



Joint Strategic Commissioning Board

25th July 2024

REPORT TITLE:	PHASE 2 INTERMEDIATE CARE REVIEW
REPORT OF:	SAYYED OSMAN, DIRECTOR OF ADULTS, HEALTH AND STRATEGIC COMMISSIONING AND SIMON BANKS, PLACE DIRECTOR (WIRRAL) NHS CHESHIRE AND MERSEYSIDE

REPORT SUMMARY

This report seeks agreement in from the Joint Strategic Commissioning Board to progress to phase 2 of the proposed commissioning intentions for Clatterbridge Intermediate Care Centre (CICC) which will be procured via NHS Cheshire and Merseyside

The report sets out the progress to date following the agreements made at the Wirral Place Partnership Board meeting of February 2024 and the requirement to recommission the service based on procurement advice in line with the Provider Selection regime.

The proposed actions affect people from all wards within the borough and this is a key decision.

RECOMMENDATION/S

The Joint Strategic Commissioning Board is recommended to:

1. endorse that a procurement exercise be carried out by NHS Cheshire and Merseyside Integrated Commissioning Board by way of a competitive process in accordance with the Provider Selection Regime for a contract for the provision of intermediate care services. The contractual terms will be agreed by NHS Cheshire and Merseyside and in accordance with the specification set out on in this report.
2. note the extension with the current provider Wirral Community Health and Care Trust until 1st September 2025.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To support NHS Cheshire and Merseyside to implement commissioning intentions for the Clatterbridge Intermediate Care Centre as outlined within the report.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Other options have been considered in line with the provider selection regime, these included:
- Direct award A- this is act of awarding the contract to the current contract holder as it is deemed that they are the only provider that can deliver the health care service. This option has been discounted as there is more than one service that could deliver the service.
 - Direct Award B- this option allows multiple providers to enter the market. This does not apply as it is not the intended to be open choice of provider for this service.
 - Direct Award C is applied when the proposed contracting arrangements are not changing considerably. As the ultimate contract award is likely to breach the considerable change threshold for this process this too has been discounted. Most Suitable provider. This could be used but could be subject to challenge.

3.0 BACKGROUND INFORMATION

- 3.1 Phase 1 of the review was completed in January 2024, and has travelled through the governance routes including Wirral Place Partnership Board (March 2024) and NHS Cheshire and Merseyside Finance, Investment and Resource Committee.
- 3.2 The recommendations and approvals made within these fora Included:
- The extension with the current provider Wirral Community Health and Care Trust until 1st September 2025.
 - During this extension period a change to the current service specification to improve service delivery in relation to medical cover into CICC. The contract for medical cover to the CICC beds is currently held by Civic Medical Centre under a sub contract and will expire on 31st September 2024 whereupon the medical cover provided pursuant to this contract cover will move back into the main contract provision in line with the revised service specification. The current provider (Wirral Community Health and care Trust) will therefore be notified, and responsibility for medical cover will therefore sit with the provider from 1st October 2024 until the expiry of the contract on 1st September 2025
 - The pharmaceutical contract expired in March 2024; this service has now been in housed.
 - The development of a new service specification to be implemented September 2025
 - Procurement advice to be sought in line with the provider selection regime.

3.3 Based on phase 1 of the review a new service specification has been drafted (appendix 2) . This has been led by commissioning clinicians. The draft specification will form part of the pre- procurement to allow all interested parties the opportunity to comment upon and amendments to be made pre formal publication.

4.0 FINANCIAL IMPLICATIONS

4.1 The intermediate care beds are jointly commissioned between NHS Cheshire and Merseyside and the Council through the Better Care Fund (BCF). The value of the Better Care Fund for 2024/25 is £62m based on contributions from NHS Cheshire and Merseyside and Wirral Council. The current CICC contract for 71 beds has a value of £6.5 plus a further £0.2m for medical cover. This is included in the BCF plan for 2024/25. A further update on the financial implications will be given to the Joint Strategic Commissioning Board once the outcome of the procurement process is known.

5.0 LEGAL IMPLICATIONS

5.1 The Provider Selection Regime (PSR) was introduced by regulations made under the Health and Care Act 2022 and is a set of rules for procuring health care services by (amongst others) Integrated care boards, NHS trusts and NHS foundation trusts and Local authorities

5.2 The PSR has introduced three alternative selection processes which are:

- **Direct award processes (A, B, and C).** These involve awarding contracts to providers when there is limited or no reason to seek to change from the existing provider; or to assess providers against one another, because:
 - the existing provider is the only provider that can deliver the health care services (direct award process A);
 - patients have a choice of providers and the number of providers is not restricted by the relevant authority (direct award process B); or
 - the existing provider is satisfying its existing contract, will likely satisfy the new contract to a sufficient standard, and the proposed contracting arrangements are not changing considerably (direct award process C);
- **Most suitable provider process.** This involves awarding a contract to providers without running a competitive process, because the relevant authority can identify the most suitable provider.
- **Competitive process.** This involves running a competitive process to award a contract.

5.3 The recommendations within this report involve endorsing a competitive process for the tendering exercise.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 The Transfer of Undertakings (Protection of Employment) Regulations 2006 will be applicable on cessation of a contract and the services provided under that contract passing from one provider to another.

7.0 RELEVANT RISKS

- 7.1 It is necessary to recommission the services highlighted to comply with the Provider Selection Regime. With the decision to procure the beds, risk of challenge to NHS Cheshire and Merseyside's decision making is mitigated as all interested parties can bid to provide the CICC services.
- 7.2 Any tender process it would need to begin in September 2024. A potential timeline is attached as Appendix 1. There will be a procurement cost to NHS Cheshire and Merseyside, which has been considered as part of the decision making.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 As part of the procurement process, a market engagement event will be held to both gauge the interest of the market, receive feedback on the draft service specification and to inform interested providers of the detail of the service to be commissioned.

9.0 EQUALITY IMPLICATIONS

- 9.1 At the commencement of the recommission an Equality Impact Assessment (EIA) will be undertaken to ensure that equality impacts are identified, and actions are taken to mitigate any negative impacts. Equality implications will be part of the re-commissioning process and we expect any partner agency to be able to demonstrate compliance throughout the contract.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 Awarding of the contract will be assessed against social value targets and NHS Cheshire and Merseyside's green Plan 2022.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 The commissioning of this service within Wirral which is available for all ward across the borough will support employment within the economy. This will be assessed as part of the procurement exercise.

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APPENDICES

Appendix 1 Proposed procurement timeline

Appendix 2 Service Specification

BACKGROUND PAPERS

The Provider Selection Regime (PSR) statutory guidance -

<https://www.england.nhs.uk/publication/the-provider-selection-regime-statutory-guidance/>

TERMS OF REFERENCE

This report is being considered by the Joint Strategic Commissioning Board in accordance with its Terms of Reference as follows:

- To ensure effective stewardship of Section 75 pooled monies and address any issues of concern;

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Wirral Based Partnership Board	February 2024