

Wiltshire Council

Cabinet

27 March 2018

Subject: Integrated Community Equipment and Support Services - Recommissioning

Cabinet Member: Jerry Wickham - Adult Social Care, Public Health and Public Protection

Key Decision: Yes

Executive Summary

Wiltshire Council and NHS Wiltshire Clinical Commissioning Group (CCG) currently delivers its Integrated Community Equipment and Support Services (details of the current service can be found at Appendix 1) through a contract with Medequip. This contract, held by the Council on behalf of both organisations, was extended for two years in July 2016 and is now due to end on 3rd January 2019.

Wiltshire Council and Wiltshire CCG's original intention was to remodel and commission these services, but we have recently been approached by Bath and North East Somerset (BaNES) and Swindon to explore opportunities around commissioning these services jointly, as part of the BaNES, Swindon and Wiltshire (BSW) Sustainability and Transformation Partnership (STP).

It is felt that this opportunity requires further examination, as it could produce greater efficiencies and would support a consistent service across the STP footprint. The potential benefits of an STP wide contract, including savings, would also be a positive impact on hospital discharges, if all hospitals are working to a common process and contract performance.

The impact of this engagement and scoping stage to Wiltshire's original timeline means, to ensure we have continuation of service in Wiltshire, we would further extend the current Wiltshire ICESS contract with Medequip.

This paper is seeking an exemption to the Medequip contract for up to 18 months, 12 months plus the option for a further 6 months. This will allow flexibility of the commissioning approach, including the option to revert to Wiltshire commissioning on its own if efficiencies cannot be achieved under the BSW STP. This approach would also require the agreement of the provider.

BaNES, Swindon and Wiltshire agreed to an early engagement meeting in February 2018. Details of current service models and the future commissioning strategies of each organisation was shared and a meeting is being arranged in March 2018 to develop joint recommendations, including robust collaborative commissioning and governance arrangements.

Proposals

Cabinet is asked to:

- a) Agree to the opportunities being explored for a joint commissioning exercise between BaNES, Swindon and Wiltshire STP, of integrated community equipment and support services.
- b) Authorise an exemption to Wiltshire Council's Integrated Community Equipment and Support Services to enable up to a further 18 months extension of the Medequip contract, that will be applied in a 12 months period, plus the option for a further 6 months.

Reason for Proposals

1. The purpose of this paper is to outline the potential of a joint commissioning process between BaNES, Swindon and Wiltshire Sustainability and Transformation Partnership, of integrated community equipment and support services.
3. This report is seeking for Cabinet to grant a formal exemption to the procurement rules to enable a further 18 months extension of the Medequip contract, that will be applied in a 12 months period, plus the option for a further 6 months, to deliver Wiltshire Council's Integrated Community Equipment and Support Services.

Carlton Brand – Corporate Director

Wiltshire Council

Cabinet

27 March 2018

Subject: **Integrated Community Equipment and Support Services - Recommissioning**

Cabinet Member: **Jerry Wickham - Adult Social Care, Public Health and Public Protection**

Key Decision: **Yes**

Purpose of Report

1. Wiltshire Council and NHS Wiltshire Clinical Commissioning Group (CCG) currently delivers its Integrated Community Equipment and Support Services (ICESS) (details of the current service can be found at Appendix 1) through a contract with Medequip. This contract, held by the Council on behalf of both commissioners, was extended for two years in July 2016 and is now due to end on 3rd January 2019.
2. Wiltshire Council and Wiltshire CCG's original intention was to remodel and commission these services, but have recently been approached by BaNES and Swindon to explore opportunities around commissioning these services jointly, as part of the BSW STP.
3. It is felt that this opportunity requires further examination, as it could produce greater efficiencies and would support a consistent service across the STP footprint. The potential benefits of an STP wide contract, including savings, would also be a positive impact on hospital discharge, if all hospitals are working to a common process and contract performance.
4. The impact of this engagement and scoping stage to Wiltshire's original timeline means, to ensure we have continuation of service in Wiltshire, we would further extend the current Wiltshire ICESS contract with Medequip.
5. This paper is seeking an exemption to the Medequip contract for up to 18 months, 12 months plus the option for a further 6 months. This will allow flexibility of the commissioning approach, including the option to revert to Wiltshire commissioning on its own if efficiencies cannot be achieved under the BSW STP. This approach would also require the agreement of the provider.
6. BaNES, Swindon and Wiltshire agreed to an early engagement meeting in February 2018. Details of current service models and the future commissioning strategies of each organisation was shared and a meeting is being arranged in March 2018 to develop joint recommendations, including robust governance arrangements.

