

**Decision Maker:** EXECUTIVE

**Date:** For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Tuesday 13<sup>th</sup> June 2017

**Decision Type:** Non-Urgent Executive Key

**Title:** REABLEMENT SERVICE CONTRACT AWARD PART 1  
(PUBLIC) INFORMATION

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**Chief Officer:** Lorna Blackwood, Director of Health Integration Programme

**Ward:** Borough-wide

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1. Reason for report

- 1.1 In accordance with the Council's financial and contractual regulations requirements, this report sets out recommendations for the future provision of the Reablement Services. The report should be read in conjunction with the Part Two report "Reablement Services – Contract Award".
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2. RECOMMENDATIONS

- 2.1 The Care Services Policy Development and Scrutiny Committee is asked to note and comment on the contents of this report prior to the Council's Executive being requested to:
- 1) Note that Bromley Clinical Commissioning Group (BCCG) intends to award a contract for community provision to include the Council's Reablement Service, commencing on 1 December 2017 for a period of 5 years until 2022, with the potential to extend for a further period of up to 2 years;
  - 2) Agree that the contributions for this service will be made via the existing agreement which the Council has with the BCCG under Section 75 of the NHS Act 2006; and,
  - 3) Note that consultation with staff, trade unions and departmental representatives commenced on 15 May 2017 and ended on 13 June regarding the proposals for the BCCG awarding a contract for community provision which includes the Council's Reablement Service. Meetings have taken place with staff affected by these proposals, without prejudice to any subsequent TUPE staff/trade unions consultation in the event of the contract being awarded as per 2.2 above. A summary of the responses received during consultation are attached in the Part 2 Report of the same name, comments received after the publication of this report will be tabled at the meeting.

### Corporate Policy

1. Policy Status: Existing Policy: Commissioning Programme
  2. BBB Priority: Excellent Council Supporting Independence:
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### Financial

1. Cost of proposal: Up to £1,426k per annum
  2. Ongoing costs: Recurring
  3. Budget head/performance centre: 831001
  4. Total current budget for this head: £1,680k
  5. Source of funding: Core funding and Better Care Fund
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### Staff

1. Number of staff (current and additional): 22 (17.6FTEs)
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: Statutory Requirement:
  2. Call-in: Applicable:
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):  
Up to 900 per annum
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### **3. BACKGROUND**

- 3.1 The Reablement Service provides short term personal care and support to vulnerable adults. The purpose of this service is to reable and reskill people, often following an acute health crisis, referred by care management teams to help reduce the number of people requiring longer term ongoing care.
- 3.2 The service currently supports approximately 50 service users at a time and approx. 500 service users per year. Service users can receive a service for up to 6 weeks to help them remain or regain their independence as far as possible, reduce or prevent the need the need for longer term intervention, such as further hospital admissions or longer term care packages.
- 3.3 Following Executive approval in July 2013 (report No CS13017) the service was tendered as part of a lot of other services including Extra Care Housing and the Community Alarm Services. This lot was subsequently withdrawn from the process and in September 2016 the Executive agreed to tender the services with the Bromley Clinical Commissioning Group's community contract tender (report No CS17032).

### **4. INFORMATION ON THE TENDER**

- 4.1 The tender was part of a large community care tender, and was managed in 3 lots, the Reablement Service was included in Lot 3.
  - Lot 1: Children's Community Services
  - Lot 2: Adult Community Based Services
  - Lot 3: Integrated Rapid Response and Transfer of Care Services
- 4.2 It was beneficial to incorporate the Reablement Service in this tender as the service works closely with other hospital discharge services, and can be supported by other pathways, including rehabilitation and medical response service.
- 4.3 Bidders were asked how they would construct the services to maximise resources, ensure efficiencies, provide a seamless service for residents whilst ensuring Bromley Care Management remain the principal point of referral.
- 4.4 Commissioners have evidenced that where service users are offered an optimum amount of reablement this can have significant benefits on reducing ongoing longer term care. As outlined in the Gateway Report ( CS17032) bidders were therefore required to submit tenders based on providing reablement for circa 700 service users (with an option to increase this up to 900), an increase on current levels, and to typically ensure service users receive 30-42 hours of reablement.
- 4.5 To ensure that the Council remains in control of flow and cost, bidders were also informed that care management would be the source of referral and that they were required to give an hourly rate for delivery of the service.

### **5. JUSTIFICATION FOR AWARD**

- 5.1 The result of the evaluation process is shown in the part 2 report. Council Officers were included in the evaluation of the relevant sections of the tender, including finance officers.
- 5.2 The recommended provider demonstrated a good level of quality, including an integrated approach to working across the various hospital discharge pathways and working with the Council's care management teams. The Provider demonstrated within their tender a

commitment to work with service users to enable them to retain and/or regain as much independence as possible, as well as involving the service users' wider circle of support post the reablement period in addition to:

- Reduced reliance on ongoing social care support
- Avoidance of re-admission within 6 weeks of discharge
- Improved co-ordination of appropriate wrap around community services
- Monitoring of service users through the use of NHS numbers.
- Identification of trends and improvement in knowledge of service use/demand

5.3 The bid submitted includes a proposal to transfer the Council staff who are currently employed within the Reablement Service to the successful provider. In accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) as amended (2014). The bid also includes ongoing pension liabilities associated with staff who it is proposed would transfer to the provider in accordance with the Councils Pension Statement included in the Part 2 report.

