

Open Report on behalf of Glen Garrod, Executive Director – Adult Care and Community Wellbeing

Report to:	Cllr Mrs W Bowkett, Executive Councillor, Adult Care and Public Health
Date:	06 – 09 December 2022
Subject:	Procurement of Active Recovery Beds – Winter 2022/2023
Decision Reference:	I028389
Key decision?	Yes

Summary:

Active Recovery Beds describe a pathway for a facility where people are ready to be discharged from hospital but are not ready to return to their former home or level of independence. They may require time, support, care and potentially therapies to enable them to be re-abled to return home.

It is proposed that the Council will commission 60 Active Recovery Beds in registered residential care homes across the county. There will be 20 Active Recovery Beds in each of the geographic areas East, South and West.

Active Recovery Beds will focus on the rehabilitation and enablement of eligible patients for the duration of their stay with the aim of minimising their reliance on longer term funded care in their home environment on discharge. Funding has been made available for the initiative by the Lincolnshire ICB through to the end of the current financial year (ie until 31 March 2023) to help alleviate ongoing hospital system pressures, which are expected to continue and potentially increase over the winter period.

As a consequence of the time limited funding availability, and urgent need for access to this type of service to support winter pressures, there are constraints to the service delivery duration which result in a real imperative to initiate the procurement and seek to award contracts as quickly as possible.

The procurement will take the form of an open tender, commencing on 8 November 2022 and due to the urgent requirement for Active Recovery Beds, is expected to be complete by early December 2022. The earliest potential start date for contracts would be 12 December 2022.

This report seeks approval from the Executive Councillor for Adult Care and Public Health to procure a new short-term contract for the Active Recovery Bed service.

Recommendation(s):

That the Executive Councillor - Adult Care and Public Health:

1. Approves the award of contracts to multiple providers of a county-wide Active Recovery Bed service for a period of up to four months, commencing in December 2022 and ending on 31 March 2023 in line with funding provision for the service.
2. Delegates to the Executive Director of Adult Care & Community Wellbeing in consultation with the Executive Councillor for Adult Care and Public Health the authority to determine the final form of the contract and the entering into of the contract and other legal documentation necessary to give effect to the above decision.

Alternatives Considered:

1. Not to procure an Active Recovery Bed service for the winter 2022/23 period.

To not procure the Active Recovery Bed service would potentially lead to increased hospital admissions and delayed hospital discharge over the winter 2022/23 period, increasing pressures on the wider health and social care sector in Lincolnshire.

Reasons for Recommendation:

1. The Active Recovery Bed service will offer a critical function to support local hospitals during the expected 2022/23 winter pressure period. In line with wider national aims, the service is intended to support timely hospital discharges, reduce re-admissions to acute hospitals and offer alternative care options for residents across Lincolnshire instead of them remaining in hospital when they are medically fit to be discharged. The service also has the potential to reduce pressure on NHS staffing levels as it is envisaged the service will reduce the need for some residents to enter acute hospitals when they could be treated within an Active Recovery Bed.
2. The Active Recovery Bed service aligns with the desired 'home first' approach to care for residents of Lincolnshire, supporting a person's transfer to the most appropriate setting and including an element of reablement that cannot be provided in a person's own home for a short period of time.

1. Background

- 1.1. The Lincolnshire health and care system is working to embed a 'home first' culture and approach to discharge and patient flow, recognising that hospital-acquired functional decline results in less-than-optimal outcomes, and people should be afforded the opportunity to return directly home from hospital for longer term needs to be identified and assessed in a more familiar setting.
- 1.2. There are long term supply issues for the home care workforce nationally. Although Lincolnshire has lower than average vacancy rates, and the external recruitment

strategy (incorporating the “not a job” campaign) is resulting in increased workforce levels locally, there is agreement across the system that the use of short-term Active Recovery care beds to help facilitate timely patient discharge from hospital settings will need to be a component of the service offering for the foreseeable future.

- 1.3. In support of this, it is proposed that the Council contracts with a small number of providers to supply ‘Active Recovery Beds’, which will focus on the rehabilitation and enablement of eligible patients for the duration of their stay with aim of minimising their reliance on longer term funded care in their home environment on discharge.

2. Overview of the Service

- 2.1. The Active Recovery Bed service will support a person's transfer to the most appropriate setting and will include an element of reablement that cannot be provided in a person’s own home for a short period of time. The level of reablement service provided to each person during their Active Recovery Bed stay will be based on a detailed individual care plan with input from a Multi-Disciplinary Team including the care provider, social work practitioner and health professionals. The core principle of the service is to maximise independence and enable the person to resume living at home safely in a time-efficient manner and where possible with a reduced package of care to what would have been required upon hospital discharge.
- 2.2. The Active Recovery Bed service is not intended for all hospital discharges. The focus of the service is to support those with complex needs requiring an integrated response, and who can improve to enable them to live at home independently with a reduced package of statutory care.
- 2.3. The service will also be accessible to those in the community where a short period of stay in a bed-based reablement setting would prevent an unnecessary acute hospital admission. This means the service will also be available for use by community services such as the Falls Response Service and East Midlands Ambulance Service.
- 2.4. The Active Recovery Beds will be purchased on a block payment basis i.e. the provider will be paid the set fee per bed per week whether the bed is occupied or empty, to offer security of supply for the duration of the contract.

