


## REPORT TO CABINET

14 October 2020

<b>Subject:</b>	<b>Procurement of Trusted Assessor Service Contract</b>
<b>Presenting Cabinet Member:</b>	<b>Cllr Shaeen – Cabinet Member for Living Healthy Lives</b>
<b>Director:</b>	<b>Neil Cox - Director of Prevention and Protection</b>
<b>Contribution towards Vision 2030:</b>	
<b>Key Decision:</b>	Yes
<b>Cabinet Member Approval and Date:</b>	Yes
<b>Director Approval:</b>	Yes
<b>Reason for Urgency:</b>	Urgency provisions do not apply
<b>Exempt Information Ref:</b>	Exemption provisions do not apply
<b>Ward Councillor (s) Consulted (if applicable):</b>	This is a boroughwide initiative
<b>Scrutiny Consultation Considered?</b>	Scrutiny has not been consulted
<b>Contact Officer(s):</b>	Sukie Virk Collaboration Project Manager - Commissioning and Integration

## **DECISION RECOMMENDATIONS**

### **That Cabinet:**

1. Authorise the Director – Prevention and Protection to undertake the procurement of a block contract for the provision of a Trusted Assessor service.
2. That following the completion of the procurement process, the Cabinet authorise the Director - Prevention and Protection, in consultation with the Cabinet Member for Living Healthy Lives (or equivalent), to award the contract to the successful tenderer for the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2023, with an option to extend for a further year from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024, and where required under the council's Procurement and Contracts Procedure Rules, for signature of the contract by the Director of Law and Governance.
3. Approve an exemption to rule 8.7 of Procurement and Contract Procedure Rules 2018-19, or subsequent amendment, to allow the Director of Prevention and Protection to award contracts to the successful tenderers in the event that the required minimum number of tenders are not received.
4. That Cabinet also approve variations to the Contracts up to a maximum of 10% of the contract value, should they be necessitated, and that authority to approve such variations be delegated to the appropriate Chief Officer in consultation with the relevant Cabinet Member, with a decision notice being published should a variation need to be enacted.

## **1 PURPOSE OF THE REPORT**

- 1.1 This report is seeking approval to commence a tender process and award a Trusted Assessor service block contract to provide resource to support timely and effective hospital discharges for Sandwell residents. This new contract will be effective from the 1<sup>st</sup> April 2021.
- 1.2 The service will be tendered on a two-year contract with an option to extend for a further one year, subject to satisfactory performance.
- 1.3 The estimated value of funding required for the three years is £555,000 (£185,000 per annum). The Joint Partnership Board will fund the service using available Better Care Fund grant.

- 1.4 Approval of the proposed contract would ensure that Adult Social Care (ASC) can meet its obligations around easing pressure on the health and social care system and securing optimum use of hospital provision by minimising avoidable Delayed Transfers of Care in hospital.

## **2 IMPLICATIONS FOR SANDWELL'S VISION**

- 2.1 The proposals contained within this report support the Council Vision 2030 as stated in Ambition 2, "Sandwell is a place where we live healthy lives and live them for longer, and where those of us who are vulnerable feel respected and cared for".
- 2.2 The Council, together with its partners is committed to supporting individuals' safe and timely discharge from hospital and enabling them to live independent lives within their own communities. This provision is designed to mitigate against delays in acute beds when individuals are medically fit, and ensures sufficient time is afforded to enable their social care support to become available.

## **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 The Care Act 2014 updated and re-enacted the provisions of the Community Care (Delayed Discharges) Act 2003, which set out how the NHS and local authorities should work together to minimise delayed discharges of NHS hospital patients from acute care. The NHS is required to notify relevant local authorities of a patient's likely need for care and support where the patient is unlikely to be safely discharged from hospital without arrangements, and to give at least 24 hours' notice of when it intends to discharge the patient.
- 3.2 From 1 April 2015, if a local authority has not carried out an assessment or put in place care and support, and that is the sole reason for a patient not being safely discharged, the NHS body has discretion as to whether to seek reimbursement from the relevant local authority for each day an acute patient's discharge is delayed.