Relevance to the Council's Business Plan

7. ICESS supports Wiltshire Council's business plan objectives in several ways. It supports the key priority to 'Protect those who are most Vulnerable' through countywide provision of equipment and adaptations in a timely and consistent way.
8. Wiltshire's Joint Health and Wellbeing Strategy sets out the main areas that working together will be a priority for health and social care organisations in Wiltshire. The provision of integrated community equipment supports and sustains healthy, independent living, which supports two key aims described in the strategy:
 - Healthy lives: encouraging communities, families and individuals to take on more responsibility for their own health.
 - Empowered lives: personalising care and delivering care in the most appropriate setting at or as close to home as possible.

Background

9. The ICESS contract has an important role in enabling people to remain in their own homes and links with other community based services delivered by health and social care by providing:
 - Provision of community products and equipment.
 - Telecare (installation and maintenance).
 - Provision of aids and adaptations.
 - Delivery of continence products.
 - Retail outlets/demonstration facilities.
 - Home improvements and handyperson service.
 - Pressure area care.
10. Telecare, sometimes referred to as assistive technology, (installation and maintenance) has already been re-commissioned as part of the Integrated Urgent Care contract and will be delivered by Medvivo from January 2019, so will not be included within a future ICESS procurement for Wiltshire.
11. The service delivers a safe, effective, personalised and fair service to people with health and social care needs, who require a range of community equipment and services to be supported to remain in their own homes.

Main Considerations for the Council

12. The need to facilitate earlier discharges and to support more people within the community has increased the need for efficient, appropriately resourced equipment services and referrals into the service have subsequently grown. This increase in demand is expected to continue and, where equipment may avoid the need for spend on more costly interventions (such as domiciliary care and care home placements), this is encouraged.

13. The key objectives are to provide services that:

- are sustainable, efficient and effective for the benefit of all customers in Wiltshire, whether they receive the service through the Commissioning Partners or fund the service themselves.
- offer a single point of contact for all community equipment and products and provide practical help to enquiries/requests.
- provide a one-stop-shop where assessment, provision and delivery of products/equipment and related services can be provided where appropriate.
- allow people to maintain their independence and live their life by having access to appropriate equipment, adaptations and products to support them to meet their outcomes.
- enables health and social care support to be delivered where the customer lives.
- contributes to the prevention of inappropriate hospital admission or care home placement through the provision of timely and appropriate equipment and support services.
- supports safe and timely hospital discharge.
- contributes to supporting a carer to continue safely in their caring role.
- maximises opportunities to recycle equipment by offering Customers a 'buy back' service for equipment that is no longer required that can be offered to others through the contract.
- gives value for money to Commissioners and Customers.

14. As detailed at Appendix 1 – Current Service Provision, we are meeting our key objectives through commissioned services within our ICESS contract.

Overview and Scrutiny Engagement

15. The chair and vice-chair of the Health Select Committee were briefed on this report prior to consideration by Cabinet. Information will be provided to the Health Select Committee once the plans for a joint procurement are clearer.

16. Wiltshire Council and Wiltshire CCG have undertaken other engagement sessions with key stakeholders and briefings have been provided for the Joint Commissioning Board in February 2018.

Safeguarding Implications

17. Current contract arrangements with the ICESS provider contain robust safeguarding measures in line with Council and CCG policy. Contracts give clear direction on how and when to raise a safeguarding alert to avoid any confusion about who will do this and/or assumptions that someone else will raise the alert. Contracts also ensure that any issues relating to child protection are identified and appropriate referral made to children's services. Any new service specification will continue to include these robust measures.

Public Health Implications

18. The current service specification is underpinned by public health data and evidence with relevant Key Performance Indicators. As part of the

recommissioning route, public health data and evidence will be analysed to support the development of the specification for optimum service coverage and delivery.