3. Budget, Cost Implications and Payment

- 3.1. The weekly bed price has been calculated by the Council’s finance team utilising the standard residential price model and amending it to reflect the specific staffing and care support requirements of the Active Recovery Beds service.
- 3.2. The Active Recovery Beds would be purchased on a block payment basis at a weekly fee per bed of £893.40 for the duration of the contract.
- 3.3. The maximum cost based on award of contract(s) covering all 60 beds required would be £911,628. This may decrease slightly depending on the exact contract start date;

the contract end date of 31st March 2023 is fixed in accordance with funding availability.

- 3.4. A budget of £919,000 has been committed by the Lincolnshire ICB to fund this programme for the winter period 2022/23. No funding is yet available for the financial year 2023/24 hence the present proposed procurement and contract is for a fixed-term period ending on 31 March 2023. As such, Lincolnshire County Council's existing resources are not envisaged to be utilised to fund the Active Recovery Bed service.

4. Benefits and Outcomes

The Active Recovery Bed service will:

- a) Support timely hospital discharges and reduce re-admissions to help mitigate 2022/23 winter pressures;
- b) Offer alternative care options for residents across Lincolnshire instead of remaining in hospital when medically fit to be discharged;
- c) Support the embedding of a "home first" culture and approach to discharge and patient flow.
- d) Reduce the need for some residents to go into acute hospitals.
- e) Enhance and support partnership working with the NHS.
- f) Reduce pressures on NHS staff working with the residents in the Active Recovery Beds – due to the volume of beds in one location, NHS staff will be able to structure their visits to maximise the number of patients attended and to minimise their travel. Each care home must provide a minimum of 10 beds.

5. Risks and Dependencies

5.1. Risks

- Winter pressures anticipated on wider health and social care sector – as set out at paragraph 4 above, these will be reduced by the provision of the Active Recovery Bed service.
- Hospital discharge delays - these will also be reduced by the provision of the Active Recovery Bed service, as above.
- Acute hospital admissions and readmissions arising due to residents who are unable to be cared for in their own homes - these will be reduced by the provision of the Active Recovery Bed service.
- Residential care home market is unable to provide the service - this should be mitigated to some extent by the financial certainty the contract provides. The financial model has been costed by LCC Finance and is believed to represent a fair payment for the specialist provision of the Active Recovery Bed service.
- Time limits on bed occupancy - each resident can only use an Active Recovery Bed for a maximum period of 4 weeks. There is a risk of bed-blocking leading to pressures on hospital discharge. This will be mitigated through effective contract management. The Council will take the final decision on extending any resident's stay beyond the 4-week period, and this would only occur in cases of extreme urgency.

5.2. Dependencies

- Working with local acute hospital discharge teams to ensure appropriate referrals are made to the Active Recovery Bed service. The Council already has a good working relationship with the local hospital discharge teams and will continue to work with them to ensure the Active Recovery Bed service is available to suitable residents.
- Working with residential care providers, and homecare/reablement service providers, to enable residents to move on from the Active Recovery Bed service at the end of their stay. The priority will be for residents to return home after using the Active Recovery Bed service but where this is not possible or appropriate, there are residential homes, homecare and reablement providers locally from whom alternative care arrangements can be sourced.

6. Commercial Model

- 6.1. Delivery will be by multiple providers of a countywide service with a provision of 20 Active Recovery Beds proposed in each of the East, South and West geographic areas. Providers must offer a minimum of 10 beds in each care home to be used for the Active Recovery Bed service.

7. Performance

- 7.1. Performance management and KPIs will form part of the contract with the successfully bidders. These will require proportionate, measurable and achievable performance levels aligned to the service specification, with particular focus on the daily number of beds in use, volume of referrals received, timeliness of the service responding to referrals, percentage of people re-abled to maintain or reduce existing support levels at the end of their stay and the outcomes of the completed Active Recovery Bed stays. Providers will be required to send daily updates to the Council on bed availability in order to maximise use of the Active Recovery Bed service. The contracts will be actively monitored and managed by LCC's Commercial Team throughout and at the end of the contract period.

8. Contract Commencement and Duration

- 8.1. The contract is intended to commence on 12th December 2022 and will end on 31st March 2023, in line with the funding provision.

