

# Lancashire County Council (LCC)

## Contract for the Provision of Older Adults Residential and Nursing Care

# Agenda

- Welcome and introductions
- Background and context
- Key changes
- Benefits
- Contract structure/areas of interest
- Transition plan

# Background and Context

- Consistently finding that the existing contract is not fit for purpose for service users, providers and the local authority
- Lack of a service specification in the existing contract
- Needed to update in light of changing regulation, guidance and standards
- Lancashire and South Cumbria ICB delivery of Enhanced Health in Care Homes Framework joint commissioning good practice

# Key Changes

- Distinct specification and more detailed terms and conditions
- Learning from complaints, safeguarding, good practice incorporated and operational experience is now reflected
- Defined contractual breach and early termination processes – care providers now clearer about what the triggers will be
- Builds in new initiatives that have been progressed with the sector over the last few years e.g. contract and quality monitoring tool, capacity tracker etc.

# Benefits

- Clarity: compared to existing contract which was unclear or failed to address various important topics
- Easier to manage when knowing the specification sets the service requirement
- Whilst the suspension/termination parts of the revised contract may appear more detailed, this is much better for all parties in terms of clarity, expectations and how to remedy
- Whilst we have attempted to futureproof the revised contract as much as we can, we are committed to reviewing this version on a very regular basis (i.e. 6 month intervals after full launch) unlike existing contract which was last reviewed in 2009!
- Digital rather than hard copy so don't have the hassle of printing and posting huge amounts of paper
- Ideally will see revised contract usage rapidly exceed existing contract usage: desire to manage single set of terms and conditions and specification

# Contract Structure

- **Terms and conditions:** this details the business/legal obligations and requirements of entering into an agreement to provide a residential care service for older people in Lancashire. Much more comprehensive than the previous version. Follows a standard service contract template in terms of layout: includes more detailed definitions, clauses relating to payment, safeguarding, monitoring of service, service standards, service suspension etc.
- **Service specification:** as previously referred to, a set of standards and outcomes for older people living in residential care settings jointly produced by Lancashire and South Cumbria local authorities/health. This mirrors CQC regulations in terms or expectations around standards, however does add further detail in terms of care delivery.
- **Schedules and appendices:** a number of schedules (of which the service specification is one) will be included with the revised contract including the following:
  - **Charges and payments** – details relating to the Authority's payment system (including fee levels for the year as an appendix)
  - **Records guidance** – relating to retention of files and GDPR etc.
  - **TUPE** – arrangements for transfer of staff to a new business
  - **SUPA** – this is a "Service User Placement Agreement" template should such an agreement be required with service user, but this is optional as tri-partite relationship between Authority, Service Provider and Service User is pieced together via portal
  - **Policies and procedures** - due to the sheer size of other LCC policies and procedures it is expected that links to these will be provided rather than physically including with the actual revised contract.

# Key clause revisions/areas of interest

- No change in the way that Service User placements are currently set up through Oracle etc.
- Service Provider breach means notice issued requiring performance remedy: Authority can claim its officer time in issuing notices
- Service Provider material breach means notice is issued by Authority requiring performance remedy: if not remedied then termination
- Authority has expanded grounds for service suspension and for termination of revised contract
- Service Provider breach termination triggers are numerous: including persistent breach as a "Consistent Failure" regime
- Authority may introduce a key performance indicator regime (with financial deductions) in any particular revised contract: but only by agreement with Service Provider
- Authority future intention to migrate payment terms

# Transition Plan

- August 2022 - Inform potential Service Providers about revised contract via webinars and gather contract information via survey.
- September 2022 –Consider any feedback from survey
- October - December 2022 – Transition Period
- January 2023 – LCC commissions against new terms and conditions

Two options – LCC seeking to migrate to revised contract:

1. Accept new terms and conditions - LCC continues to commission
2. New terms and conditions not accepted – Service Provider retains existing placements but LCC will not commission new placements on existing contract terms and conditions.



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