**SECTION 3 -**

**SPECIFICATION FOR ADULT SOCIAL CARE DAY OPPORTUNITIES**

##  INTRODUCTION AND CONTEXT

### Commissioning Intentions

In line with national policy directives, Derby City Council aims to reduce the demand for institutional care by increasing options for community support and commissioning services which promote and support Customer independence.

To contribute to this, Derby City Council wishes to ensure there is a vibrant and innovative day opportunities market for our Customers that:

* improves and maintains their overall well-being;
* enables and increases independence;
* can meet their diverse range of needs and differing levels of complexity;
* evidences value for money;
* has consistency of quality;
* offers a choice of opportunity and ensures individual awareness of those opportunities;
* enables Customers to an extent where they are able to receive less or completely exit commissioned support.

### Service Outcomes

It is expected the following will be achieved for Customers through delivering a Day Opportunities Service. The overarching principles of outcome focussed support are:

* Overall physical abilities and mental health and well-being is improved and maintained;
* Ability for greater independence, skills and confidence is increased and full potential realised;
* Strengths, skills and assets within their families/support network and as part of their community is maximised, this strength-based approach encourages a focus on an individuals’ personal, community and social network strengths and using these to support the achievement of outcomes[[1]](#footnote-1);
* A wide range of community-based activities is offered enabling Customers to develop relationships, contribute to society and fulfil their potential by building on existing and learning new skills which enhance their daily life;

Less reliance on traditional social care delivery models of paid support and moving on to more innovative and creative solutions leading ultimately into mainstream and universal non-commissioned provision as far as possible, with any eligible needs within the Care Act 2014 continuing to be met as determined by the Social Care assessment.

### Service Description

This Service Specification sets out the Council’s requirements for the provision of outcome focussed, person-centred day opportunities that provide eligible Customers aged 16+ years (including older adults aged 65+) with a range of activities that will help them achieve a fulfilling and independent life contributing to improving their overall well-being as well as, where appropriate, giving their Carers a break.

The Council is requires a variety of Service provision to meet differing levels of need, which have been broadly explained in the following illustration:



Specialist intensive support:

Customers who have Complex, Profound and Multiple Disabilities arising from a combination of learning disability, autism, physical disabilities and long term conditions. Customers will require staff with additional training to meet the specific requirements of their presenting health conditions. Day time support will be designed to seek to improve the persons’ independence and health, including outcomes linked to reducing social isolation and delivering meaningful stimulation. Positive behaviour support plans or health action plans would need to be used to maximise the persons’ health and wellbeing. Support would be delivered on a 1:1 basis with clear detailed support plans. There may be a need for support with some personal care or health needs as appropriate.

Targeted support: Complex needs including those with Profound and Multiple Learning Disabilities, who require support within a group setting with some 1:1 support or smaller staffing ratios in place, with a focus on providing targeted support to increase independence and communication skills. There may be a need for support with some personal care or health needs as appropriate.

Enablement: Enablement focussed personalised support to increase community independence and cohesion for customers predominantly with Mental Health needs, Learning Difficulties and Autism, individualised outcome focussed support in a group setting consisting of a range of activities, including but not limited to:

* Support to promote good mental and physical health, manage symptoms and avoid relapse
* Advice, guidance and signposting on resources in the community to meet individual outcomes
* Support to access targeted learning opportunities such as volunteering, employment, peer support and user led activities
* There may be a need for support with some personal care or health needs as appropriate.

Group Support: Provision of enablement and outcome focussed support for customers with less complex needs which may be time limited, supporting customers to regain skills, and promote independence through for example community connections. These services would be expected to provide social stimulation, social activities, confidence building and engagement with universal services. No personal care support required.

Service Providers will generally not be expected to undertake any CQC regulated activity. More information can be found here:

[ttps://www.cqc.org.uk/guidance-providers/registration/regulated-activities](https://www.cqc.org.uk/guidance-providers/registration/regulated-activities)

Where Service Providers are not registered with CQC themselves and Personal Care delivered within the Customers’ home becomes an assessed need for the Customer, the Service Provider will be required to become registered with the CQC and achieve a rating of ‘good’ or above, or to sub-contract with a Service Provider who is a) registered for the regulated activity of Personal Care and b) is on the Council’s Dynamic Purchasing System/Framework for Home Care.

**Day Opportunities - Promoting Well Being and Achieving Independence**

The Service will support Customers to improve and sustain their overall well-being through enabling them to access a range of activities designed to develop and maximise their social skills, daily living skills, confidence and self-esteem both in a home environment and/or out in the community. It is likely that support will be over a longer period in order to achieve the goals and outcomes defined in their individual Care and Support Plan.

The Service will also support Customers achieve specific goals and outcomes to gain as fully an independent life as possible appropriate to their capabilities, aspirations and maximising their potential. This will be delivered through support to undertake a structured programme of activities both in a home environment and/or out in the community with clear goals to be met by agreed timelines and, as such, is viewed as a stepping stone to independence rather than a service for life. Customers and Carers have told us they value the varied delivery of provision which has been developed as a response to the pandemic, therefore innovative methods of support should continue to be offered as part of a wide-ranging response to meeting outcomes. This would include but is not limited to; contact with nature, activity packs, walking, accessing the community, gardening and cooking, outreach support, Zoom activities, widening communication and socialisation skills.

### Overall Aims and objectives of the Day Opportunities Offer

The key focus of the Service will be on improving and maximising Customer wellbeing, independence, socialisation and daily living skills realising their full potential in the achievement of their individual aspirations and outcomes.

Whilst delivery can encompass the traditional elements of a day opportunities service, more creative and innovative solutions to support Customers in a personalised way is strongly encouraged.

As the approach is one of enablement it is expected that all Customers will improve from accessing this Service with a number of Customers who will sufficiently succeed in meeting their outcomes resulting in a reduction to the level of support needed or exiting the Service to access appropriate non-commissioned, mainstream services and support.