9. Procurement Implications

- 9.1. The procurement is being undertaken in accordance with regulations 74 to 76 of the Public Contract Regulations 2015 under the "Light Touch Regime" utilising an Open Procedure method. A Contract Notice will be published in November 2022 and a Contract Award Notice will be issued on any award to a successful bidder.
- 9.2. The procurement has been initiated and is being run alongside the key decision process in order to expedite the commencement of service, given the urgency of

service availability and limited window of opportunity for funding. Should the recommendations of this report not be approved, the procurement process will be suspended and no contract(s) will be awarded.

- 9.3. In undertaking the procurement the Council will ensure the process utilised complies fully with the UK-EU Treaty Principles of Openness, Fairness, Transparency and Non-discrimination.
- 9.4. The procurement process shall conform with all information as published and set out in the Contract Notice.
- 9.5. All time limits imposed on bidders in the process for responding to the Contract Notice and Invitation to Tender will be reasonable and proportionate.

10. Public Services Social Value Act

- 10.1. In January 2013 the Public Services (Social Value) Act 2013 came into force. Under the Act the Council must before starting the process of procuring a contract for services consider two things. Firstly, how what is proposed to be procured might improve the economic social and environmental wellbeing of its area. Secondly, how in conducting the process of procurement it might act with a view to securing that improvement. The Council must only consider matters that are relevant to the services being procured and must consider the extent to which it is proportionate in all the circumstances to take those matters into account. In considering this issue the Council must be aware that it remains bound by procurement legislation which itself through its requirement for transparency, fairness and non-discrimination places limits on what can be done to achieve these outcomes through a procurement.
- 10.2. Social value was considered prior to the procurement commencing. As set out in paragraph 4 of this report, the Active Recovery Bed service will have the potential to deliver increased social and economic benefits to the area by:
 - Supporting timely hospital discharges and reduce re-admissions to help mitigate winter pressures.
 - Offering alternative care options for residents across Lincolnshire instead of them remaining in hospital when medically fit to be discharged.
 - Supporting the embedding of a “home first” culture and approach to discharge and patient flow.
 - Reducing the need for some residents to go into acute hospitals.
 - Enhancing and supporting partnership working with the NHS.
 - Reducing pressures on NHS staff working with the residents in the Active Recovery Beds due to volume of beds in one location.
- 10.3. Under section 1(7) of the Public Services (Social Value) Act 2013 the Council must consider whether to undertake any consultation as to the matters referred to above. This was considered but due to the urgency of the requirement, it is unlikely that any wider consultation would be proportionate to the scope of the procurement.

11. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

The Active Recovery Bed service will impact positively on all individuals accessing the service who will benefit from quicker transition from hospital discharge to care or will prevent the requirement for that individual to receive care in an acute hospital. The purpose of the Active Recovery Bed service supports equality of opportunity for all eligible residents of Lincolnshire to benefit from the service.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

Adults Health and Wellbeing is a core theme of the JSNA, with a key priority being to improve health and reduce health inequalities for individuals. The Active Recovery Bed service will improve the health of residents through the provision of detailed specialist care whilst enabling them to leave hospital when medically fit to do so, to continue their reablement before going home or onto another care setting.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

This service is unlikely to contribute to the furtherance of the section 17 matters.

12. Conclusion

Through procurement of the Active Recovery Beds service as detailed above, the Council will improve the availability of specific reablement care for residents who require a further period of support prior to returning home. The Active Recovery Beds service will also support local hospitals with the expected wider winter pressures of 2022/2023.

13. Legal Comments:

The Council has the power to enter into the contract proposed.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor for Adult Care and Public Health.

14. Resource Comments:

The weekly bed price for the Active Recovery Bed service has been calculated informed by the residential price model and enhancing it to reflect the specific staffing and care support requirements of the Active Recovery Beds service.

The funding for the Active Recovery Bed service has been provided by Lincolnshire ICB and will not affect existing Council budgets.

The proposal to purchase Active Recovery Beds via a block contract arrangement will enable the Council to maintain a certainty of supply of such service during the contract period, providing a degree of greater certainty of availability to health partners when dealing with hospital discharges.

15. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The decision will be considered by the Adult Care and Community Wellbeing Scrutiny Committee on 30 November 2022. The comments of the Committee will be reported to the Executive Councillor

d) Risks and Impact Analysis

As set out at paragraph 5 of this report.

Due to the urgent nature of the timescales identified for the commencement of the proposed Active Recovery Bed service in order to alleviate 2022/23 winter pressures in the health sector, a full Equality Impact Assessment has not been conducted. However, the purpose of the proposed Active Recovery Bed service supports equality of opportunity for all eligible residents of Lincolnshire to benefit from the service.

16. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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