to invest and businesses thrive.
  - Wirral has an attractive and sustainable environment, where good health and an excellent quality of life is enjoyed by everyone who lives here.
- 1.3 This matter affects all Wards within the Borough.

## 2 RECOMMENDATIONS

- A. The Joint Strategic Commissioning Board approve the creation of a LCR Complex Care FPS for use by Wirral Health and Care Commissioning; the other five LCR Councils and Clinical Commissioning Groups in the LCR.
- B. Authority is delegated to Wirral Health and Care Commissioners to procure and award contracts for care and support services within the LCR Complex Care FPS, once established, throughout its duration as required.

## 3 BACKGROUND INFORMATION

- 3.1 Following endorsement of the LCR devolution agreement in June 2015, health and social care leaders across the region were tasked with exploring the potential for greater collaboration and/or potential devolution of health and social care.

- 3.2 The LCR strategic leadership board was subsequently established and identified significant potential for LCR Councils to commission services for adults with complex care needs in a more collaborative manner.
- 3.3 It is envisaged that greater collaboration across LCR, in partnership with local CCGs, will facilitate improvements in both service quality and efficiency across complex care provision. A collaborative working programme has been developed which will focus on:
- Developing local markets;
  - Identifying good practice and applying it across the LCR footprint;
  - Communicating LCR commissioning intentions to the provider market;
  - Coordinating contract and supplier relationship management;
  - Identifying, understanding and addressing price and quality differentials;
  - Altering the balance in use of resource away from residential care to community support;
  - Developing consistent data standards and data sharing protocols supported by clear guidelines.
- 3.4 The LCR strategic leadership board has identified an opportunity to create a single FPS for adults with complex care needs as a key development in the collaborative working programme. Initial engagement with the provider market has taken place and LCR Councils are continuing to work closely with providers to ensure that the FPS is designed in a way which maximises the potential benefits for all stakeholders; the Councils and CCGs, providers and, most importantly, the people who are supported by the services commissioned.
- 3.5 Whilst there are robust and effective commissioning practices in place across LCR at a local level, the lack of regional collaboration has led to a marketplace where each Council and CCG has different contract terms and specifications and there are, as a result, different monitoring and performance management arrangements in each local authority area. In addition, there are a range of different rates being paid for similar services and a fragmented approach to market engagement and facilitation.
- 3.6 The LCR strategic leadership board recognises that this is an inefficient way of operating and that it creates challenges and unnecessary administration, duplication and bureaucracy for both commissioning organisations and providers.
- 3.7 There are approximately 500 providers providing residential and community care across the LCR with an average weekly spend of over £7m across the region. Many providers are commissioned across multiple LCR Councils; e.g. the four largest supported living providers in the LCR (in terms of spend) have a presence in each of the six Councils areas.

- 3.8 The commissioning intentions in relation to the LCR Complex Care FPS are underpinned by national policy initiatives including The Transforming Care Programme and the Care Act 2014:

### **Transforming Care**

- 3.9 The national Transforming Care Programme is designed to improve health and care services for people with complex needs so that more people can live in the community, with the right support, close to home. The programme has three key aims:
- To improve quality of care for people with a learning disability and/or autism;
  - To improve quality of life for people with a learning disability and/or autism;
  - To enhance community capacity, thereby reducing inappropriate hospital admissions and length of stay.

### **Care Act 2014**

- 3.10 The Care Act 2014 places a duty on local authorities to promote the wellbeing of people and to help them live independently for as long as possible. The Act places an emphasis on:
- Provision of information and advice about local care and support services;
  - Supporting a sustainable market;
  - A more personalised approach to assessment and support.

### **Commissioning Intentions**

- 3.11 Using the flexibilities permitted under the 'light touch regime' for social and other services as listed at Schedule 3 of the Public Contracts Regulations 2015, LCR intends to create a bespoke FPS which will operate as a common, shared 'marketplace'.
- 3.12 The FPS will create a single entry point for the six Councils and CCG partners to commission services and a single route for providers to register to supply services. There will be a common set of contract terms and service specifications in operation across LCR which will include a shared outcome and quality monitoring framework.
- 3.13 The FPS will remain open so that new providers can join as the market evolves. This will maximise the level of choice people have when choosing services in line with the Care Act, which is particularly important where accommodation is provided alongside care and support.

## Proposed Scope of Services

3.14 The LCR Councils' intention is that the FPS covers specialist services for adult aged 18 (or 16 as part of a transition from children's services) to 65 with complex needs. However, it is recognised that on occasion, young people and/or older adults with complex needs may require specialist services to be commissioned via the FPS. The proposed service user groups and services which will be included in the scope are as follows:

### 3.14.1 People with:

- Learning Disabilities
- Autism
- Mental Health Conditions (including Forensic Needs)
- Acquired Brain Injury
- Physical Disabilities
- Dual Diagnosis (including secondary substance misuse issues)

### 3.14.2 Proposed Service Areas

The LCR Councils are in the process of developing the service scope. It is intended that the following services will be included:

- Supported Living
- Residential and Nursing Care
- Shared Lives
- Day Opportunities
- Respite Services (including Emergency Accommodation)
- Rehabilitation Services
- Positive Behaviour Support Services
- Independent Support Planning/ Brokerage Services
- Employment Support Services

3.15 Following feedback from the provider market it has been suggested that an additional service for Transitions should be included in the scope. This is currently being considered and if agreed will be included at a later date.

3.16 The new FPS will be designed to put people who receive services at the centre of the support planning process and empower personal choice, using a personal budget where possible, within the support options and budget available. Where suitable options do not exist, LCR Councils will work with the market to develop new services and/or capacity where needed.