**COVID-19 Response**

The Service Provider must be abreast of national and local government and other relevant guidance in relation to the safe re-opening of services as measures to combat coronavirus ease and adapt.[[2]](#footnote-2)[[3]](#footnote-3) The Service Provider will implement all relevant guidance to ensure risk assessments and business continuity plans are in place and regularly reviewed and adapted.[[4]](#footnote-4)

**Carers**

The Service Provider should seek to identify where there is a Carer and recognise them as an expert partner in care, offering support where necessary so that their caring role complements the support provided by the Provider. If the Service Provider identifies that the Carer may need additional support to continue in their caring role, they should support the Carer to identify the additional information they may need and the appropriate routes for support.

##  CORPORATE AND SERVICE POLICIES

Service Providers should take account of best practice and national policy directives relevant to their Service areas – this may include NICE guidelines, codes of practice of relevant regulatory bodies and specific requirements made upon the delivery of Service in respect of professional or quality assurance schemes they may be signatories to.

The websites below provide references to strategic documents that guide the development and coordination of Services for Customers supported by the Council, including:

**Customer**

**Derby City Council Plan 2019-23**

<https://iderby.derby.gov.uk/media/intranet/documents/policyandstrategy/Council_Plan_2019-23_FINAL_190719.pdf>

**Your Life Your Choice** [https://www.derby.gov.uk/media/derbycityCouncil/contentassets/documents/adultsocialcare/ylyc/DerbyCityCouncil-yourlifeyourchoiceSocialCare-brochureMARCH16.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/adultsocialcare/ylyc/DerbyCityCouncil-yourlifeyourchoiceSocialCare-brochureMARCH16.pdf)

**Personal Budgets**

[https://www.derby.gov.uk/health-and-social-care/your-life-your-choice/support-from-adult-social-care/social-Services-direct-payments/](https://www.derby.gov.uk/health-and-social-care/your-life-your-choice/support-from-adult-social-care/social-services-direct-payments/)

**Putting People First**

[https://webarchive.nationalarchives.gov.uk/20130104175839/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\_081118](https://webarchive.nationalarchives.gov.uk/20130104175839/http%3A/www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_081118) (2007)

**For Customers with Learning Disabilities and Autism**

* ‘*National Plan Building the Right Support’* <https://www.england.nhs.uk/learning-disabilities/natplan/>
* *‘The National Service Model’* <https://www.england.nhs.uk/wp-content/uploads/2015/10/ld-serv-model-oct15.pdf>
* *‘Transforming Care Plan’* <http://www.northderbyshireccg.nhs.uk/transforming-care-plan>

**For Customers with Dementia**

* <https://www.derby.gov.uk/health-and-social-care/your-life-your-choice/independent-at-home/support-for-people-with-dementia/>
* <https://www.nice.org.uk/guidance/ng97> NICE guidance
* National Dementia Strategy 2009 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/168220/dh\_094051.pdf

The Service Provider must also ensure they comply with the Data Protection Act 2018 at all times during the contract and ensure that any data is only processed and used for the purposes required under the contract.

* 1. **CORE**

### GENERAL

When delivering the support described in this specification, Service Providers will need to ensure that Services support the principles of Your Life Your Choice:

1. Self-determination – each person should be in control of their own life and, if they need help with decisions, those decisions are kept as close as possible to them.
2. Direction – each person should have their own path and sense of purpose to help give their like meaning and significance.
3. Money – each person should have enough money to live an independent life and are not unduly dependent upon others.
4. Home – each person should have a home that is their own, living with people that they really want to live.
5. Support – each person should get support that helps them to live their own life and which is under their control.
6. Community life – each person should be able to fully participate in and contribute to family and community life.
7. Rights – each person should have their legal and civil rights respected and be able to take action if they are not.
8. Responsibilities – each person should exercise responsibility in their own lives and be able to make a contribution to their community.

To deliver these principles Service Providers will demonstrate that they can:

* Deliver Customer outcomes: the quality of the Service will be measured by the improvement in the outcomes for individual Customer. Individual Customer outcomes will be identified by each Customer within their ‘My Self-Assessment’ and if appropriate this will include views of their family carers or representatives. These outcomes will be specified by the Council when requesting a Service and monitored as part of ongoing Service management. The Service Provider will agree with each Customer how and when they will be supported to achieve their outcomes and specify this in the Service Provider’s Support Plan.
* Provide personalised support: Services must be planned and delivered in a way that is asset based and enabling to maximise self-care and independence. Support Plans and Service delivery will evidence that support solutions build on and develop a Customer’s strengths, abilities and support within their support network. This will require Services to adapt to the Customer’s changing needs and circumstances including support to access appropriate equipment and other support Services.
* Support individual choice and control: Support Plans, risk assessments and the delivery of the Service will need to show that the views of Customers and, if appropriate, the views of carers within their support network. This may involve supporting individuals to take risks in their lives and Service Providers will need to ensure Support Plans and risk assessments reflect how they will support Customers to manage these risks are taken into account.

The Service will also support the Council’s commitment to the Derbyshire Transforming Care Partnership.  The shared aim of this Partnership is to prevent the admission of vulnerable adults with Learning Disabilities or Autism into in-patient provision wherever possible and to ensure that anyone inappropriately placed in such beds is enabled to live an independent life in a community setting.

### SPECIFIC

**Customers**

Customers for these Services will:

* Be ordinarily resident within the boundaries of Derby City Council.
* Be 16+ years of age – there is no upper age limit.
* Have eligible care or support needs as defined by the Council in meeting its duties under the Care Act.
* Have a personal budget provided by Derby City Council who will commission services on their behalf.