5.4 The contract will be monitored by the CCG who have agreed a payment condition of 60% on core service delivery, 20% on reaching activity volumes, and 20% on achieving agreed outcomes. The Council will receive monitoring data and work closely with the CCG on contract monitoring.

5.5 If awarded the final contract award is subject to due diligence and the provider becoming an admitted body into the Council's Pension Fund.

## **6. SUSTAINABILITY/IMPACT ASSESSMENTS**

6.1 The recommendation to award the contract has been judged to have no negative impact on local people and communities as there is no proposed change of service.

## **7. POLICY IMPLICATIONS**

7.1 The reablement service supports the Building a Better Bromley priorities in supporting independence.

## **8. FINANCIAL IMPLICATIONS**

8.1 Please see Part 2 (Exempt) report for the financial implications.

## **9. IMPACT ON VULNERABLE PEOPLE AND CHILDREN**

9.1 Reablement supports vulnerable adults. The recommendation assumes that there will be no change to the service being available.

## **10. LEGAL IMPLICATIONS**

10.1 This report asks the Executive to note that BCCG intends to award a contract for community provision including at Lot 3 a reablement service for a period of up to 7 years starting on 01 December 2017.

10.2 The National Health Service Act 2006 section 75 permits the Council to delegate certain functions to or work with the CCG. The report refers to a section 75 agreement the Council already holds with the CCG delegating powers to the CCG and officers need to ensure that reablement service is included within the scope of this Agreement.

- 10.3 The anticipated cost of the reablement service to the Council is in the region of £9,982,000.
- 10.4 All health services contracts must be advertised, where the value of the contract exceeds the financial threshold. This process was undertaken by the Bromley CCG in accordance with Bromley CCG's Financial Regulations and Contract Procedure Rules.
- 10.5 If the reablement service is transferred to the BCCG's contractor then there are TUPE and pension implications. As Council staff are likely to transfer to the Contractor, the Council will ensure that the BCCG's contract with the contractor includes appropriate provisions to deal with TUPE and pensions liabilities. The Council needs to ensure compliance with its statutory duty under section 101 and 102 of the Local Government Act 2003 to secure pension protection for staff.
- 10.6 The report author will need to consult with the Legal Department regarding the scope and value of the section 75 agreement.

## 11. PERSONNEL IMPLICATIONS

- 11.1 There has been regular engagement with staff, trade unions and departmental representatives around the current market testing of these services since May 2016. As indicated in previous reports informal engagement with staff and their representatives in relation to the market testing of the Reablement Service has been ongoing since 2011 following the publication of the Department Business Plan which outlined the services identified for market testing.
- 11.2 There are 22 (17.6 FTEs) staff employed by Bromley Council working across the Reablement Service who are in scope of these proposals, see Appendix 1. Any staffing implications arising from these proposals or potential award will need to be carefully planned for and managed in accordance with Council policies and procedures and with due regard for the existing framework of employment law. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) as amended (2014) will apply to these proposals and any legal and financial implications arising from this. If the Bromley Clinical Commissioning Group (BCCG) agree to award the contract then the staff working in the posts set out in the Part 2 Report would transfer to the commissioned providers.
- 11.3 Formal consultation with staff and the trade unions on the detailed proposals outlined in this report commenced on 15 May 2017, and ended on 13 June 2017. This involved meetings with the affected staff groups. Trade Unions were also offered the opportunity to meet with management to discuss the proposals. . A summary of the main points raised during the consultation process and management responses is included in the Part 2 report.
- 11.4 Should the proposals be agreed then a further period of consultation on the detailed transfer proposals would take place with staff and their trade union representatives in accordance with employment legislation and the Council's Managing Change procedures. This will enable staff to explore in more detail the impact of the transfer on their employment situation.
- 11.5 If Members agree to the recommendations in this report, staff and their representatives will be updated as appropriate.

<b>Non-Applicable Sections:</b>	N/A
Background Documents: (Access via Contact Officer)	Adults Social Care Report CS13017 Adult Social Care Update Report No. CS17032

**Posts Affected**

<b>Job Title</b>	<b>Grade</b>	<b>Number of staff</b>	<b>Number of staff (FTE)</b>
<b>Group Manager</b>	<b>BR13</b>	<b>1</b>	<b>1</b>
<b>Planning Officers</b>	<b>BR7</b>	<b>2</b>	<b>2</b>
<b>Clerical Officers</b>	<b>BR5</b>	<b>2</b>	<b>0.8</b>
<b>Reablement Facilitators</b>	<b>BR5</b>	<b>17</b>	<b>13.8</b>
<b>TOTAL</b>		<b>22</b>	<b>17.6</b>