
Decision maker:	Cabinet member: Health and wellbeing
Decision date:	25 May 2017
Title of report:	Delivery of the reablement service
Report by:	Better care fund and integration manager

Classification

Open

Key decision

This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the county.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Wards affected

Countywide

Purpose

To approve the redesign and implementation of a community reablement service in Herefordshire.

Recommendation(s)

THAT:

- (a) approval is given to award a contract for a community reablement service to Hoople Limited with management support from the council from 1 August 2017 to 31 July 2019;**
- (b) authority is delegated to the director for adults and wellbeing to approve the final service delivery model and its implementation from 1 August 2017 with an annual full year value of £420,000; and**
- (c) authority is delegated to the assistant director for environment and place to amend the existing service level agreement with Hoople Limited to include**

delivery of a reablement service.

Alternative options

- 1 To extend the current contractual arrangements with Herefordshire Housing Ltd (HHL) until June 2018. This option is not viable as the provider has informed the council that it has operated the contract at a loss and has, as a result, recently reduced service capacity.
- 2 It is possible to recommission a reablement provision through a competitive tender process however this would not enable effective alignment with the council's rapid response service and would restrict the opportunity to redesign. The provision needs to be incorporated as an integrated intermediate care pathway and redesign options, which current time frames do not allow.
- 3 Wye Valley NHS Trust (WVT) could potentially deliver the service and pilot the effectiveness of working jointly. However, WVT is currently in transition with community services in Herefordshire and consultation is due to commence, therefore timescales are not suitable.

Reasons for recommendations

- 4 HHL is the current contracted provider for the reablement service in Herefordshire, which commenced in July 2014.
- 5 The current provider has confirmed that they are able to continue to deliver a reablement service to the contract end date of 31 July 2017. The recommended approach to in source the reablement provision to be hosted by Hoople, with line management and regulatory control from the council, is recommended to allow for alignment with the council's rapid response service. This will allow for flexibility within the two service areas for movement of staff and service users, whilst streamlining service delivery, improving efficiencies and increasing capacity in the market.

Key considerations

- 6 Reablement is the active process of regaining skills, confidence and independence to enable an individual to return to or remain living independently at home. This may be required following an acute medical episode or to reverse or halt a gradual decline in functioning in the community. It is intended to be a short term intensive programme.
- 7 The primary objective is to enable people to remain living safely at home for as long as reasonably possible and to maintain a good quality of life which meets the identified outcomes of individuals. An effective reablement service will ensure that individuals are able to achieve and maintain their maximum levels of independence and self-care.
- 8 The provision of reablement works for people who need support to regain their independence or to improve their quality of life, by learning or re-learning the skills needed to function in everyday life. Evidence suggests that reablement services can reduce the need for social care provision and health care costs.
- 9 The current reablement contract between the council and HHL is due to end on 31 July 2017. The provider has been operating the contract at a loss and as a result has recently reduced the capacity of the service, which is impacting upon other service areas. For example, causing additional demand pressures on the council's rapid

response service and limiting options for individuals who are ready to be discharged from acute care.

- 10 A reablement service, delivered by the council through Hoople, will ensure reablement capacity is maintained by offering improved terms and conditions and having the flexibility to transfer staff to the area of highest need. Quality improvements will also be made and a redesigned delivery model will be piloted and streamlined with the council's rapid response service. A shift to the council managing the service will also allow alignment with any future decisions relating to a system intermediate care provision and provide opportunity for the delivery model to reflect and align to the Adults wellbeing plan 2017-2020.
- 11 Full options have been scoped, as detailed within the alternative options. The benefits of this service being delivered through Hoople Limited include the substantially different procurement regulations, opportunities provided by the service remaining external with a not for profit organisation, providing flexible benefits for all partners. Wider discussions are currently taking place with Hoople Limited in relation to the potential for their service provision to expand throughout the care sector. The delivery of a community reablement service forms a key part of these developments.
- 12 A clear implementation plan will be compiled in order to ensure a smooth transition for both staff members and individuals in receipt of the service. Key milestones will be identified and the implementation of the service will be overseen by the AWBs leadership team, which will receive regular updates via the better care fund partnership group.
- 13 A service specification is currently being developed which includes a number of key performance indicators, including the number of individuals who remain at home 91 days after leaving the reablement service. The performance of the service will be monitored on a monthly basis through the better care partnership group.
- 14 Further scoping work will be completed to inform the implementation plan and ensure the most cost effective models are developed. The final service delivery model and specification will be presented to and approved by the director for adults and wellbeing. During 2017/18 the intermediate care pathway and Herefordshire's discharge to assess model will be developed. Any links to existing services and potential service redesigns will be mapped and progressed through this piece of work.
- 15 The SLA arrangement with Hoople will consist of a two year period (1 August 2017 to 31 July 2019) in order to provide sufficient time to develop the service and test service delivery models. Throughout this period the scheme will be closely monitored and evaluated and recommendations for future delivery mechanisms will be made during 2018/19.

Community impact

- 16 The reablement service is funded through the better care fund (BCF), which plays a key enabling role in service delivery, as detailed within the One Herefordshire report: *'the vision for the local health care system in Herefordshire is one where strong communities encourage individual residents to live healthy lives and offer support when this is required for them to maintain their independence, with sustainable, aligned health and care services for local people'*.
- 17 In developing this service provision, insights from the Herefordshire joint strategic

Further information on the subject of this report is available from
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needs assessment (JSNA) will be used to further understand the current and future population trends as well as the real and predicted changes in use of unplanned care and those being supported through primary care and social care services.