### Anticipated Benefits

3.17 It is anticipated that the FPS will deliver a number of benefits for Councils, CCGs, providers and people who receive services. These include:

- Efficiency gains by reducing duplication and fragmentation of commissioning and procurement arrangements for complex care;
- Combining knowledge, expertise and data to target resources, tailor services and improve overall quality, capacity and performance;
- More strategic market facilitation and engagement to improve quality and create more sustainability and diversity in the market;
- Promotion of personalisation and implementation of personal budgets and self-directed support;
- Engendering of a culture of co-production and partnership working across the region;
- More efficient micro-commissioning and capacity management;
- Maximisation of choice and control for people with complex needs;
- Streamlining contract and supplier management and outcome and performance monitoring.

### 3.18 Proposed Timescales

Key Procurement Activity	Timeline
Soft Market Testing / Provider Engagement	August / September 2018
Procurement Launched	Late October 2018
Evaluations Completed	Late December 2018
Report and Delegated Approval to Award	January 2019
New LCR FPS Implemented	February 2019

### Transition to the New FPS

3.19 Existing services (commissioned under existing and previous arrangements) will continue 'as is' following implementation of the FPS pending further review activity. Once established, it is proposed that Wirral Health and Care Commissioning would commission new services from providers registered on the FPS wherever possible.

3.20 Existing support planning systems will continue to be used, and the FPS will work alongside any other dynamic purchasing schemes and care arranging processes which may be operating within Wirral.

3.21 The FPS will support the strategic commissioning intentions of Wirral Health and Care Commissioning and will be flexible to accommodate the move towards outcome based and place based commissioning.

- 3.22 Commissioners across LCR in conjunction with CCG partners will be reviewing the current arrangements to identify the most efficient and practical process in preparation for the FPS being available early in 2019. In the longer term is anticipated that the FPS will link to the support planning process and where possible will be integrated with current systems. A fully costed options appraisal will be produced at a later date.
- 3.23 Providers who are registered with the FPS will also be identified on the “Live Well Wirral” on line directory to promote choice and to support people who use services, and professionals, in identifying their preferred support providers.

#### **4 OTHER OPTIONS CONSIDERED**

- 4.1 Consideration has been given to Wirral Health and Care Commissioning operating its own existing FPS. Given the strategic direction and mandate of the LCR strategic board in relation to health and social care and the clear benefits of working collaboratively, it is proposed that this option is not pursued.

#### **5 FINANCIAL IMPLICATIONS**

- 5.1 The Council’s current annual expenditure on services for people with complex needs which will fall under the scope of the FPS is projected to be £39.74m for 2018/19.
- 5.2 There is a one off cost of £14,000 to Liverpool City Council for preparing the procurement exercise on behalf of LCR. The overall annual management cost associated with the FPS is £7,000 per annum, however, it is recognised that this will be subject to review following year one when there will be more clarity on the resource implications for Liverpool City Council. Any suggested changes in cost following than year one review will go through the usual governance processes.
- 5.3 These costs will be shared per head of population by Knowsley, Halton, Sefton, St Helen’s and Wirral. The overall cost to Wirral for year one is circa £6,450.00. The ongoing annual cost will be £2,142.00.
- 5.4 There will be no change to the fee rates paid for existing services and the existing prices will continue to be applied to the commissioning of new services under the new FPS. There is, however, a separate LCR strategic work stream in place which is analysing the differentials in levels of need and rates. This work stream will continue alongside the development of the new LCR Complex Care FPS.

## 6 ENGAGEMENT / CONSULTATION

- 6.1 Initial market engagement has taken place. Liverpool City Council as the lead for the procurement has published detailed information for providers on the proposals and conducted an initial provider engagement event. Feedback from the provider market has been very positive. Engagement with the market will continue to ensure that the approach to the FPS works for the provider market.
- 6.2 Whilst the creation of the FPS in itself will not directly impact on people who currently receive services, it is intended to use the new FPS as a catalyst to significantly improve the information made available to people as part of the support planning process and to create genuine choice within the options available. Detailed consultation will be undertaken with service users on the specifics of how the FPS will work from the perspective of people who are being enabled to plan their support and select a service provider.

## 7 LEGAL IMPLICATIONS

- 7.1 Whilst Liverpool City Council will lead on the procurement of the FPS, each participating Council and CCG will contract services within it directly from providers so will be fully responsible for all aspects of their own procurement activity.
- 7.2 As a condition of being offered a place on the FPS, providers will be required to accept the terms and conditions applying to each individual contract entered under the FPS over time. These terms and conditions will be produced jointly by Legal Services teams across LCR which will protect each organisation on a wide range of issues, including:
- risk/liabilities/insurance
  - appropriate warranties and indemnities
  - control, monitoring, project management and reporting provisions
  - data protection and confidentiality
  - safeguarding
  - quality and performance
  - best value and continuous improvement
  - dispute resolution
- 7.3 Other legal documentation required includes the following:
- The rules of the FPS
  - The application form for providers wishing to join the FPS
  - Template work orders for each appointment
  - An inter-authority agreement between the purchasing bodies setting out the arrangements between them.



## 8 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 8.1 There are no implications for ICT, Staffing and Assets at this time. Commissioners from Wirral Health and Care Commissioning have been working collaboratively with Commissioners across LCR to support the development of the required specifications.

## 9 EQUALITY IMPLICATIONS

Equality Impact Assessment (EIA) can be found: -

**Strategy** (Health & Care, Intelligence, Communications, Growth, Health & Wellbeing, Strategy, Environment, Schools Commission, Housing Commission)  
<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2017>

**Delivery** (Customer Services, Adult & Disability Services, Community Services, Merseyside Pension Fund, Environmental Services)  
<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2017/delivery>

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### APPENDICES

N/A

### REFERENCE MATERIAL

N/A

### HISTORY

Meeting	Date