Customers who require this Service will have a wide range of moderate to highly complex needs that may include one or a combination of the following broad headings (please note this list is not exhaustive):

* Learning Disabilities (including PMLD)
* Mental Health
* Physical Disabilities
* Sensory Impairments
* Autism
* Behaviours that Challenge/ high risk behaviours
* Complex needs which may include alcohol or substance misuse
* Dementia
* Have suffered a recent critical health or other episode (such as family bereavement) and requires further support and/or rehabilitation / (re) enablement support post Hospital to Home or Intermediate Care intervention or as part of a plan to support the Customer to return to a support level prior to the episode.

Customers may have complex and multiple support needs. Service Providers will need to develop personalised Support Plans that identify clear and quantifiable ways that they will support Customers to achieve their individual outcomes.

Those with more complex needs are likely to have significant challenging behaviours and increased anxiety levels, high communication difficulties, sensory and physical needs, and severe Autism.

It is recognised that the goals for someone with dementia, rather than achieving ‘independence’, may be to preserve and encourage a more functional state, enabling them to live as well as possible with their condition. Therefore, the Service Provider should focus on maintaining function as well as increasing function. This is particularly important for people with dementia, as they will have different abilities as they progress, and maintenance of the function or activity at every level should be the goal.

Service Providers will be required to demonstrate competence to deliver the Service to Customers on an individual basis based on their assessed needs and preferences, including demonstration of skills and experience required.

Service Providers will be encouraged to develop their Service provision across a range of different Customer groups to support market development and to ensure that Customers with complex and multiple support needs have their needs met comprehensively.

### Peer Support

The Service Provider will be expected to develop and promote peer support and self-help groups with accompanied support for Customers, as required, to enable them to provide support to their peers, find friendships and reconnect with communities in a meaningful and safe way. It is envisaged that these groups will become self-supporting and self-sustaining over time wherever possible.

**Meeting Diverse Needs[[5]](#footnote-5)**

Derby is a City of approximately 257,302 citizens, 11.7% of whom are Non-UK nationals, 19.7% identify as being from a Black, Asian or Minority Ethnic group. These statistics are higher than regional and national datasets. There are also growing New and Emerging Communities largely from Eastern Europe and many from Roma backgrounds. The Service Provider will need to pay due regard to the diverse communities in Derby City, and ensure services are appropriate and accessible to all, pro-actively and positively promoting these communities within service delivery, to ensure activities and the environment within the setting reflect the diverse community.

### Settings

***In a Customer’s Home***

Where activities are to be undertaken in a Customer’s home the Service Provider will ensure its Staff abide by any reasonable ‘house rules’ so there is no detrimental effect to the Customer engaging with a particular activity. The Service Provider’s staff will treat the Customer’s home with respect and be advised by the Customer or their Carer regarding any aspect within the home that will affect the Customer engaging with the activity and them having a positive experience.

There is an expectation, where possible and identified through the Care and Support Plan that Customers who lack confidence and find it difficult to leave their home environment will be supported to access community facilities/go out into the community.

### Community Facilities

The Service Provider will ensure that any community facility used for the provision of this Service:

* Is within, or no more than 15 miles outside, the Derby City Council boundary;
* Is fit for purpose and compliant with relevant aspects of the Equalities Act 2010;
* Is safe, clean and appropriate for the activity to be delivered;
* Has equipment to be used that is of a good standard, safe, compliant with any Health and Safety regulations, operated by adequately trained people and easily accessible to Customers;
* Has appropriate changing and toileting facilities to meet the needs of Customers;
* Is welcoming, friendly and inclusive;
* In particular for those Customers with Autism and/or Challenging Behaviours be appropriate to their specific needs where the environment will not trigger any adverse reaction.

### Out in the Community

The Service Provider will ensure that any activity/resource accessed out in the community is appropriately risk assessed and processes are in place to manage and support Customers’ safety whilst still enabling them to enjoy and be challenged, as necessary, to help them achieve their outcomes and aspirations. The Service Provider will make available to the Council any risk assessments it requires for monitoring purposes or as part of an investigation where concerns or a complaint has been raised in relation to the Customer’s safety.

It is expected that community activities/resources to be accessed are within, and no more than 15 miles outside, the Derby City Council boundary unless it is agreed by the Council that support to access an activity/resource outside of this boundary tolerance is needed to achieve individual Customer outcomes. The Service Provider will evidence that it has made all reasonable effort to source an appropriate activity/resource within these parameters before approaching the Council.

**Group Activities**

It is expected that for group activities the Service Provider will take into consideration the abilities of Customers to be included in that group and ensure no Customer is disadvantaged or the achievement of their individual outcomes is compromised.

### Transport

It is envisaged that Customers will be supported to travel as independently as possible. However, Service Providers may wish to make arrangements to provide transport as part of the Service if the Customer is unable to travel independently and charge Customers accordingly through private arrangements.

Service Providers may be asked in the future to supply prices inclusive of transport on an individual Contract basis or in relation to overall service delivery as a varied requirement.

The Service Provider is to ensure that any driver/vehicle used in relation to transporting Customers meet the legal requirements to provide this transport. The transport must also be suitable to meet the Customers needs.

**Meals**

Any meals provided by the Service Provider must be nutritional and all refreshments (including meals) must adhere to appropriate health and safety standards. The Service Provider will recognise and make provision for cultural and religious needs such as prayer time and specific food preparation (e.g. Halal) if appropriate. The Council will not be liable for the cost of any refreshments (including meals) and the Service Provider will charge the Customer directly for any refreshments.

### Activities

Service Providers will support Customers to access facilities or take part in activities but will not charge the Council additional costs for such facilities or activities. Service Providers may wish to charge the Customer directly for costs incurred during trips and activities which take place outside of the usual base, however need to be mindful of choice, control and affordability, and to offer alternatives or schemes to subsidise costs for Customers who do not have the means to fund such activities.

