

Wiltshire Council

Cabinet

13 December

Subject: Children's Homecare Services Flexible Framework proposal

Cabinet Member: Cllr Laura Mayes Deputy Leader and Cabinet Member for Children's Services, Education and Skills

Key Decision: Key

Executive Summary

Children's home care is also referred to as domiciliary care and provides CQC registered home and community-based care and support to children and young people aged 0-25. Children's home care supports children and young people to access and participate in activities in the home and in the community and provide respite for family and carers. It provides personal care support including moving and handling responsibilities.

This support helps children and young people to increase their confidence and independence with a combination of emotional, health and social care support.

Children's Homecare Services have been purchased through the Help to Live at Home (HTLAH) framework. Due to the current market challenges, an extension for the current HTLAH was agreed to end on the 31st March 2023.

Through the recommissioning process and market engagement it has become apparent that there is an urgent need to re-engage with the homecare provider market and deliver a new Flexible Framework for children's homecare. This will aim to increase capacity in the market and ensure that children have the support they need in a timely way.

Children's homecare services were included in the Home Care Recommissioning Cabinet Paper (for children and adults) which was approved by Cabinet on 26th April 2022. However, since then the commissioners have reviewed the model for adult care and are submitting a separate proposal to Cabinet.

The purpose of this paper is to propose that children's homecare services are recommissioned in line with the original Cabinet paper in April 2022 but that this will be separate from adults. This will be a material change to the proposals in the Cabinet Paper approved on 26th April 2022.

The recommendation is for children's homecare to be purchased under a two-year Flexible Framework arrangement with the option to extend for a further two years. This will ensure that the service will not be impacted by the current challenges in the adults' market.

Proposal(s)

This report recommends Cabinet agree the following proposals:

1. That children's home care services are purchased through a two-year Flexible Framework with the option to extend for two years (option c).
2. That officers continue to undertake to prepare and complete the tender programme, award and implement a new contract for children's home care by 01 April 2023.
3. To delegate authority to approve and award a new contract and future extensions and all associated documents to the Corporate Director of People in consultation with the Deputy Leader and Cabinet Member for Children's Services, Education and Skills.

Reason for Proposal(s)

- To seek authorisation to purchase children's home care enabling the opportunity to improve sufficiency of children's home care provision.
- Cabinet is asked to authorise the method outlined to complete a tender process that delivers value for money through the new contract.

Terence Herbert
Chief Executive

Wiltshire Council

Cabinet

13 December 2022

Subject: Children's Homecare Services Flexible Framework Proposal

Cabinet Member: Cllr Laura Mayes Deputy Leader and Cabinet Member for Children's Services, Education and Skills

Key Decision: Key

Purpose of Report

1. This report outlines the proposal for children's home care services to be purchased under a two-year Flexible Framework with the option to extend for a further two years.
2. It outlines the reasons why it is recommended that children's home care is recommissioned separately to adults' home care. The tender aims to improve sufficiency of home care for children and young people and their families by developing the market for providers specialising in supporting children and young people.
3. Cabinet is asked to authorise the method outlined to complete a tender process that delivers sufficiency of home care for children and young people.
4. To delegate authority to approve and award a new contract and future extensions and all associated documents to the Director Procurement & Commissioning in consultation with the Deputy Leader and Cabinet Member for Children's Services, Education and Skills.

Relevance to the Council's Business Plan

5. The proposal is relevant to the following priorities and objectives laid down the Council's Business Plan¹:
6. To support the working themes in the council's business plan 2022 to 2032, commissioning priorities are to:
 - a) **Priority 1** - ensure services are in the right place at the right time
 - b) **Priority 2** - ensure right people receive services in the right place i.e. increasing services delivered in the community and in people's homes
 - c) **Priority 3** - ensure right service, right price

Background

7. **Current situation** – Children's home care is currently purchased through Wiltshire's Help to Live at Home (HTLAH) Alliance. The alliance was established in October 2018 and ended on 31 October 2022, subject to approval of an extension.

¹ [Business plan - Wiltshire Council](#)

- 8. Children’s home care services were included in the plans for the new recommissioned service as a drawdown service as detailed in the Home Care Recommissioning Cabinet Paper submitted on 26th April 2022. Children’s commissioners have continued to prepare for the tender programme and are ready for the implementation stage.
- 9. Adult commissioners have reviewed their home care model in the light of challenges in the market and are submitting a separate proposal to Cabinet.
- 10. Demand for children’s home care is increasing. The graph below (figure 1) shows the total number of children’s home care packages commissioned in each year and forecasts for the duration of the new framework. These figures include active and closed packages, and the churn of packages is round 10 packages a year. It is estimated that demand will continue to increase but plateau to around 18% during the new framework.