- 3.3 The Better Care Fund is a national programme supporting the integration of health and social care services. The Better Care Fund Policy for 2017-19 has a strong focus on better management of patient flow and Delayed Transfers of Care (DToC), mandating Health and Well-Being (HWB) areas to implement the High Impact Change Model (HICM). The model identifies eight key system changes that have the greatest potential to deliver tangible impacts on patient flow and DToC and was updated in July 2020 to incorporate emerging learning from system responses to the COVID-19 pandemic.
- 3.4 Of the eight key system changes, Change 6, proposes that local systems implement a Trusted Assessor model (*using Trusted Assessors to carry out a holistic assessment of need avoids duplication and speeds up response times so that people can be discharged in a safe and timely way*). Put simply, the model puts forward the idea of one profession or service trusting the assessment of another profession or service and acting upon it. In this case we are asking our local community care providers to trust the assessments carried out by independent assessors on the providers' behalf. Successful outcomes of the Trusted Assessor model should include speeding up the discharge process, thereby reducing delayed discharges. There is no single recognised model for Trusted Assessors, which should be designed through collaboration between health and social care partners to meet local needs.
- 3.5 Trusted Assessor schemes are a national initiative designed to reduce delays when people are ready for discharge from hospital. Providers accept assessments carried out by suitably qualified 'Trusted Assessors' working under formal, written agreements. Assessments and care planning can be undertaken by Trusted Assessor schemes in a way that meets both people's needs and legal requirements on providers. By using Trusted Assessors, the Council can reduce the numbers and waiting times of people awaiting discharge from hospital and help them to move from hospital back home or to another setting speedily, effectively and safely.
- 3.6 The Trusted Assessor service supports the smooth transition for patients from hospital into a care home setting. The primary aims, and objectives of the service are:
- reduction in avoidable discharge delays through more timely assessment

- ensuring there is a single, agreed assessment process to reduce duplication
- reducing the assessment burden for care practitioners and providers.
- improvement hospital discharge arrangements and patient flow
- improving the patient experience
- facilitating safe and timely discharge where issues have arisen which could otherwise compromise the quality or timeliness of the discharge

3.7 The Department of Health and Social Care Hospital Discharge Policy and Operating Model published on 21<sup>st</sup> August 2020 states “using trusted assessment to carry out a holistic strengths-based assessment avoids duplication and speeds up response times so that people can be discharged in a safe and timely way. During COVID -19, it has worked well and should be sustained among professional groups and between care settings”. Health and social care systems are expected to build upon the hospital discharge service developed during the COVID-19 response, incorporate learning from this phase, and ensure discharge to assess processes are fully embedded. The Council have reviewed this guidance and factored in the new increased level of service required.

3.8 A Trusted Assessor service was established in Sandwell on the 11<sup>th</sup> November 2018. A direct award (via an exemption report from Procurement and Contract Procedure Rules) was agreed for a 12-month pilot with the option for the Council to extend for a further 12 months, with the aggregate value for the two years being £180,897.30, based on 44 hours a week service. Further extensions available in the contract were agreed for periods 12<sup>th</sup> November 2019 to 31<sup>st</sup> March 2020 and 1<sup>st</sup> April 2020 to 11<sup>th</sup> November 2020, with an increase to 53 hours per week. Despite there being no further extensions allowed within the contract, a Decision Notice was agreed by Statutory Officers group on 28<sup>th</sup> July 2020 to extend the contract to 31<sup>st</sup> March 2021, whilst a procurement exercise is undertaken.

3.9 The West Midlands Care Association (WMCA) was directly awarded the contract as it was the only sector representative body for regulated care in Sandwell at the time. Following the pilot, the intention was for a longer-term contract to be established that was advertised on the Council’s e-procurement portal, In-Tend.

3.10 The benefits for Sandwell Council of this service are:

- Reduction in delays attributed to the Local Authority.
- A co-ordinated response with health partners in relation to timely and effective hospital discharges.
- Reducing the risk of fines by the Acute Trusts for delays.

#### 3.11 The benefits for service users and carers:

- Timely hospital discharge
- Care delivered in the most appropriate setting
- Reduced time spent in hospital unnecessarily

3.12 The Trusted Assessor service has proved to be an invaluable service especially during the Covid-19 pandemic. The service alleviates the pressure on care home managers having to undertake assessments and they can focus on providing essential care. The feedback received of the service from those care homes using the Trusted Assessor service has been positive.

## **4 THE CURRENT POSITION**

- 4.1 Over recent years the Council has consistently ranked in the top 5 nationally for having the least number of delays attributed against it for individuals medically fit for discharge, and who cannot be transferred due to social care reasons; this is in part due to the Trusted Assessor service and therefore the Joint Partnership Board has remained keen to continue funding the service to ensure that delays continue to be effectively managed.
- 4.2 Cabinet approval is sought to commence the procurement process for a new provider from 1 April 2021 for a two-year contract with an option to extend for a further one year. The service will be from 8am-8pm, 7 days a week (84 hours).
- 4.3 The proposed contract value is £555,000 over the 3 years (£185,000 per annum). The procurement will be undertaken in accordance with EU Procurement rules and Sandwell's Procurement and Contract Procedure rules.