### Promoting Well Being and Achieving Independence

The Service will support Customers to improve and sustain their overall well-being through enabling access to a range of activities designed to develop and maximise social and community inclusion and increase their confidence and self-esteem both in a home environment and/or out in the community. It is likely that support will be over a longer period in order to achieve the goals and outcomes defined in their individual Care and Support Plan.

The activities to be accessed should enable better:

|  |  |  |
| --- | --- | --- |
| **Social/Community Inclusion through -** | **Well Being through -** | **Confidence/Self Esteem through -** |
| * Making friends/ friendship groups
* Developing and maintaining relationships
* Being able to communicate
* Building trust
* Having fun and enjoyment
* Going out
 | * Exercise
* Sport
* Diet/Nutrition
* Relaxation
* Hygiene
* Hobbies
* Appropriate facilities
 | * Creativity (eg arts, music, writing)
* Self expression (eg dance, drama)
* Achievement (eg learning new skill/language, winning award/ certificate)
 |

The above is not an exhaustive list and activities should be personalised to the Customer in line with their Council Care and Support Plan.

The Service will also support Customers achieve specific goals and outcomes to gain as fully an independent life as possible appropriate to their capabilities, aspirations and maximising their potential. This will be delivered through support to undertake a structured programme of activities both in a home environment and/or out in the community with clear goals to be met by agreed timelines and, as such, is viewed as a stepping stone to independence rather than a service for life.

The Service will need to develop a clear pathway for each Customer that will enable them to live safely, independently and autonomously access mainstream social, leisure, education and wider community opportunities as far as possible.

This will include, but is not limited to:

|  |  |  |
| --- | --- | --- |
| **Living At Home** | **Out in the Community** | **General** |
| * Food choice and preparation
* Keeping a home clean and tidy
* Paying bills and money management
* Gardening
* Safety in the home and garden
* Cleaning
* Healthy eating
 | * Knowledge of local community services eg leisure/sports centres, cinemas, restaurants,
* Knowledge of local groups eg walking/ rambling, interests/hobbies, social
* Keeping safe whilst out and about
* Independent Travel training
* Where to go for advice
* Shopping
* Arranging and making bookings/reservations
 | * Self Care
* Dressing appropriately
* Washing
* Personal hygiene
* Toileting
* Health management
* Building resilience
* Improving Communication skills
* Managing medication
* Socialisation
* Keeping safe
 |

* 1. **THE TRANSFER OF UNDERTAKINGS REGULATIONS 2006 (TUPE)**

The procurement process for this service specification does not itself raise TUPE implications and it is unlikely that the awards of contracts for new service agreements will be affected by TUPE.

Where existing service agreements or contracts are re-tendered this may give rise to a possible presumption that the European Acquired Rights Directive 77/187 and/or the Transfer of Undertakings (Protection of Employment) 2006 regulations may apply in the event of any existing contract being awarded to a new Service Provider.

Each contract award via this procurement exercise will need to be judged on its own merits as to whether TUPE applies and any possible transfer will be a Service Provider to Service Provider transfer.

However for any possible TUPE transfer, the Council will not provide any warranty about the accuracy of information or the actual legal position and therefore the Council makes no representations about the applications of TUPE for any contract award. Service Providers will be advised to make their own enquiries by seeking independent professional legal advice on the consequences for them if they are the successful Service Provider and the TUPE regulations do apply to any contract award.

* 1. **IR35 (INTERMEDIARIES LEGISLATION) AMENDMENT FOR OFF-PAYROLL WORKING IN THE PUBLIC SECTOR**

The law now requires public sector bodies to decide the employment status of persons they engage to provide Services, or predominantly Services, through an intermediary such as a personal service company or agency. The Council will decide the employment status prior to engagement using HM Revenue and Customs employment status tool, which can be found here –

<https://www.tax.service.gov.uk/check-employment-status-for-tax/setup>

If the Council decides the engagement is ‘employment’ Tax and Employees National Insurance will be deducted from the Service Providers invoice under PAYE.

* 1. **IMPLEMENTATION / CONTRACT TIMETABLE**

Timescales and DPS duration are outlined within the Application documentation.

Individual Contract duration will be specific to each individual contract.

* 1. **SERVICE TIMESCALES**

In adopting a personalised approach the Service will deliver in accordance with the Customer’s Care and Support Plan, identified needs and reasonable preferences/expectations and broadly within the following availability parameters:

* 09:00-22:00hrs
* Monday to Sunday
* 52 weeks of the year (where the building based provision is not accessible at certain times of the year, alternative support can be provided as an alternative)

It will be expected that the Customer will receive a Service no later than 6 weeks from the Council informing the Service Provider that they have been successful in the Contract Opportunity process.

* 1. **WORKING METHODS AND CODES OF PRACTICES**

### LEGISLATION

The Council is required to provide Services in compliance with legislative frameworks, national policy and guidance and as such it is expected all Service Providers will comply with these and seek to address any future relevant legislative and policy changes that may arise. Current legislation and relevant policy and guidance affecting this Service include, but are not limited to:

* The Care Act 2014 (The Service Provider is required to embrace and embed principles of ‘Prevent, Reduce, Delay’, which changes the dependency culture of assessing for Services to an approach that builds upon a Customer’s assets and the support networks they have in their local communities).
* The Children and Families Act 2014
* The Mental Health Act 1983 (amended 1987)
* Health and Social Care Act 2008: code of practice on the prevention and control of infections (July 2015)
* Human Rights Act (1998)
* Data Protection Act 2018
* The Mental Capacity Act Code of Practice (2007)
* The Mental Health Act Code of Practice (2015)
* The Deprivation of Liberty Safeguards (DoLS) Code of Practice (2008)
* Equalities Act (2010)
* Health & Safety At Work Act 1974
* Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations (1995) (RIDDOR)
* The Autism Act 2009
* Food Hygiene (if relevant, minimum standard level 2 or equivalent for food handlers, updated every 3 years)

The Service Provider will be responsible for engaging and participating in the Council’s programme of communication, liaison and consultation to ensure they are aware of, and can demonstrate awareness of new developments in best practice; in legislation, Service and policy updates.

