

Meeting:	Adults and wellbeing scrutiny committee
Meeting date:	Monday 23 November 2020
Title of report:	Briefing on the Herefordshire Market Position Statement 2020-2025 for Adults and Communities
Report by:	Head of care commissioning

Classification

Open

Decision type

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

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

(All Wards);

Purpose

That the committee considers the attached draft Market Position Statement 2020-2025 for Adults and Communities and determines any recommendations that the committee wishes to make.

Recommendation(s)

That:

- (a) The committee considers the attached draft Market Position Statement 2020-25 and determines any recommendations to the executive.**

Alternative options

1. It is a function of the committee to review and scrutinise the strategic direction of the adults and communities directorate. The committee also has the function to make recommendations on any matter it has reviewed or scrutinised, and to make reports or recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive. As such, there are no alternative options

Key considerations

2. Whilst a Market Position Statement is not a statutory duty of the council it is deemed as good practice and evidence that the council is supporting and developing a market that delivers a wide-range of sustainable high-quality care and support services that will be available for our communities as enacted in the Care Act 2014.
3. The Market Position Statement is intended to provide a clear signal to the market by identifying needs and demand now and in the future, explaining how the council intends to buy/develop services. The statement will inform organisations providing care and support know who they are designing services for so they can develop the right support for the right people, at the right time in the right place.
4. Herefordshire's market is a diverse one, predominately made up of small/medium local businesses with many of them local family run services and a few large nationals.
5. Herefordshire also has a high proportion of those referred to as self-funders; those who fund their own care as they are not eligible for financial support from the council. It is important to recognise that the needs of all the community must be managed, not just those eligible for social care support.
6. The existing Market Position Statement (MPS) approved by cabinet in 2014, it is no longer fit for purpose and the strategic direction for the council with its focus on meeting formal care needs. This strategy has a wide remit recognising that needs can be met in different ways and the strength we have in what our communities can offer. The main themes include:
 - Prevention and demand management
 - Strength based ethos across the council and its providers
 - Led by the Talk Community model and approach to support a wider community cohort
 - Strengthen its technology enabled living approach.
7. The strategy has also developed some clear commissioning intentions developed with children and young people to ensure aligned focus where appropriate. These intentions will be the framework of which commissioners will ensure all activity relates to, providing providers with clarity on the future models of the council
8. This strategy also endorses the council's ambition to become a larger provider in the market recognising the opportunities this may bring to ensure needs are met.
9. This strategy for the first time reflects the all ages commissioning agenda and approach and is the beginning of an alignment to these areas and forms the basis of planning for further integration.

10. This document will be supplemented with a dedicated webpage of data and performance information reflecting the changing priorities and the need to be flexible and adapt to changing needs. The commissioning intentions will be reviewed annually.

Community impact

11. In accordance with the adopted code of corporate governance, Herefordshire Council achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions. Determining the right mix of these is an important strategic choice to make sure outcomes are achieved. The council needs robust decision-making mechanisms to ensure its outcomes can be achieved in a way that provides the best use of resources whilst still enabling efficient and effective operations and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review.
12. This scrutiny activity contributes to the county plan 2020-24 ambition to 'strengthen communities to ensure everyone lives well and safely together' and to 'support an economy which builds on the county's strengths and resources'.
13. Having the right services and a highly skilled and compassionate workforce to support the counties most vulnerable in our communities is essential if we are to meet the needs of our growing ageing population.

Environmental Impact

14. Upon approval the MPS will seek to support to deliver the council's [environmental policy commitments](#) and aligns to the following success measures in the County Plan. It will aim to support the reduction of carbon emissions through the service specifications, and delivery in geographic locations to cut down journeys whilst also encouraging other modes of transportation where possible including walking, public transport, car sharing and bicycle routes.
15. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
16. Whilst much of this decision relates to back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the council's Environmental Policy
17. The environmental impact of this proposal will be considered through any future service specification and includes appropriate requirements on the contractor/delivery partner to minimise waste, reduce energy and carbon emissions and to consider opportunities to enhance biodiversity. This will be managed and reported through the ongoing contract management.

Equality duty

18. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
19. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.
20. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.

Resource implications

21. There are no specific resource implications relating to this report, the current and future work of adults and communities commissioners along with children and young people will be informed by these commissioning intentions if they are adopted and will subsequently impact on the way the council reviews, develop and potentially commissions services in the future.

Legal implications

22. Under the council's constitution, it is the role of this committee to review and scrutinise the decisions and actions in connection with the discharge of any council statutory duties, in particular concerning adult social care.
23. Whilst no legislation requires a market position statement to be made, the council under the Care Act has an on-going duty to support and develop the care market within Herefordshire to assist with the delivery a wide-range of sustainable high-quality care services.

Risk management

24. None in the relation to this report and recommendations for the committee to consider, it will however have future implications by the nature of the commissioning intentions and the direction of travel for the council.
25. Any risk in the care and support market has been identified and in the council's risk register which is regularly reviewed. In light of the recent challenges Covid-19 has brought and will continue to bring, the market is reviewed continually through market surveys and discussions both locally, regionally and nationally.

Consultees

26. The views of the market have been sought in the development of this strategy, along with commissioners in the children and young people's directorate and health colleagues.

Appendices

Herefordshire Market Position Statement 2020-2025

Background papers

None