

Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)

Part One Screening Record

A. Summary Sheet on Accountability and Actions

Name of proposed service change

Please use this box for the full formal name of the proposed service change, whether it is a policy, a procedure, a function, a project, an update of a strategy, etc. The term "service change" is used in this form as shorthand for whatever form the changes may take.

Residential and Nursing Care beds Commissioning Review project – Review of Rates Consultation

Name of lead officer carrying out the screening

Rebecca Knight, Project Co-ordinator

Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	Yes	
Proceed to Part Two Full Report?		

If completion of a Part One assessment is an appropriate and proportionate action at this stage, please use the boxes below and sign off as indicated. If a Part Two report is required, please move on to separate full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality and social inclusion considerations

This Residential and Nursing Care beds commissioning review project is likely to have a neutral effect on all groups of service users in society.

This first stage of the project is to review rates being paid for provision.

The use of published rates is intended to ensure transparency for providers and ensure cost effectiveness in expenditure. The aim is to continue to develop a vibrant and sustainable market place whilst ensuring that the future residential and nursing care needs of citizens of Shropshire will be met.

It is intended that the engagement and consultation will ensure that the Council fully identifies the risks associated with revising the current published rates. It will enable us to ensure we can consider the implications and identify mitigating actions to inform decisions about introducing any revised arrangements.

The project is intended:

- To ensure that we commission services which will meet our current and future residential and nursing care needs for the citizens of Shropshire.
- To ensure that we commission quality services that support people well in a value led and outcome focused manner.
- To ensure that we commission services which represent value for money for the Council and deliver efficiencies.
- To ensure that we commission services in a way which supports a vibrant and sustainable market
- To ensure that we meet the duties on Local Authorities that the Care Act 2014 created relating to market shaping and commissioning and also in regards individual choice.

An initial engagement activity has been undertaken with the provider market place to ascertain views about the review. However, the numbers involved represent a small section of the market place (12 providers out of 100+ invited to participate).

The Council needs to ensure that wider views are collected and considered including other groups particularly those service users and their families in receipt of the services.

There are a range of engagement and consultative activities being planned to engage the following groups in the analysis, planning and development and implementation of the recommendations from the review project.

These include:

Care providers in the market place
Service users and their families
Key Partner Agencies
Relevant Practitioners, Team Managers and Service Managers
Local Councillors (Cabinet and Portfolio Holder)
Local Members of Parliament as community leaders
VCS Assembly

Officers will work with these audiences in a range of different ways (including engagement events, questionnaires, informal discussions and social media) to understand the impact on all affected individuals and groups including people in protected characteristic groupings.

<http://www.shropshiretogether.org.uk/wp-content/uploads/2013/03/HWB-Comm-Strategy-2017-18.pdf>

Where groupings are under-represented groups are identified, additional measures will be identified to continue to engage and involve those groupings in the process.

Any feedback and/or concerns raised will be considered and actions will be identified to mitigate any negative impact.

Actions to review and monitor the impact of the service change in terms of equality and social inclusion considerations

This ESIIA will be updated following the engagement and consultation with the stakeholders detailed in the project plan prior to implementation.

The project plan will be monitored and reviewed on a monthly basis via the Project Group and when appropriate, Director's Management Team for Innovation and Commissioning (DMT).

Ongoing engagement and consultation will continue via the Quarterly ASC Provider Forum and Shropshire Partners in Care (SPIC).

Shropshire Council will continue to monitor the impact of the changes in national policy and implications for meeting the statutory duties of the Care Act 2014.

Shropshire Council is an active contributor to national policy consultations on national policy proposals which may have a differential or adverse impact on the county.

Associated ESIIAs

Growth in this area of expenditure is recognised within the Council Financial Strategy for 2018/19 - 22/23. Savings have been identified to be delivered by this review as part of the Council's 2019 budget proposals which are subject to a separate consultation and ESIIA. The budget consultation period runs from 07 January 2019 - 18 February 2019.

This is the initial ESIIA for this project consultation and will be reviewed and updated following engagement and consultation activities in the Spring of 2019.