The Service Provider will be required to be aware of and follow appropriate guidance provided by nationally recognised agencies, including:

* LEDR and the Confidential Inquiry into the Premature Deaths of Adults with Learning Disabilities
* Building the Right Support
* Revised DHSC National Autism Guidance 2019
* STOMP / STAMP
* NHS Long Term Plan and subsequent Guidance 2019
* National Framework for NHS Continuing Care and NHS Funded Care
* NICE Guidelines relevant to the Customer group supported.

### THE CARE ACT

Under the 2014 Care Act the Council has a duty to provide support to all Customers, whether it funds them or not. Should any Service Provider need to permanently cease a Service, or have to cease for a period due to unseen circumstances, they will be required to work closely with the Council in identifying Customers and their families, so the Council can help source alternative provision on a temporary or long term basis depending on the nature of the closure.

The Service Provider should also take note of the notice periods in clause 28 of the DPS Agreement and as detailed later on in this Specification

### THE MENTAL CAPACITY ACT

Customers should have choice and control over their own health and care Services; it is they who should make decisions about every aspect of their life. There is a need to ‘shift the balance of power’ away from Services which are ‘doing to’ rather than ‘working with’ people, to a recognition that individuals, their families and carers are experts in their own lives and are able to make informed decisions about the support they receive.

Any decisions about care and support should be in line with the Mental Capacity Act. Customers should be supported to make their own decisions and, for those who lack capacity, any decision must be made in their best interests involving them as much as possible and the views of those who know them well, who make up their ‘Circle of Support’. ([https://www.derby.gov.uk/health-and-social-care/your-life-your-choice/support-from-adult-social-care/needs-assessment-by-social-Services/](https://www.derby.gov.uk/health-and-social-care/your-life-your-choice/support-from-adult-social-care/needs-assessment-by-social-services/) )

### WORKING IN CUSTOMER'S HOMES

### In addition to the requirements above under 3.3 Settings in a Customer’s Home.

Service Provider’s Staff are invited into Customer's homes by Customers and/or their Carers. Their status is as an employee of an agency; support workers will recognise this and act accordingly respecting the rules of the house and the wishes of the Customer. The Service Provider will ensure that:

1. Support Staff will not smoke in a Customer’s home or on their property or whilst providing support to a Customer in the community.
2. Support Staff must be free from the effects of mind altering substances or alcohol during working hours. Substances include both illegal drugs and legal medication if the medication affects their ability to carry out their duties in a safe and sufficient manner.
3. Staff must not drink alcohol while they are on duty.
4. Staff must not take any other person, including children, to the Customer’s home.
5. Staff must not take any pets or other animals to the Customer’s home.
6. Staff must not use a personal mobile phone during home visits or when providing direct care.
7. Staff must clearly:
8. Identify who is entering the Customers home, or is contacting the Customer and the organisation they work for
9. Keep a record in the Customers home of who has visited the Customer and when
10. The contact details of key worker, and supervisor responsible for their care package
11. Customers should be informed of the names of workers who will be delivering their support, where possible, in advance
12. Staff should carry, and show to Customers and others as appropriate, an official photo identification with their photo, name and Service Provider name on.

### BEHAVIOURS THAT CHALLENGE

Adults of Working Age and Young People over 16 years with complex needs, supported under this contract may have, at times, behaviours that are considered to be "challenging", and Service Providers will be required to demonstrate how they can minimise its impact by developing positive work with individuals.

Derby City Council has a commitment to the implementation of a positive behaviour support model including full organisational and manager accreditation, and Staff training in line with the National Service Model and the Derbyshire Transforming Care Plan standards is essential and will be monitored for the duration of the DPS. See also:

* *‘The National Service Model’* <https://www.england.nhs.uk/wp-content/uploads/2015/10/ld-serv-model-oct15.pdf>
* *Transforming Care Plan* <http://www.northderbyshireccg.nhs.uk/transforming-care-plan>
* ‘*Guidance on best practice on Challenging Behaviour’* Learning Disabilities and Challenging Behaviour <https://www.nice.org.uk/guidance/ng93>

### SAFEGUARDING

Both the Council and the Service Provider must follow laid-down national and local safeguarding procedures as part of the process of managing and preventing serious concerns.

The Service Provider will be fully compliant with the protocols for Safeguarding Adults and Safeguarding Children set out by the Council on our website:

<http://www.derby.gov.uk/health-and-social-care/safeguarding-adults-at-risk/safeguarding-vulnerable-adults>

<https://www.derby.gov.uk/health-and-social-care/safeguarding-children/>

<http://www.derbysab.org.uk/>

The Service Provider will have an officer who will act as the lead safeguarding officer who will be responsible for reporting to the Council all concerns raised in connection with the protection of vulnerable adults at Stage One of the Safeguarding Adult Protection Policy and Procedures and inform the Council in writing who that person is. The Service Provider will notify the Council of any changes to this member of Staff.

The Service Provider will ensure all its Staff are aware that they are individually responsible for compliance with the Safeguarding Adult Protection Policy and that they know all the internal and external processes for reporting all concerns in connection with the protection of vulnerable adults and children where appropriate.

Staff should be told in writing that they can report concerns through the nominated member of staff, or if they would prefer to, through the Council as set out in the Council’s Safeguarding Adult Protection Policy and Procedures.

Staff training needs in relation to safeguarding will be continually evaluated with all staff receiving appropriate training. The Service Provider will be able to access the Council’s training relating to appropriate Safeguarding courses.

The Service Provider is expected to have a clear statement outlining the Service’s responsibilities towards Customers available for all Staff.