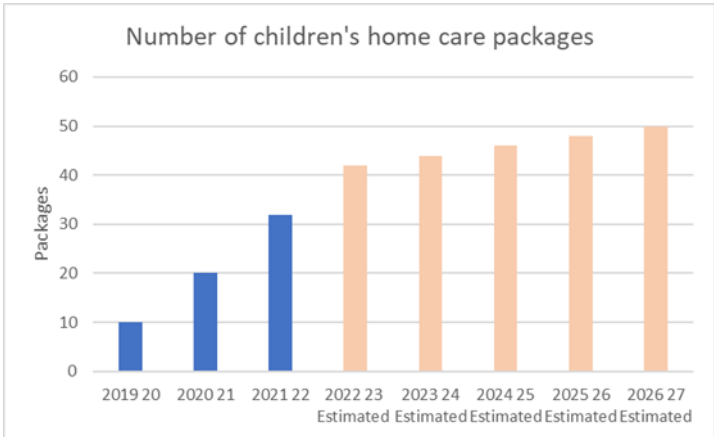


Figure 1

- 11. There are currently 25 active children’s packages of care. There are a further 17 packages (Oct 2022) that we are unable to find support for through our current HTLAH contract. Three of the packages we are trying to find support for have been open for over twelve months.
- 12. The children that we are unable to find a provider to support through home care will have support through social care staff or alternative means until such time as a support package is in place.
- 13. There are currently 107 home care providers working within the HTLAH Alliance. Despite this number of providers, we still have to commission packages of care outside of the HTLAH alliance under spot arrangements.
- 14. Currently there are 10 HTLAH alliance providers supporting 19 packages of care and four non alliance providers supporting six packages of care under spot arrangements.
- 15. The packages that are under spot arrangements are more expensive and hourly rates range from £27.
- 16. The packages that there are challenges in commissioning are mainly in village and rural locations. They tend to be for a low number of hours a week or for ad hoc hours at the weekend.

Main Considerations for the Council

17. The Council has statutory duties to provide support for children with SEND (SEND Act 2001). Children's home care service provides support for children and young people to continue to be at home and to access their education and communities, also providing respite for families.
18. By supporting children and young people and their families at home and in their communities children's home care helps to prevent moves into residential care or into expensive independent special schools, or escalation to statutory services.
19. Market engagement with children's providers highlighted the difficulty that they have finding staff to provide support during the weekends and in rural areas. Providers indicated that they needed flexibility in the rates they could charge in order to attract staff for these types of packages.
20. **Children's Homecare model** - The new children's home care Flexible Framework will be a simple model to offer the flexibility for providers to charge different rates depending on location and unsocial hours. The tender process will invite providers to provide rates for the following situations:
 - a) Type of role e.g. Health Care Assistant or Registered Nurse
 - b) Town / location
 - c) Out of town location (up to 20 miles from nearest town)
 - d) Standard hours (7am – 8pm)
 - e) Enhanced hours, Bank Holiday and Weekends (8.01pm – 6.59am)
 - f) Mileage +20 miles from nearest town
 - g) Option to list other costs
21. **Price Review Mechanism** – There will be a price review mechanism in the new home care Flexible Framework. There is evidence from the December 2020 Cost of Care exercise where it indicated direct staff costs were by some distance the biggest cost providers face, with wage costs ranging from 71% of total costs to 95%. The average was 82%.

To reflect this the EARN03 Index (Average weekly earnings by industry) and CPIH (Consumer Prices Index Including Owner Occupiers' Housing Costs), both based on the January index, will be used to calculate the annual price review mechanism: The overall figure shall be calculated on the basis of EARN03 contributing 80% of the overall uplift, and CPIH 20% of the uplift.

The children's home care services contract will require providers to apply for any uplift and the mechanism will provide the maximum percentage amount a provider can apply for. Providers may not request any uplift until at least December 2024 with the first uplift applying from 1 April 2025 and this will last for the remainder of the contract.

22. **Market Engagement & Indicative Tender Timetable** – Market engagement has continued through the summer with a children's home care market event in May and discussions with key providers have been ongoing. We will be engaging with the market again more formally with a market event in December. The table below details the tender timetable, (Table1).

Date	Task
December 2022	Market Engagement Event – service model
January 2023	Round 1 and evaluation
February 2023	Round 1 Closing/Round 2 Opening
March 2023	Evaluation Period End Date
March 2023	Award Decision Notification
01 April 2023	Alliance Commencement Date

Table 1.

Overview and Scrutiny Engagement

23. A briefing has been held with the Chair and Vice Chair of Children’s Select Committee.

Safeguarding Implications

24. Current contract arrangements with the HTLAH Alliance contain robust safeguarding measures in line with Council 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.

25. Contracts also ensure that any issues relating to child protection are identified and appropriate referral made to children’s services. Any new service specifications under the new Children’s Homecare Flexible Framework will continue to include these robust measures.

Public Health Implications

26. The Children’s Home Care Flexible Framework will benefit the overall health and wellbeing outcomes of children and young people in terms of service continuity and reducing the risk that their health and care outcomes could be compromised if the service was not in place.