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations

Additional Review and Monitoring of overall impacts:

Council's Corporate Plan

<https://staff.shropshire.gov.uk/media/708264/corporate-plan-2016-2017.pdf>

Council's financial strategy

<https://staff.shropshire.gov.uk/media/708265/corporate-financial-strategy-201819-202223.pdf>

Scrutiny at Part One screening stage

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i> Rebecca Knight, Project Co-ordinator		
<i>Any internal support*</i> N/A		
<i>Any external support**</i> Lois Dale, Rurality and Equalities Specialist		

**This refers to other officers within the service area*

***This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority*

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i> Rebecca Knight Project Co-ordinator		
<i>Accountable officer's name*</i> Deborah Webster Service Manager Commissioning and Governance		

**This may either be the Head of Service or the lead officer*

B. Detailed Screening Assessment

Aims of the service change and description

The overall expenditure for Adult Social Care in Shropshire is continuing to increase. There is an ongoing need to balance additional pressures due to growing demand, delivery of statutory services and demographic changes with sustainability and development of the care provider market. This growth in expenditure is recognised within the Council Financial Strategy for 2018/19 - 22/23. Savings have been identified to be delivered by this review as part of the Council's 2019 budget proposals which are subject to a separate consultation. The budget consultation period runs from 07 January 2019 - 18 February 2019.

Expenditure for residential and nursing provision in Shropshire is the single biggest area for Shropshire Council Adult Social Care and spends just over £50 million per year. Expenditure for individual beds is categorised by 'Primary Support Reason' and this expenditure includes all categories including Adult Learning Disabilities (ALD) and Mental Health (MH).

This consultation proposal does not include the rates for people categorised with Learning Disabilities and Mental Health needs. These rates will be explored separately at a later stage in the review.

The expenditure for beds for 17-18 was £33.3m (Nursing care £17.7m, Residential Care £15.6m). This excludes ALD and MH categories.

Shropshire Council currently reviews and publishes rates on an annual basis and these are set out as an Appendix to the Personal Budget Contributions Policy 2018-19. Please see Appendix A/Schedule 6.

Although the Council have increased rates annually, with a 2% increase in 17-18 and a 2.5% increase for 18-19, analysis of rates for 17-18 indicates that there is a wide variance in rates being paid. It is recognised however that the level of the rates the council currently offers have not been fundamentally reviewed for some years and consequently do not reflect current market pressures.

We want to ensure future rates published and paid accurately reflect the costs of delivery of care, are transparent in the market place and deemed to be equitable by providers.

It is proposed to build on the initial provider engagement and provide an opportunity for all interested parties to participate. This is intended to include service users and their families, voluntary organisations and practitioners so they can contribute to the development of revised arrangements. A period of engagement and consultation of 6 weeks is proposed with effect from the 18th March 2019 and will include a range of activities including a questionnaires, events and meetings.

It is intended that a model and pricing rates are identified for the purposes of consultation. The model identified is based on the industry recognised 'LangBuisson' model. This model reflects the costs associated with delivery of care. The pricing rates calculated for consultation purposes are based on the average of the current prices being paid and are not intended to be the final rates that the council uses. More detail will be outlined in the consultation documentation.

Intended audiences and target groups for the service change

All residents in Shropshire who could have needs identified and are assessed as eligible for Council funded care home placements.

All service users and families should expect not to see a difference to the service they receive and the outcomes of their involvement with the revised arrangements. These changes are intended to lead to transparency and equity and improve the speed of arrangements. Service users and their families should not be adversely affected by the proposed changes. However, the consultation will identify evidence to support this or otherwise.

To support planning to effectively transition to any new pricing arrangements, we will need to manage a difficult transition period for some groups of people.

- Market response: The market is likely to respond differently depending on whether their current prices are under or over any revised rates. Full engagement with the market is recommended and potentially a two-year transition should be considered to minimise market impact. The consultation will fully assess the risks associated with implementation and involve providers in developing solutions.
- Shropshire Council Internal response: The current culture and practice means that rates are agreed on a case by case basis. Whilst it is anticipated that a revised transparent and equitable pricing structure will be welcomed, we need to understand any implementation issues.
- Commissioning/Contracting: In order that we can manage a potentially difficult transition period we may need to undertake some short term over commissioning of beds on a block basis in order that delayed transfers of care are not affected and urgent community cases are catered for.
- Due to the variance in rates currently paid, we anticipate that some elements of the market will respond positively to the change and want to plan with providers for any changes.