The Service Provider will demonstrate senior management commitment to the importance of safeguarding and promoting the Customers' welfare.

### EQUALITY AND DIVERSITY

The Council is committed to advancing equality of opportunity and providing fair access and treatment in employment and when delivering Services. Derby City Council will work to deliver its commitments by tackling inequality arising out of age; disability; gender re-assignment; marital status and civil partnership; pregnancy and maternity; race; religion and belief including non-belief; sex or gender; sexual orientation; and other forms of disadvantage such as rural deprivation and isolation. Derby City Council’s policy applies to every Councillor, manager and employee of the Council and any other person or organisation employed by the Council to work or to deliver Services on its behalf, including those employed through contractual, commissioning or grant-aided arrangements.

It is the responsibility of the Service Provider to actively meet the requirements of the Equality Act 2010 and Derby City Council responsibilities under the Public Sector Equality Duty (the Duty) by paying due regard to:

• eliminating discrimination, harassment, and victimisation and any other conduct that

 is prohibited by the Equality Act 2010

• advance equality of opportunity

• foster good relations between people who share a relevant protected characteristic and those who don’t

Having due regard means the Service Provider needs to:

• remove or minimise disadvantages suffered by people due to their protected characteristics

• take steps to meet the needs of people with certain protected characteristics where these are different to the needs of other people

• encourage people with certain characteristics to participate in public life or in other activities where the participation is disproportionately low

The Council also expects the Service Provider to:

• capture effective data collection on employees and people and analyse these statistics

• produce equality impact assessments on policies, procedures and Services that may have an impact on people or the Service as a whole

• provide one or more equality objectives at least every four years.

The Duty and this Specification requires the Service Provider take into account disabled people’s impairments, when making decisions about policies and Services, as the law recognises that disabled’s people’s needs may be different from the needs of non-disabled people. This might mean making reasonable adjustments or treating disabled people better than non-disabled people to meet their needs or providing positive discrimination to enable disadvantaged group’s access to the Service.

All Staff employed by the Service Provider will recognise and respect the religious, cultural and social backgrounds of users in accordance with legislation and local and national good practice.

The Service Provider will ensure that it has access to appropriate translation Services/resources to enable equity of access and understanding.

### DIGNITY

Derby City Council is passionate about promoting Dignity in Care to all citizens of Derby.  Dignity in Care is a national campaign led by the National Dignity Council promoting dignity and respect to vulnerable people who receive care and support services.

Further information can be found at:

<https://www.derby.gov.uk/health-and-social-care/your-life-your-choice/support-from-adult-social-care/dignity-in-care/>

[https://www.derbysab.org.uk/dsab-subgroups/Customer-inclusion/dignity-award/](https://www.derbysab.org.uk/dsab-subgroups/customer-inclusion/dignity-award/)

The Service Provider is not required to apply for the Dignity in Cared Award but the Service Provider will ensure that Customers are treated with respect at all times and will ensure their personal sense of significance is enhanced. To achieve this, Service Providers should undertake activities to ensure:

1. the Customer feels confident that the Service will assist in the improvement of identified aspects of their day to day lives;
2. the Customer is confident that their dignity with regard to religious and cultural beliefs is respected
3. Staff will assist the Customer’s personal care with discretion and in such a way that dignity is maintained and that wherever possible, the Carer takes direction from the Customer.
4. the Service Provider shall have a written policy on how it will safeguard the Customer’s right to privacy and confidentiality. The Service Provider shall ensure that their Staff are made aware of this policy during induction and on-going training.
5. each Customer should be assisted in such a way so that any distress or discomfort is avoided or minimised, paying due regard to his/her health, safety and dignity and encouraging the development of personal skills and the exercise of choice and control.
6. the Service Provider should carry out in regular audits regarding the maintenance of dignity for their Customer.

### ACCESSIBILITY

The Service Provider will ensure that it takes into account the range of communication skills and abilities of the Customer population when recruiting and training staff, to ensure that no Customer is excluded from accessing the Service.

* 1. **QUALITY AND PERFORMANCE STANDARDS (see Appendix A)**

Whilst this Service does not require registration with CQC as a regulated activity, Service Providers must be mindful of their delivery standards being equivalent to any relevant Good Industry Practice. When delivering the Service the Provider is expected to adhere to the Care Quality Commission (CQC) Fundamental Standards at all times, please also refer to service description.[[6]](#footnote-6)

**The Service Provider will need to demonstrate evidence of delivery to support individual Customer outcomes in the following areas:**

* enhancing quality of life and increasing independence for people with care and support needs through an enabling approach
* delaying and reducing the need for care and support
* ensuring people have a positive experience of care and support, including having choice and control about how it is delivered
* safeguarding adults or children whose circumstances make them vulnerable and protecting them from unavoidable harm
* understanding the impact of disability, mental ill-health and impairment and supporting self- management where appropriate
* enhancing the health and wellbeing of people being supported
* enhancing or maintaining dignity

**Quality assurance procedures that the Service Provider must comply with include the following:**

* the Council will seek evidence through monitoring the Service, that the delivery of Services is focussed on flexible care and support and the outcomes from the individuals’ My Self-Assessment in line with this Specification.
* Service Providers will be required to permit access to any employees of Derby City Council, or agents working on their behalf, and to facilitate access to records in accordance with the quality assurance and contract monitoring requirements of this contract
* Service Providers will be required to undertake a self-assessment audit return on at least an annual basis
* thematic monitoring/audit visits carried out by Derby City Council in relation to the standards stipulated
* monitoring and compliance meetings
* financial reporting including the requirement of the Service Provider to report on any financial difficulties which may result in the non-delivery of the Service in full or in part
* Duty of Candour – including the requirement of the Service Provider to report on any other difficulties or risks inherent in the delivery of this Service which may result in the non-delivery of the Service in full or in part
* reviews of care or support packages including feedback from key stakeholders including the Customer and social care worker
* Derby and Derbyshire joint safeguarding adults policy and procedures
* medication reporting where appropriate
* Service Providers must be responsive to Customer’s daily changing circumstances and complete accurate recording
* Service Providers must meet the outcomes of assessments/care plans
* Service Providers must remain compliant with other statutory requirements, such as Fire Safety and Environmental Health
* attendance at Service Provider Forums
* compliance with Derby City Council’s requirements for future electronic monitoring reporting.