Procurement Implications

27. A compliant procurement process will be followed in line with Public Contract Regulations 2015.

28. The procurement process will be designed and run, in conjunction with the Commercial and Procurement team.

29. Consideration to social value implications will be informed through our socially responsible procurement policy and will be taken into consideration when developing the specification for the service.

Equalities Impact of the Proposal

30. The equalities impact of the proposed decision is low against all criteria on the Equalities Risk Criteria Table and, therefore, a full Equalities Impact Assessment is not required

Environmental and Climate Change Considerations

31. It is anticipated that the energy consumption and associated emissions will not alter from their current levels as a result of this proposal

Workforce Implications

32. These proposals relate to a continuation of current activity which is delivered through external suppliers. So, there is little-to-no direct impact on council employed staff.

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

- 33. The report’s proposals offer the most effective mitigation to the following known risks:
 - a) Children’s home care services being delivered outside of a formal contract once current contract arrangements end 31 March 2023
 - b) Undertaking an emergency procurement, which would lack the required time to create a robust opportunity
 - c) Engagement in the market will reduce and will lead to reduced sufficiency
 - d) Emergency spot procurement will lead to a lack of control of costs
 - e) Under spot procurement it is likely that the quality of care will be untested
 - f) Possible lack of consistency of care being received by children, young people and families
 - g) A lack of capacity in the children’s homecare market

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

- 34. There is a risk of increased financial costs of children’s home care, We will mitigate this risk by working with providers to provide efficient and best value support packages.
- 35. There is a risk of reduced sufficiency of packages of care. We will look to mitigate this by engaging in the market and ensuring the Flexible Framework will remain open for new providers to join.

Financial Implications

36. Children’s home care is currently assigned to the Children’s and Young People Disability Team support budget and includes 18-25 olds with SEND. The table below shows the children’s home care service costs from 2020 / 21 including an estimate for 2022/23 showing the unmet demand for packages.

Service	Estimate 22/23	Cost 21/22	Cost 20/21
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Current Children's Packages	£347,307	£275,000	£210,000
Additional demand (approx. value)	£110,400		
Total Spend	£439,919		

Table 2

37. It would not be unreasonable to consider that the annual cost of the new contract would be broadly similar to the current contract but taking into account that there are approximately 17 packages of care that still require support, it is expected to rise as detailed in table 2.

38. The estimated value of the children's home care contract from 1st April 2023 – 30th March 2027 is £2,168,609 for the four-year period.

The breakdown of estimated value is outlined in the table below in table 3:

Service	Years	
Childrens home care service	2023/2024	£ 494,210.86
	2024/2025	£ 523,943.20
Childrens home care extension	2025/2026	£ 560,361.74
	2026/2027	£ 590,094.08
Total		£2,168,609.88

Table 3

39. Further commercially sensitive financial information is contained within appendix 1.

Legal Implications

40. Legal advice has been sought and will continue to be sought on this project. The procurement of the Flexible Framework will need to be undertaken in accordance with the Constitution and Procurement Law. The Flexible Framework will be structured as a Pseudo-Dynamic Purchasing System which will be procured in accordance with the light touch regime under the Public Contracts Regulations 2015. This structure has been used previously by the Council. The proposed arrangements will ensure the Council meets its duties as described more fully above.

Options Considered

41. The options considered are:

- a) **To stop providing children's home care support** – If this option was followed, The Council would not meet its statutory duties in supporting children and young people with SEND. Children and young people and their families' needs could escalate and require expensive interventions which could include moves into residential care or residential Independent Special Schools. There is the risk of escalation to statutory services and the possibility of children becoming looked after by the local authority.
- b) **Purchase children's home care outside of contract** - Buying packages of care on spot arrangements will reduce control over cost and the quality care will

become inconsistent and untested.

- c) **Children's home care services to be purchased under a Flexible Framework-** The Children's Homecare Flexible Framework will be for two years with the option to extend for a further two years, with the aim to improve sufficiency of home care for children and young people and their families by developing the market for providers specialising in supporting children and young people. **This option is recommended**

Conclusions

To meet the demand for children's homecare, provision needs to be commissioned through a new compliant arrangement. The proposed Flexible Framework will help improve sufficiency and meet the needs of children, young people and families in Wiltshire. The Flexible Framework will provide good value for money and ensure consistency of the quality of care.

It is recommended that Cabinet agrees:

1. That children's homecare services are purchased through a two-year Flexible Framework with the option to extend for two years (option c).
2. That officers continue to undertake to prepare and complete the tender programme, award and implement a new contract for children's home care by 01 April 2023.
3. Cabinet delegate authority to approve and award a new contract and future extensions and all associated documents to the Corporate Director People in consultation with the Deputy Leader and Cabinet Member for Children's Services, Education and Skills.

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Date of report
November 2022