Procurement Implications

19. The option of Wiltshire participating in a joint procurement for its community equipment services, as part of the BSW STP footprint, has been discussed with Officers within the Strategic Procurement Hub (SPH). To allow sufficient time to complete analysis of options available, Officers from the SPH agree that an exemption to the current ICESS contract is needed.
20. Officers from the SPH will be involved in the analysis of options available and will inform the decision about the most appropriate commissioning approach. This will ensure that, whichever option is decided upon, awarding the contract can demonstrate the arrangements comply with the requirements of Best Value and other applicable legislation including, where relevant, the EU Procurement Directives.

Equalities Impact of the Proposal (detailing conclusions identified from Equality Analysis, sections 4 and 5)

21. The extension of the current ICESS contract will support equitable access to any individual to health and social care community equipment and adaptations. The specification of future services will state that providers be expected to demonstrate use of local resources. It will require the provision of services which take account of and are committed to ensuring that the organisation/s values diversity and promotes equality and inclusivity on all aspects of its business.

Environmental and Climate Change Considerations

22. The proposal to extend the ICESS contract has no environmental or climate change impacts as:
 - the energy consumption will be remaining roughly at current levels,
 - carbon emissions will be managed through energy efficient options,
 - the impacts of environmental risks are eliminated where possible.

Risks that may arise if the proposed decision and related work is not taken

23. The ICESS contract has been extended for 2 years and there is no further scope for extension within the current contract. If agreement is not reached to grant an exemption, there is a risk that options cannot be explored around the BSW joint commissioning approach and so potential efficiencies not attained.
24. A Wiltshire only commissioning approach will have been delayed and the mobilisation of a new contract will be challenging within the time available.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

25. The current provider does not wish to extend their current agreement. We have had without prejudice conversations with the provider and they are willing to continue to deliver ICESS.
26. With any integrated procurement, it is important to avoid the risk of dispute by agreeing the following:
- setting out the relationship between all partner commissioners. Legal Services will be fully involved throughout the commissioning stage, including the implications of the collaborative commissioning structure, to mitigate the risk of any dispute; and
 - separate terms setting out how the partner commissioners will work together to manage the contract and deal with any risks or liabilities during the lifetime of the contract. The intention is that Legal Services will advise on a separate collaboration agreement to mitigate the risk of any dispute between the commissioners.

Financial Implications

27. Wiltshire Council and Wiltshire CCG currently commission ICESS under a pooled budget within the Better Care Fund. Expenditure against the contract is based upon prescribing/ordering of equipment by health and social care professionals across the system, more detail is set out in Appendix 1 – Current Service Provision.
28. Spend for both the Council and the CCG is monitored by the Contract Monitoring and Review Group (CMRG) and this will continue during the extended period. CMRG has developed an action plan, with the current provider, to identify and implement opportunities for savings.

Legal Implications

29. This is a modification to a public contract and so its extension is governed by the Public Contract Regulations 2015 (PCR). As a general principle PCR does not allow the extension of existing contracts, the extra service contained in the extension usually has to be put to tender. However, there are some exemptions, one of which can be used in this case. In particular, PCR regulation 72 (1) b states that extensions are available where (1) a change cannot be made for reasons of interoperability; and such a change would cause significant cost duplication; and such an extension is not being done to avoid the application of PCR 2015.
30. The swapping out of existing technology for a maximum two year extension would be technically infeasible and cause significant duplication of costs. In addition, it is clear that the extension is to present to the market a better opportunity to the advantage of the Authorities involved and tenderers.
31. This is not a certain argument so it would be prudent to put in place measures to mitigate risk. The Authorities could, now or at least well in advance of the award of any extension, place in the Official Journal a notice notifying the intent to extend the Medequip Contract. If no claim is made within 30 days of the notice being published then risk of challenge is in effect closed down.

Options Considered

32. The following option was considered:

Wiltshire Council to recommission an integrated service on behalf of both commissioners, Wiltshire Council and NHS Wiltshire CCG, without considering the potential for an STP wide process.

33. This option would fail to explore the efficiencies that a consistent service across the STP footprint would support and the potential benefits of an STP wide contract.

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Appendices

Appendix 1 – Current Service Provision (Part ii)