### Assessment Process

This will include:

* Service Providers to complete an annual self-assessment audit
* details of the Service Provider’s management structure
* feedback from Customers, Carers and family members as well as professionals from the Council or partner agencies
* evidence of contingency planning
* provision of financial reporting to confirm the ongoing financially sustainability of the Service Provider.
* quality assurance visits, compliance meetings, reviews, response to safeguarding and complaints, timely incident reports and action plans.

### Staffing Requirements

The Service Provider’s Staff:

* must comply with minimum training requirements to ensure a safe delivery of Service to meet the individual outcome focussed care plan
* will adhere to recommended standards of training as specified by Skills for Care
* will be required to undergo safe recruitment processes which includes a new enhanced DBS check, satisfactory written references received, a full induction and training programme agreed and in place to enable employees to deliver Services to the standards required in this specification
	1. **PERFORMANCE TARGETS**

In delivering Day Opportunities Service Providers must demonstrate there is:

* a positive behaviour plan and risk management plan in place relevant to the individual Customer’s needs;
* evidence of one-to-one support provided directly to Customers where this is required;
* the correct Staff:Customer ratio in place for group/sessional activities
* an annual Staff training plan in place that covers mandatory and non mandatory training required to provide a quality service and this shows Staff attendance and attainment;
* Award within 12 months of notification of being placed on the Council's DPS.
* joint working with local statutory and non-statutory Service Providers in the locality where this adds value and supports Customer outcomes
* evidence of the Health and Well-being of Customers being supported in a pro-active and personalised way
* evidence of general maintenance and a programme for future maintenance
* evidence of complaints and resolutions
* continued knowledge gathering and information sharing with Customers regarding issues and relevant opportunities in their local area.

The Service Provider will attend contract management meetings with the Council on at least an annual basis or more regularly as determined by the volume, complexity, risk rating, or other Service factors as determined by the Council.

The Council will conduct visits on at least an annual basis or more regularly as determined by the volume, complexity, risk rating, or other Service factors as determined by the Council. The Council may conduct these visits through any designated officer and jointly with other statutory bodies as per the needs and interests of the Customer(s) concerned.

The Service Provider is also expected to work collaboratively and engage with the Council to develop a shared, ongoing understanding of supply and demand within the local market. For example, information regarding why certain packages of support have not been bid for; intelligence about any unmet local needs; or information regarding supply factors such as Staffing will support our mutual strategic commissioning aims and enable joint planning and risk management. This will be to the aid of both Service Providers and the Council and ultimately local people who may access the Service in the future.

* 1. **INTERFACE WITH OTHER SUPPLIERS / SERVICE PROVIDERS**

Service Providers are expected to work, as necessary, in partnership with a wide range of statutory and non-statutory partners in order to meet the needs of Customers.  Service Providers are expected to build and develop relationships with partners based on the needs of their Customers. This will include:

* NHS Health Services,
* Police and other statutory agencies
* family members, informal carers and with other organisations that support the Customer’s outcomes

Where there is a requirement to share personal data and information, Information Sharing Agreements will be developed where applicable. See 3.13 CONFIDENTIALITY – Information Sharing and Data Protection below.

* 1. **SUB-CONTRACTORS**

No sub-contractors will provide any element of this Service unless agreed in writing by the Council prior to the sub-contractor starting work. The Service Provider will notify the Council of any sub-contractor currently delivering any part of this Service on its behalf detailing individually the name of the subcontractor organisation, the percentage of Service being delivered and its cost. The Service Provider shall furnish a statement of how its staffing structure will be made up in relation to Staff; agents or consultants; and volunteer Staff if requested by the Council.

* 1. **CONFIDENTIALITY**

**INFORMATION SHARING AND DATA PROTECTION**

People have a general right to independence, choice and self-determination including control over information about themselves. In the context of adult safeguarding these rights can be overridden in certain circumstances.

Emergency or life-threatening situations may warrant the sharing of relevant information with the relevant emergency Services without informed consent. The Service Provider and any associated organisations will sign up to Information Sharing Agreements / Data Processing Agreements as appropriate as part of the pre-contract / contract initiation period.

The law does not prevent the sharing of sensitive, personal information within organisations. If the information is confidential, but there is a safeguarding concern, sharing it may be justified.

The Service Provider and its staff shall comply with Data Protection Act 2018, the General Data Protection Regulations 2016 and article 8 of the Human Rights Act (the right to privacy) and any subsequent legislation that is applicable during the course of the agreement.

As a minimum this means:

**•** Customers are informed of how their personal data will be processed;

**•** Staff will not share information about Customers outside of the workplace;

**•** records will be accurate and kept up to date;

**•** Customers will have a right to access to information held about them;

**•** personal tasks will be carried out in complete privacy;

**•** personal data will be kept secure at all times;

**•** any disclosure of personal information must be done securely;

**•** personal data will not be collected that is not required for the provision of the

Service.

The Service Provider will have a Data Protection policy that governs conduct of Staff and volunteers to ensure personal data is kept secure.

The Service Provider will ensure the Staff that provide this Service are aware of their responsibilities under the Data Protection Act 2018. The Service Provider will ensure that new Staff receive training on this as part of their induction and receive refresher training on their responsibilities under the Data Protection Act 2018 at least every two years.

The Service Provider will ensure signed confidentiality agreements are in place for all members of Staff working on Contract.