- 18 The reablement service is key to assisting in successfully achieving a number of national conditions and metrics set within the better care fund. The specific targets for 2017/18 are yet to be confirmed, however are likely to include:
- reductions in delayed transfers of care
 - reduction in the number of non-elective admissions to hospital
 - improvements in the number of people remaining at home 91 days after completing reablement

Equality duty

- 19 The council is committed to equality and diversity using the Public Sector Equality duty (Equality Act 2010) to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.
- 20 It is not envisaged that the recommendations in this report will negatively disadvantage the following nine groups with protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 21 The reablement service is funded through the BCF programme, which aims to deliver better outcomes for older and disabled people and supports the council in proactively delivering its equality duty under the act.

Financial implications

- 22 The funding for this service provision is currently part of the BCF and Protection of Adult Social Care (PASC) funding. The proposal for the council to deliver a reablement service in Herefordshire from 1 August 2017 has been presented at the joint commissioning board (JCB) and was agreed in principle on 21 March 2017.
- 23 The existing reablement service is delivered by HHL through a block contract arrangement, which is valued at £420,000 per annum.
- 24 Financial scoping has been undertaken and the recommendations made ensure that the service will be delivered within the existing budget of £420,000 per annum , which details costs for service delivery via Hoople, for a full financial year:
- 25 A number of ongoing concerns throughout the contract period were based upon the existing delivery model not being therapy led and having minimal therapeutic input. Although the provider worked with the council in making service improvement, it is deemed vital for future service delivery to include sufficient therapeutic input and therefore costings for future delivery include provision for this.

Legal implications

- 26 The current contract between the council and HHL is from 1 July 2014 to 30 June 2017. The initial contract period may be extended by a period not exceeding in total 2 years, however the provider has informed the council that they do not wish to provide

the service in the future. A one month contract extension will be put into place, to 31 July 2017, to provide sufficient time for TUPE transfers and service transition.

- 27 Hoople Limited (“Hoople”) is a local authority controlled company within the meaning of the Local Government and Housing Act 1989. Through a Shared Services Agreement and Overarching SLA dated 28th March 2013, supplemented by service-specific SLAs, the Council has engaged Hoople to provide a range of services to the Council.
- 28 The recommendation detailed at the outset of this report will be implemented by the Council and Hoople entering into a variation to the Overarching SLA and a further specific SLA in respect of the reablement services. The specific SLA will include service levels, KPIs and provisions for managing deficient performance.
- 29 The provisions of Regulation 12 of the Public Contract Regulations 2015 (“the 2015 Regulations”) apply to the relationship between the Council and Hoople Limited, allowing for the direct award of public contracts from the Council to Hoople Limited so long as the specific conditions set out by that regulation apply, in particular that:
- (a) the Council exercises a decisive influence over both strategic objectives and significant decisions of Hoople; and
 - (b) more than 80% of Hoople’s activities are carried out in the performance of tasks entrusted to it by the Council.

Whilst these circumstances apply, the Council is not required under the 2015 Regulations to competitively tender contracts which it awards to Hoople Limited.

- 30 The recommendation detailed at the outset of this report will constitute a “relevant transfer” for the purpose of Regulation 3 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) and, in particular, Regulation 3(1)(b)(ii).
- 31 This provision applies where the “contractor” (in this case HHL) ceases to carry out the “activities” (in this case the delivery of the community reablement service) on behalf of the “client” (in this case, the Council) and that service is subsequently delivered by “another contractor” (in this case Hoople). The service to be delivered will, in essence, be the same, or similar, to that provided by HHL; this means that TUPE will apply.
- 32 HHL has detailed that they currently employ 16 individuals, who will be eligible for TUPE transfer. Once approval is given to the change in service delivery, a clear implementation plan will be developed, which will include sufficient consultation periods with employees.
- 33 The Care Act 2014 came into force on 1st April 2015 and provides an updated legal framework for care and support and introduces a number of new rights, responsibilities and processes. The recommendation supports a model that can contribute towards the improvement of an individual’s wellbeing. The model therefore meets the Council’s statutory duties under the Care Act 2014.

Risk management

- 34 The revised model will include therapeutic input and there is a risk that the lack of capacity within the current community therapy service may impact upon this. Health commissioning colleagues will be closely involved in the development and

implementation of this scheme, which will allow mitigation plans relating to limitations of the workforce to be addressed.

- 35 The recommended service change will result in an increase in the direct provider element of the council's AWB directorate, rather than a commissioning function for this service. However, this is mitigated by the advantages of aligning the rapid response and reablement functions to allow for an improved streamlined service.
- 36 The time available for service transition and implementation is limited. A task and finish group will be established to develop, implement and monitor the transition and delivery of key milestones.
- 37 Hoople Limited has confirmed their commitment to deliver this service. The Hoople board are due to confirm this on 22 May 2017. Alternative options for service delivery will be investigated further should Hoople Limited decline to provide this service.

Consultees

- 38 The proposal for the council to deliver a reablement service in Herefordshire from 1 August 2017 has been presented at the joint commissioning board (JCB) and was approved in principle on 21 March 2017, which included representatives from the Herefordshire clinical commissioning group (CCG), who are in support in this change.
- 39 The recommended approach for service delivery from 1 August 2017 onwards has been discussed and agreed with Hoople Limited. This decision will be ratified at the Hoople board on 22 May 2017.

Appendices

None.

Background papers

- None identified.