

## Commissioning roles and responsibilities for Adult Social Care between the Trust and the Council after transfer of Adult Social Care Strategic Commissioning Team to Council

The Adult Social Care (ASC) Commissioning Team is transferring under TUPE to Torbay Council on 1 Dec 2014, thus transferring responsibility for strategic commissioning to the Council from this date. This is in line with the report commissioned from the Institute of Public Care (IPC) in January 2013, although recommendations regarding transfer of some procurement and contracting functions have not been considered to date.

The new arrangements will require very high levels of ongoing communication and co-operation between organisations, particularly between Commissioning in the Council and Safeguarding Adults, Procurement and Business Support and Quality in TSDHCT. This cannot be emphasised strongly enough as any failures in this respect will impact on and create risk around the safety of vulnerable adults, financial savings and service development and stability. This interface will be managed through the Social Care Programme Board.

Role	Description	Responsibility	Rationale	Day to day
Strategic Commissioning	Commissioning cycle; needs analysis, market facilitation strategy, the setting of overall contractual frameworks and strategic decommissioning. Setting overall outcomes, planning and investment against plans plus the review of the efficacy of this investment.  Negotiating and agreeing the terms of a contract for services.	ASC Commissioning Team, Council	New legislation and role of H&WB give 'appropriate responsibility' and accountability back to LA; allows it to commission for wider priorities and community agenda across different services, eg, housing. Market facilitation	Safeguarding Adults Whole Homes and some exceptional individual cases; Care Home fees; overarching contracts and frameworks;LWAH strategic partnership; provider forum; Decisions on contract enforcement and decisions to de-list or suspend business where the council is the contracting Authority
Strategic Procurement	Developing ASC Services. Ensuring public sector procurement	TSDHCT Procurement	Close links to strategic commissioning	Present contracts with the Care Trust are covered with

	<p>compliance. Establishing the overall contractual frameworks Tendering, negotiating and agreeing the terms of contracts. Management of contract variation orders. Strategic management of contract compliance</p>	<p>Team For existing contracts management and re-procurement only. Additional resource needed for new services.</p>	<p>required enabling good communication especially around process and the specification of outcomes</p>	<p>the TSDHCT resource and this will continue in respect of these service areas unless resources or budget are transferred to the council, as these are within the establishment and funding that the Care Trust receives from Torbay Council</p> <p>Where there are new services introduced such as Extra Care or further voluntary sector development, the procurement may well be with the council, however budgets and personnel may have to be reviewed at that time</p>
<p>Operational Contract Management, compliance and monitoring</p>	<p>On-going management of the contract including payment and monitoring. Addressing issues directly with providers. Responsibility for Provider of Concern processes. Providing market intelligence and report information to Strategic Commissioners.</p>	<p>Business Support and Quality Team, TSDHCT</p>	<p>Close links to procurement desirable. Key is good communication and cooperation</p>	<p>These responsibilities will be held on a day to day basis in working with providers to improve quality and manage concerns, but where all processes are exhausted the issues will be escalated to strategic commissioners for decisions on contract enforcement and decisions to de-list or suspend business where the council is the contracting Authority</p>

Individual service negotiating, contracting/procurement	Focussing on the client at an individual level for contracted care.	Zone Teams, TSDHCT	Located near to actual service delivery. Smaller 'transaction' costs and quicker addressing of problems from client side with care monitoring and delivery	As stated
Individual service/care monitoring	Monitoring the individual outcomes, objectives and quality of care being delivered by the care manager.	Zone Teams, TSDHCT	Located near to actual service delivery. Smaller 'transaction' costs and quicker addressing of problems from client side with care monitoring and delivery	As stated
Care management (provision) or care delivery	Delivering the service to the client	Zone Teams, TSDHCT	This is actual delivery so needs to stay wherever the provider side is located	As stated
Financial monitoring, performance and quality assurance  Is this of viability of provider or services delivered?	At both strategic service level and individual contract level – a financial/performance management support function. Financial and performance information to be called off and provided to Strategic Commissioners.	Shared need to be clear which teams are doing what otherwise we will have confusion !	Finance functions already integrated and possibly no clear advantage to move	Robust and clear processes for transfer of relevant information and reports, etc, eg monthly performance made available to team. Governance of this to be through SCPB.