Evidence used for screening of the service change

Project documentation:

Project Initiation Document (PID) - Residential and Nursing Care beds
Commissioning Review project – February 2018

DMT report – December 2018

Appendix 1 - Previously published nursing and residential care rates 2015-2019

Appendix 2 - Review of Residential & Nursing Care commissioning practice 2017-18

Appendix 3 – Engagement with providers report

Background research and reports to inform project plans:

Shropshire Partners in Care, Shropshire Council, Telford and Wrekin Council, November 2016 – Fair Cost of Care analysis.

Older People Profile Shropshire 2018 – Information, Intelligence and Insight Team, Shropshire Council. <https://shropshire.gov.uk/media/10220/older-people-in-shropshire-profile-and-forecast-to-2036.pdf>

Shropshire Council Key Facts and Figures Shropshire Data 2017/18
<https://shropshire.gov.uk/media/11592/shropshire-council-key-facts-and-figures-ammendments-oct-2018-v2.pdf>

Competition & Markets Authority, Care homes market study
<https://assets.publishing.service.gov.uk/media/5a1fdf30e5274a750b82533a/care-homes-market-study-final-report.pdf>

Working with care providers to understand costs – A guide for adult social care commissioners
https://www.careprovideralliance.org.uk/uploads/1/0/8/0/108055907/1701-working-with-providers-to-understand-and-agree-costs_8.pdf

Specific consultation and engagement with intended audiences and target groups for the service change

An initial provider engagement event was undertaken in June 2018.

Further consultation is planned with the following stakeholders as detailed below:

Stakeholder group	Channel
Cabinet Member for Adult Services and Director of Adult's Services	<ul style="list-style-type: none">• Face to face briefings from senior team• Papers tabled at Cabinet and scrutiny• Direct email (Gov Delivery newsletter)
Directors Management Team	<ul style="list-style-type: none">• Attendance at meetings and involvement in design• Direct email (Gov Delivery newsletter)
Providers in the marketplace	<ul style="list-style-type: none">• Direct email (Gov Delivery newsletter)• SPIC newsletters• SPIC/LA Facebook group• Formal consultation via Shropshire Council Consultation Portal• Face to face meetings/discussions• Workshops and focus groups

Residents and Families	<ul style="list-style-type: none"> • Workshops and focus groups
Community Agencies	<ul style="list-style-type: none"> • Direct email (Gov Delivery newsletter)
CCGs	<ul style="list-style-type: none"> • Direct email (Gov Delivery newsletter) • HWBB • Workshops and focus groups
Shropshire Council Social Work and brokerage teams	<ul style="list-style-type: none"> • Direct email (Gov Delivery newsletter) • Workshops and focus groups

The consultation activity timeline is detailed below:

Date	Activity
18 th March 2019 to 26 th April 2019	<p>Consultation Launch:</p> <p>Proposals and supporting document published on the Consultation on:</p> <p>Shropshire Council website, SPIC website and social media</p> <p>Press release issued to promote consultation</p>
During consultation period	<p>ASC Provider Forum:</p> <p>Workshop to discuss proposals and capture feedback</p>
During Consultation period	<p>Focus group meetings:</p> <p>Agree any residents/families meeting or groups to attend to capture any feedback</p>
During Consultation period	<p>Individual provider meetings:</p> <p>Identify any providers who would like individual meetings to discuss the impact of proposals</p>
During Consultation period	<p>Identify other interest parties:</p> <p>Identify other stakeholders who want to express their views</p>
Consultation close date 26 th April 2019	<p>Review of responses:</p> <p>Prepare analysis of feedback and findings and produce report for publication</p>

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				

Identification of likely impact of the service change in terms of other considerations

Sustainability of the care homes market place:

The Local Authority is required by the Care Act 2014 to ensure it has a sustainable and vibrant market place. It is also required to commission services which will meet the current and future residential and nursing care needs for the citizens of Shropshire.

