

Meeting: Cabinet

Date: 20th April 2021

Wards Affected: All

Report Title: Adult Social Care Market Position Statement and Market Transformation Blueprint

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1. Purpose of Report

This report sets out how the Council plans to support an effective social care market for all eligible adults with disabilities or ill health in Torbay. This market needs to be able provide the right care, in the right environment, at the right time, at a sustainable cost and at the right quality, responding to demand now and in the future.

The Council's draft Blueprint for Market Transformation, supported by the revised Market Position Statement, sets out an overview of the key drivers for change impacting on adult services in Torbay, alongside the desired changes we expect to deliver in the market in order to meet demographic growth, different user expectations and increasing complexity. Together they form the basis for engagement to stimulate innovative ideas and solutions to shape the future market for integrated social care and support.

This work remains the responsibility of the Council's adult strategic commissioning team because the Care Act 2014 places a statutory duty on Local Authorities to:

- Facilitate a diverse, sustainable high quality market for their whole local population;
- Promote efficient and effective operation of the adult care and support market as a whole;
- Ensure continuity of care in the event of provider failure.

The market-shaping programme is envisaged as a longer term process because some of the required change will be slower, being dependent on the planning and building of accommodation options to replace older models of care. However, initial change will be via the Adult Social Care Improvement Plan in order to support structured delivery of the priority areas and set out a timetable for work extending beyond that period.

2. Reason for Proposal and its Benefits

The Care Act 2014 places a duty on the Council to “*facilitate a diverse, sustainable high quality market for their whole local population and to promote efficient and effective operation of the adult care and support market as a whole. They must also ensure continuity of care in the event of provider failure*”.

This duty will be met within the context of four overarching strategic priorities:

- Enabling more people to be healthy and stay healthy;
- Enhancing self-care and community resilience for people with health and care needs;
- Integrate and improve community services and care in people’s homes;
- Deliver modern, safe and economically sustainable care and support services.

The Council’s adult social care market transformation process will deliver the required changes to the shape and scope of commissioned and contracted care and support within Torbay.

Working together, Torbay Council and Torbay & South Devon NHS Foundation Trust will work with our local community to support residents in Torbay to maximise their own wellbeing and independence, advising and guiding them around the best health and social care systems for them.

We will ensure that those who offer and provide support services will feel empowered to enable people to engage fully in their own decision-making on choices of care. By working with our community in this way, we will create a new way of supporting each other to achieve wellbeing for everyone; those receiving support and personal assistance and those giving it.

In Torbay we have a long legacy of striving for and delivering integrated care through the bringing together of local authority social care services with local NHS services, both in the community and in acute hospital provision. We believe that by doing so we can offer better care that is person-centred, responding to the things that matter most to people and helping people to live well for as long as possible. Our shared vision is one of “*thriving communities where people can prosper. We want our residents to have a place to call home, in a community they can be part of, while being empowered to achieve what matters most to them through the best care and support available*”.

- 2.1 The proposed commissioning approach within the Blueprint for Market Transformation will help us to deliver the key strategic aim of our integrated care model to ensure that as many people as possible achieve the outcome that really matters to them, receiving help to stay at home and to maintain their independence for as long as possible. Because the majority of the Council’s commissioned health and care services are provided by partners across the independent sector, only by working together to help achieve this outcome will we achieve the best we can for people in Torbay.

2.2 The reasons for the decision are to ensure the Council and its NHS partners have the necessary strategic commissioning framework in place to inform and guide all stakeholders within the Torbay adult care market. The way in which we deliver care and support is changing and as a result, our partnerships with care providers need to change too. The need to work together at different times in a person's care and support journey, recognising that people's needs change and that they need a responsive and agile network of support combining their own resources with NHS, social care, local communities and the independent sector. At the same time we need to ensure this care and support is timely, sustainable and does not weaken natural support by promoting dependence on state-funded care until it's really needed.

3. Recommendation(s) / Proposed Decision

- (i) that the Adult Social Care Market Position Statement as set out in appendix 2 to the submitted report be approved.
- (ii) that the strategic commissioning approach to the Torbay adult social care market as set out in Appendix 2 to the submitted report be approved.

Appendices

Appendix 1: A Blueprint for Market Transformation in Torbay: Adult Social Care Commissioning 2020 to 2030 (Draft)

Appendix 2: Torbay Adult Social Care Market Position Statement 2021-2022 (Draft)

Background Documents

None.

Supporting Information

1. Introduction

What is the current situation?

Good planning and accurate data are key to effective social care commissioning and current analysis indicates that the older population will continue to grow significantly as in the UK as people are living longer and that this trend is reflected at slightly above those national rates in Torbay. Research also indicates the prevalence of conditions such as dementia are increasing significantly, thereby increasing the demand for services able to meet the needs of affected people and their families.

