

**Clarification Responses regarding the Open Framework for the Provision of Older Adults Residential and Nursing Care Services following on from enquiries made to Cumbria County Council:**

**1. Professional Indemnity Insurance**

It is a requirement of the contract that each provider must have the level stated in the Terms and Conditions. Please note that this is also a requirement under the current contracting arrangements for residential and nursing care services with the Council. It may be that you have adequate cover under your other liabilities (namely Public Liability and Medical Negligence) as there can be differences in the scope of cover provided by insurers. We would suggest that Providers review this with their insurance companies to ensure that the correct levels of cover are in place.

**2. Fees**

Under the Open Framework for the Provision of Older Adults Residential and Nursing Care Services, the council will continue to review fees as part of the annual strategic planning process, as per arrangements under the existing contracts.

**3. Fees and Banding Structure**

It is recognised that, due to the assessed needs to individual residents, there are placements made under the existing contracts that exceed the council's usual price. The Council does not intend to reduce prices to the new framework rates for providers entering into the Framework Agreement.

Under the new Framework Agreement, fees and the banding structure will apply as set out in section 7 of the Framework Agreement and the Care Home Banding Guidance in Appendix 2 of the Specification.

**4. Clause 12.1**

The 6 year period is the contract limitation period i.e. the time period that the Council can investigate breaches of contract. Therefore Providers must consider this in conjunction with all relevant legislation and guidance when storing Service User records.

**5. Specialised Beds or Chairs**

The Council does not specify a number of specialised beds or chairs a Home should have. Homes should have the required equipment for each Resident based on their needs. The Provider should ensure that as a provider of specialist Physically Frail Care (under new banding) that they have sufficient equipment in place to support this. The difference between a profiling bed and a standard height adjustable bed and the difference between non customised riser/recliner and tilt in space chairs is as follows:

**Beds**

A standard, adjustable height bed is a bed that is only height adjustable and facilitates the different height between the ground level and the mattress level only. This can assist with low level care delivery needs and can facilitate independent transfers to standing and sitting thereby assisting the care staff.

A profiling bed is usually 4 sectioned and enables a resident to be profiled into a variety of alternative positions to lying flat ( either on their side or supine or prone ) enabling more comfort and an adjustable position and assisting with pressure relief if a person is unable to do this by themselves. These beds are height adjustable also.

**Chairs**

Non customised riser/recliner chairs are those that are readily available from most furniture stores they can be single or dual motor facilitating independent transfers and an alternative position if residents have fatigue issues they can be reclined to facilitate comfort. These can facilitate improved independence but can also facilitate the carer to provide safer care. Single motor riser recliners facilitate the leg section to be lifted and the back reclines at the same time as they are linked by one

motor. Dual motors allow the leg section and the back section to be adjusted independently of each other. Riser recliners do not have a foot rest the person's foot is directly on the floor. Tilts in space chairs retain the angle of the each joint of the person using it, all relative to each other throughout the use of the chair. Therefore when the chair is tilted the person has the same postural management whilst achieving pressure relief as they are unable to provide this adequately themselves. They also have footplates integral to the chair and very support head and neck rests. Tilt is space chairs are highly supportive and may have lateral inserts to manage a person's position.

## **6. Strata – Electronic Referral System**

Strata is a web-based records and referral system. The intention is for the Council and other health partners to use Strata to make electronic referrals to providers for new placements. Providers will be required to keep the system up-to-date with current bed vacancy information to support the bed matching/placement process.

Free training will be provided on how to use the system and there is an expectation that providers will nominate appropriate staff to attend training and use the system as required. Access to the internet and a computer is required, but it is not envisaged that additional provider IT infrastructure will be required to use the system.

## **7. Clarification of Tender Documents**

The Framework Agreement and Call Off terms are in 'draft' form and will be updated and completed once we are through the Tender process.

Schedule 5 – The page sequence has shifted due to changes and as above, this will be tidied up prior to the Framework being sent out to providers.

The Framework Agreement is the over-arching agreement for the providers who gain access to the Framework. The Call Off terms are for the individual 'contracts' within the Framework so, this will govern individual service users in the care home.

We could terminate a Call Off by using the terms agreed for termination and that could just be a service user moving to another care home but if we were to terminate the Framework Agreement then you wouldn't be part of the Framework and would not gain any further referrals.

There will be duplication of terms and clauses throughout but they cover both the Framework and Call Off arrangements.

Appendix 2 of the specification is designed to support the wider assessment of Service User needs and relates specifically to the bandings. For example, providers of Physically Frail services will generally need to be able to support service users with high levels of dependency, such as those set out in column C of table 1. Services matching these Physically Frail criteria will be remunerated at the physically frail banding

Appendix 5 of the specification includes the full population of the Home. This will assist the Council to meet its responsibilities under the Care Act 2014 to ensure that the services delivered to people in a care homes:

- provide quality and choice;
- are sustainable;
- innovate to meet the diversity of outcomes for people; and
- deliver cost-effective outcomes.

## **8. Clarification on pricing**

As under the existing contracting arrangements, providers are prohibited from directly approaching service users or their authorised representatives for payment towards the cost of services by virtue of Schedule 5 clause 9.16. This includes top-up arrangements. The Council will continue to manage third party top-up arrangements for placements under the new Framework.

It is recognised that, due to the assessed needs to individual residents, there are placements made under the existing contracts that exceed the council's usual price. The Council does not intend to reduce prices to the new Framework rates for providers entering into the Framework Agreement.

Prices which exceed the council's current usual price, including those made up of a third party top-up, will not be increased above the corresponding new banding rate for that type of care as a result of the providers entry onto the Framework

## **9. The Care Act**

There is no requirement for Homes to “register” with the council. The council is responsible under the Care Act 2014 for ensuring that the people of Cumbria:

- receive services that prevent their care needs from becoming more serious, or delay the impact of their needs
- can get the information and advice they need to make good decisions about care and support
- have a range of provision of high quality, appropriate services to choose from

Therefore the Council needs to have oversight of the Homes in Cumbria and will use CQC registration to identify these Homes.

## **10. Placement of Service Users**

Through this Framework the Provider is under no obligation to accept Residents into the home. It is recognised that The Home needs to determine whether it can meet the needs of the Service User and be confident that the Service User is an appropriate placement with regards to the other Residents in the Home.