The Care Act 2014 (“the Act”) places a new duty on the Council to promote an efficient and effective market “with a view to ensuring that any person in our area wishing to access social care has access to a variety of high-quality services to choose from.” The Act goes on to provide a range of provisions such as the “market oversight” arrangements involving CQC and a temporary duty on the Council to intervene if a particular provider “fails”. The Council must ensure that it properly takes into account the actual cost of care when setting the rates, we are prepared to pay providers.

The guidance goes on to say that when we commission services we must assure ourselves that our fee levels do not (among other things) compromise the service provider’s ability to pay at least minimum wages and provide effective training and development of staff.

Although the Council reviews and publishes rates on an annual basis, the financial analysis illustrates that rates being paid are often higher and varied. It is considered that this is because the current published rates do not accurately reflect the costs associated with providing care. Whilst, there have been increases during the last few years, the environment within which care providers operate is complex, variable and subject to regulation. It is recognised that agreement of prices with providers needs to reflect the providers’ operating environment. This review provides the opportunity to ensure the rates are reflective of the delivery of care.

Where a Shropshire resident is placed in a bed outside of Shropshire, we intend to continue to agree to pay the rates published by that Local Authority.

The statutory guidance that supports the Act stipulates that the Council’s commissioning procedures “must encourage a variety of different providers and types of services. Whilst the guidance envisages that the Council may have approved lists and frameworks it directs that we “must consider how to ensure that there is still a reasonable choice for people who need care and support”.

The current purchasing of residential and nursing beds for older people is undertaken on an individual case by case basis following a care assessment by a Social Worker which determines whether a person needs care and support to help them live their day to day life. Additionally, a financial assessment will be undertaken to determine how the care needed will be paid for. Following these assessments which determine needs and the type of provision required, placements will be sourced which can meet the care needs identified. The current commissioning arrangements are resulting in individual rates are being proposed by providers. The result of these individual negotiations is a wide variance in the rates the Council is paying to the care providers. It is assumed that the currently published rates are not reflective of the actual costs of delivery of care.

The Council does not currently have an approved list or framework for residential and nursing provision. The identification of a placement is based on the assessment of the individual's needs which identifies the type of provision required to meet those identified needs. In addition, there is consideration given to the individual and families choice of placement. In some circumstances, this can lead to placements being commissioned out of county where identified as appropriate.

A recent trial of brokerage arrangements like the arrangements currently operating for domiciliary care reaffirmed the need to have a clear, equitable and transparent pricing structure for payment of beds. Revised rates are also important for the Council to ensure that it's commissioning arrangements are as efficient as possible in the longer term, support market development and create positive outcomes for service users in need of care. Additionally, this would provide a clear and transparent pricing structure for providers and facilitate equity and parity amongst providers for the payment of care.

Following this consultation exercise, the next stage of this review is to explore how a framework will be developed using a brokerage system. This proposed consultation will enable the Council to explore this further. It is intended that the brokerage system will enable a range of providers to be involved and mean that the Council can fulfil its responsibilities in offering choice to the individual.

The council currently commission a mixture of block purchased beds and spot contract beds for both residential and nursing care. Block purchased beds are contracts with providers for an agreed number of beds over a contract period. These contracts are awarded following a tendering process.

Spot commissioning of residential and nursing care are individual beds commissioned on a single basis and this practice has historically been built up according to need and addressed on a gradual basis. Whilst this has been an effective response to individual need it has led to a significant number of short-term commissioning solutions and increases in price. The prices that the Council commission beds at is currently not reflective of the prices published by the Council. The Council has not updated or enforced the price structure for some years and want to work with the market place to understand how a revised price structure could be agreed and implemented to ensure that commissioning spot purchased beds are realistic and sustainable for the Council, the provider and those in receipt of the care provided.

It is not anticipated that these changes will adversely impact the human rights of individuals or groups.

It is also not anticipated that these changes will have a negative impact on fostering good relations or on social inclusion.

It is intended that ongoing consultation and engagement will ensure that the Local Authority is able to consider the views of the residents of Shropshire to inform any service changes and to identify mitigating actions where necessary.