In addition to growing demand for appropriate care beds for older people, commissioners also need to manage the impact on other areas of the market. As a consequence of successfully enabling far more people to live well for longer within their own homes across Torbay, issues of supply, cost and quality within the current adult social care market will need to be addressed, including:

- A decreasing demand for low capability residential care because of the development of more independent and economically sustainable alternatives such as 'extra-care' housing. This then impacts on those services' sustainability and quality, compounded by financial market conditions and the local prevalence of difficult-to-adapt Victorian buildings, leading to an increase in safeguarding concerns and service failure.
- An increasing demand for much higher capability residential / nursing care for shorter periods much later in life, as people develop more serious health and care needs such as extreme physical frailty, complex dementias and end-of-life support. This will require the development of new services in modern purpose-built environments, extending existing services to increase their sustainability and developing improved systems for purchasing and using those beds.
- The high level of social care activity for adults 18-64 (approximately twice the UK average in 17/18) is notable in Torbay, with models of care for those of working age remaining heavily reliant on long-term residential care. A faster pace of work is required to deliver specialist housing and new models of care / support that enable greater independence, better integration and the right to expect an ordinary life.

2. Options under consideration

Following a process of data analysis and benchmarking to develop the Market Position Statement 21/22, alongside examination of best practice regionally and nationally, the options to deliver the planned outputs and expected outcomes for the adult social care market shaping programme of work over the next three years in Torbay are set out below:

- For the increasing number of people supported to live well for longer in their own homes, there must be a robust and diverse range of providers, providing services to all age groups. People requiring low levels of support should access this support from within their own families and communities in accordance with the Care Act-mandated strengths-based approach. Providers and public sector organisations must be supported to encourage people to work in care and should stimulate the market and have capacity to meet demand and provide care at home to people with complex needs. Care must be person-centred and strengths-based and be primarily for people with complex needs, dementia, learning disabilities, physical disabilities and mental health.
- People must be assessed for short term care on discharge from hospital with the aim of enablement before an assessment of long term needs. People should be able to remain in their own homes with both formal and informal support from within their community. Aids, adaptations and technology-enabled care must be easily available to support independent living and people should be able to identify and buy these without layers of bureaucracy. Support must be available for carers and they should be able to have breaks from caring through the availability of a range of replacement care options.
- For those requiring accommodation as well as care or support there must be an increasing range of options that suit individual needs and optimise independence. This includes hosted/shared living arrangements for both long term and short term care; housing with support that is flexible and person-centred; and extra-care housing for those who are very frail and/or have dementia where people can receive varying levels of care whilst remaining part of the community and reducing social isolation. The support available must focus on the individual's needs and aspirations and be flexible and responsive as the needs of people change, including 24/7 support if required.

Commissioners recognise that successful market shaping is dependent on the associated work-streams to deliver the more enabling life outcomes offered by extra care housing and other housing with support in Torbay. This will be necessary to meet the needs of those currently in care homes without nursing and to divert an increasingly frail population and those with learning disabilities and poor mental health away from residential care wherever possible. The Council expects to see the lower end of the care home market gradually reduce by approximately 300 beds as the new model of care gains traction between now and 2035.

- Care homes both without and with nursing will be available for those with the most complex needs. All accommodation will be fit for purpose, accessible and future proofed. The intention is that all homes should be rated good or outstanding by CQC and will supported to be so by the quality assurance and improvement systems being developed through the adult social care improvement programme. There must be fewer commissioned care homes without nursing and these care homes should only provide specialist services for

people with complex needs who do not require nursing care. Care homes must be able to house and care for people with increasingly complex needs and must be able to provide specialist care for people with dementia, bariatric conditions and end-of-life needs.

- Additional care home with nursing care capacity needs to be commissioned to ensure supply keeps up with predicted demographic growth. Using an incremental approach to the market, commissioners must encourage existing homes to increase their capability, extend and refurbish their capacity and new homes must be purpose-built to meet people's complex needs in a modern care environment, being able to house at least 50 people to ensure financial sustainability.
- Wherever it is viable, there will be specialist, niche providers locally to provide care for people with less common conditions such as brain injury and complex autistic spectrum disorders, reducing the need for people to receive services away from their families and communities. Commissioners will work with partners across the Devon-wide Integrated Care System to ensure these specialist services have an appropriate local catchment and a shared approach to quality assurance.

3. Financial Opportunities and Implications

All of the existing commissioned services that form the subject of the adult social care market shaping programme are under contract to the Torbay and South Devon NHS Foundation Trust and are therefore funded via the Trust's current budget.

Any proposals to commission new services will be a financial consideration for the Council and detailed reports will be presented to elected members for consideration at future dates. This process will also provide details of any Council-led procurement required and seek the necessary decisions where necessary.

While there may be some limited opportunities to achieve cost savings or avoidance through the market shaping programme, it will mainly create the opportunities needed to achieve efficiencies within other work-streams of the wider adult social care improvement programme, e.g. by developing models of care with provider capable of achieving similar or improved outcomes at lower cost.