4.4 The Trusted Assessor service primarily works within a hospital setting to facilitate discharges from hospitals to care homes. The Trusted Assessor will facilitate discharges to improve patient experience, clinical safety and patient flow. However, the service can also be used to facilitate timely discharge from Enhanced Assessment Beds that the Council has procured from contracted nursing and residential care home providers, as well as from extra care schemes too. It is anticipated that the service will be expanded to include other service types/provision which will enable further improvements to the Delayed Transfers of Care performance. For example, for restarts of service provision where an individual is already in receipt of a care and support package/placement.

## **5 CONSULTATION WITH CUSTOMERS AND OTHER STAKEHOLDERS**

5.1 Commissioners have consulted with stakeholders across the health and social care system for their view on the service and there is consensus that the loss of the service will jeopardise the timely commencement of packages of care and support, as well as the excellent performance in relation to delays. The loss of the service would undoubtedly result in higher numbers of hospital delays being attributed to the Council and a corresponding risk of fines.

## **6 ALTERNATIVE OPTIONS**

6.1 Without the provision of this service, increases in hospital delays are likely, which will negatively impact on the Council's ability to facilitate timely and effective hospital discharges and maintain its position as one of the highest performing areas in the country. There are no alternative options to maintain the required patient / customer flow.

6.2 In order for care home providers to endorse and buy in to this service, it is important that the assessor function is independent from both the council and the hospital.

6.3 Risks of the service not continuing include:

- Increased delays from hospital
- Increased delays in assessing the patient
- Increased delays in Providers/Schemes ability to accept the individuals in a timely manner

- 6.4 The recommendations if approved would continue to contribute significantly to the effective mitigation of the Adult Social Care risk 037 in respect of delay transfer of care which is currently assessed as green.

## **7 STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 The new service is expected to be funded from the Better Care Fund, the value of the contract is £185,000 per annum, £370,000 for two years and £555,000 for the full three years should the option to extend be exercised.
- 7.2 As this contract is to meet partnership priorities around delayed transfer of care arrangements, services will be provided through external organisations resulting in no impact on the Council's workforce.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 The service contract will fall under the Light Touch Regime of the Public Contract Regulations (PCR) 2015 which allows for greater flexibility for how a procurement is run. However, while there is greater flexibility, the aggregate value of the Contracts is likely to exceed the Official Journal of the European Union (OJEU) threshold when inflationary uplifts over the term of the contracts are applied, and therefore compliance with OJEU in relation to how the tender is run will be required.
- 8.2 The opportunity will be advertised on the Council's electronic procurement portal, in-Tend, and a fully compliant tender process will be undertaken in accordance with both the Council's Procurement and Contract Procedure Rules and the Public Procurement Regulations 2015.
- 8.3 The Council's Procurement and Contract Procedure Rules require Cabinet to approve the award of contracts for the estimated value of the service and this paper seeks this authority.

## **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 An Equality Impact Assessment has been undertaken and there are no negative or adverse impacts identified on any protected groups.
- 9.2 There are no significant equality issues arising from this report. The commissioning of the Trusted Assessor service will ensure that vulnerable people in need of care, including protected groups, will benefit from the provision of support for hospital discharge.



## **10 DATA PROTECTION IMPACT ASSESSMENT**

10.1 Data protection is addressed within the Council's contract for the service.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

11.1 There are no implications from this proposal on crime and disorder.

## **12 SUSTAINABILITY OF PROPOSAL**

12.1 It has been agreed that the funding required for the contract would be made available from the Better Care Fund (BCF). While the future value of the BCF remains uncertain, it now funds a substantial proportion of the services within Adult Social Care. If there were a significant reduction in the value of the BCF, the proposals within this report would be reassessed alongside the wider delivery of social care within Sandwell.

12.2 There are risks in relation to the proposal if the contract is not awarded including:

- if the successful contractor fails to deliver against the contract
- if sufficient bids are not received
- if sufficient staff are not recruited, or the pandemic results in reduced operating capacity
- the pandemic adversely impacting the ability of potential providers to tender for the service

These risks have been assessed and mitigating actions identified in a separate risk assessment. It is considered that sufficient mitigation is in place to ensure that the proposed service will deliver against the specification. As such there is no significant risk that requires reporting.

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

13.1 Additional capacity is required to assist people to be discharged from an acute hospital bed within the agreed timescales, and the proposals contained within this report will support this need.

## **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

14.1 There are no implications from this proposal on the Council's managed property or land.

## **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

15.1 The proposed Trusted Assessor service supports the shared ambition of the Council and Sandwell and West Birmingham CCG to further improve Sandwell's performance in relation to hospital delays and will support the efficient flow of patients from hospital and other care settings back to their homes and communities.

## **16 BACKGROUND PAPERS**

16.1 None.

## **17 APPENDICES**

17.1 None.

**Neil Cox**  
**Director of Prevention and Protection**