4. Legal Implications

The adult social care market shaping programme of work enables the Council to continue meet its legal obligations under the Care Act 2014 in respect of adults and the Children and Families Act 2014 in respect of children.

5. Engagement and Consultation

Extensive engagement has been undertaken, with all views taken into account and planned for. The ASC Commissioning Team has ongoing dialogue with providers in Torbay and their views, concerns and suggestions have shaped the MPS and Blueprint.

The Stakeholder Engagement Blueprint is not available as a public document as it contains commercially sensitive information.

6. Purchasing or Hiring of Goods and/or Services

Where the Blueprint for Market Transformation identifies the procurement of services then due legal process will be implemented.

7. Tackling Climate Change

Where the implementation of the adult social care market transformation project results in Council-led procurement of services or the delivery of a capital project, adherence to the highest standards of energy efficiency, clean energy use and /or carbon offsetting will be a key factor within contracts and design specifications.

Where the Council works with and through partner organisations, every effort will be made to secure similar standards.

8. Associated Risks

Risk / opportunity	Mitigation
<p>There could be no shared planning or joined-up thinking in place for the long-term commissioning of health and social care services and resources for adult in need of care and support, leading to a lack of improvement, poorer life outcomes and a less coherent and efficient market.</p>	<p>The Council is part of the Integrated Care System, which will lead on key aspects of Geographical Devon's Strategic Commissioning.</p> <p>The Council adopts and implements the market shaping programme of work, within the adult social care improvement plan, as a long-term commissioning and planning framework to support an effective, efficient and high quality service sector delivering excellent life outcomes for all people disabilities and ill health across Torbay.</p>
<p>Market shaping activity could be focused on changes (e.g. only on cost rather than quality & cost-effectiveness together) that are not reflective of or relevant the wellbeing and experience of services for people with ill health and disabilities in Torbay.</p>	<p>The Council, by using a programme-based partnership approach to market shaping, seeks to focus its attention on matters of direct relevance to people with ill health and disabilities living in Torbay and ensure the resulting market improvement reflect these.</p>
<p>Progress toward the delivery of reshaped, effective and efficient care & support market in Torbay, thereby enabling better outcomes for people with ill health and disabilities, may be compromised due to the absence of a planned and monitored approach to adult social care market shaping.</p>	<p>The Council and its partners can show the significant amount of work in progress to improve directly and indirectly commissioned services that will be supported by the implementation of a comprehensive co-produced market shaping process.</p>
<p>Successful social care market shaping across Torbay will involve additional capital resources, human resources, changes to service provision and changes in the market, e.g. new providers entering the market and existing providers leaving the market, without which the process will fail or be significantly delayed.</p>	<p>The Council and ICO will continue to commit ongoing commissioning and project management resources to oversee the implementation of the market shaping programme of work, ensuring that activity matches resource availability and that there is appropriate planning and engagement in place to manage individual service and market-wide change.</p>

Equality Impacts

9.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	People over 65 and people of working age will experience sustainable and capable commissioned care / support services that are able to recognise their strengths and maximise their independence, regardless of the care setting or complexity of need.	Deliberate market change can sometimes cause unintended provider instability and MAY trigger service failure or provider withdrawal. The council and local NHS has a clear mitigation process to try to avoid closures or to manage them effectively if they are unavoidable.	Services will be different for new entrants following assessment. Care and support outcomes will be the same or better within a new model of care or support.
	People with caring Responsibilities	People with caring responsibilities will have a better choice of replacement care options that offer greater flexibility, better value and better outcomes.	The availability of some traditional models of replacement care will reduce as the care market changes. Care professionals and providers need to ensure that new models of care provide comparable outcomes and levels of service.	
	People with a disability	People with ongoing ill health or disabilities will experience sustainable and capable commissioned care / support services that are able to recognise their strengths and maximise their independence, regardless of the care setting or complexity of need.	Deliberate market change can sometimes cause unintended provider instability and MAY trigger service failure or provider withdrawal. The council and local NHS has a clear mitigation process to try to avoid closures or to manage them effectively if they are unavoidable.	Services will be different for new entrants following assessment. Care and support outcomes will be the same or better within a new model of care or support.

Women or men			There is no differential impact
People who are black or from a minority ethnic background (BME) (<i>Please note Gypsies / Roma are within this community</i>)			There is no differential impact
Religion or belief (including lack of belief)			There is no differential impact
People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)	There will be more high capability residential care / nursing beds at Torbay banded rates in good or outstanding homes, thereby not requiring third-party funding top-ups by families or individuals themselves.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	A systemic partnership approach to market shaping and improved engagement, particularly with care homes, is supporting a range of public health programmes around nutrition, oral health, hydration		

		and NHS programmes such as Enhanced Health in Care Homes.		
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)	Not at this time.		
11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	The success of any planned long-term market shaping activity by commissioners is always co-dependent on contracted and new service providers being willing to engage with the change process and by health / social care practitioners changing their practice during assessments to support people to identify different ways to meet their care & support needs. Failure of one or both of these will result in market pressures.		