The Service Provider will ensure appropriate security procedures are followed to protect the personally identifiable information belonging to Customers when making referrals or communicating on their behalf.

### RECORD KEEPING

The Service Provider shall ensure proper records are maintained and made available to the Council, including but not limited to:

* person centred care and Support Plans;
* risk assessments and capacity assessments;
* preparing reports for and attending Customer reviews;
* Staff rosters;
* details of all Staff employed and Staff changes;
* Staff records including training and induction;
* records of all accidents/incidents involving staff/Customers with follow up risk assessments and records of actions taken.
	1. **REPORTING / CONTRACT MONITORING**

Service Providers are required to engage with the Council’s electronic management systems as per Section 3.22 to support contract reporting and monitoring.

Service Providers are required to complete contract management requirements which will include activity and outcome reporting, and are required to engage in Quality Assurance activities as detailed in 3.9.

* 1. **PROBLEM SOLVING**

The Service Provider will work collaboratively with the Council, and other partners and Service Providers where relevant, to ensure that any difficulties in Service delivery are resolved as soon as is practicable to support Customers.

The Service Provider will have a complaints policy that is accessible and promoted to Customers, including provision for feedback to be provided to Customers and other relevant stakeholders (including in Plain English and Easy Read where required). This policy will ensure that complaints and feedback generate lessons learnt and continuous improvement.

The Service Provider shall also ensure that Customers are made aware that they can use the Council’s Complaints Procedures and are provided with details of how they can access these procedures. The Service Provider will be expected to fully co-operate and engage with any investigation under the Council’s complaints procedure.

If the Service Provider fails to deliver part or all of this Service Specification, the Service Provider will inform the Council at the earliest opportunity of any difficulties arising. The Council will work with the Service Provider to identify improvements to be made; the Service Provider must demonstrate evidence of improvement within agreed timescales.

The Council will enact Derby’s Multi-agency Service Provider Failure policy and protocols where presenting risks dictate and the Service Provider is expected to engage fully with this policy and related requirements.

Failure to deliver the Service in line with the Service Specification and Contract Terms and Conditions may result in a breach notice being put in place and further Contract Opportunities being suspended until improvements are made up to the required standard.. The Council reserves the right to terminate the contract in the event of serious breaches impacting on Customer or public safety.

* 1. **TRAINING AND MAINTENANCE**

The Council is a key partner of Joined up Care Derbyshire (JUCD) also known as Derbyshire’s Sustainability and Transformation Partnership (STP), bringing together Health and Social Care organisations across Derbyshire to provide the best care and services for people so that people can live well and stay well.

The key priorities are:

1. To attract and recruit Staff
2. To retain Staff and help progress their careers
3. To support trainees and apprenticeships

For further details click the link [www.joinedupcarederbyshire.co.uk](http://www.joinedupcarederbyshire.co.uk) for further information and ways to get involved.

As part of this Service, Service Providers must create an account and provide their workforce data to the Skills for Care Adult Social Care – Workforce Data Set (ASC-WDS) formerly known as the National Minimum Data Set for Social Care. Access to the ASC-WDS will enable the Service Provider to access opportunities for funding for development from Skills for Care. The Council’s Workforce Learning and Development Section will provide support to set up an account if needed.

Service Providers must ensure that all Staff have access to and complete:

* training on all areas required by legislation, local policies, The Council and regulators including the Care Quality Commission that are applicable to the service
* person specific training requirements required to deliver the personalised support for Customers as specified in their My Self-Assessment, Support Plans and Contracts.

The Service Provider will ensure that all Staff will receive appropriate, regular, paid training, and refresher training to carry out all aspects of their role in relation to some areas to meet legal requirements, for example, Assisting and Moving, First Aid; this training must be competency based. The Service Provider will:

1. ensure that Staff have the necessary training, qualifications, skills, competencies, personal qualities and value base to enable them to relate well to Customers i.e. NVQ level 1/2 in Social Care;
2. conduct regular reviews of staffing capacity and capability to ensure they have sufficient numbers of suitably trained and experienced Staff to deliver the service;
3. ensure all managers of the service are appropriately experienced and qualified in order to effectively run the service. It is required that the manager responsible for overall day to day management of the service will hold at least a Level 4 qualification in care or another recognised equivalent qualification and an appropriate management qualification, i.e. Level 4in Management or Certificate in Management or equivalent;
4. ensure provision of a structured induction process for all new Staff, including completion of Skills for Care’s Care Certificate that is linked to National Standards, is completed by all new Staff, and a basic training programme for Staff or volunteers appropriate to the needs of the Customer group, before working unsupervised with the Customer;
5. carry out a training needs analysis for each new member of Staff and this will be incorporated into the Staff training and development plan;
6. ensure that Staff are only working with Customers for whom they have been appropriately trained to provide care and support for;
7. review the training needs of each Staff member at least annually to identify when refresher and training updates are required which will be incorporated in the Staff development and training programme.

The Council’s own Adult Workforce Learning and Development training courses are available to the Service Providers' Staff, as a partner agency working with the Council and can be found at <http://www.derby.gov.uk/health-and-social-care/your-life-your-choice/support-from-adult-social-care/training-courses/>

This webpage also indicates that such courses are open to all Social Care staff whether they are employed within the Council or within the Private, Voluntary and Independent Sectors (PVI) with some courses offered free of charge.

The Service Provider will report on their practices around Staff training and appraisal as part of the contract monitoring process.

The Service Provider will ensure that Staff have received and understood how to apply the training set out in the list below where appropriate to the delivery of the Service based on Customer’s needs.

**Mandatory training requirements for relevant staff and how often they must be updated:**

* Person centred planning (a requirement for all Staff carrying out assessments)
* Promoting independence
* Moving and Handling
* Dignity in Care
* Communication Skills – verbal and non-verbal
* Understanding Challenging Behaviour Competency based updated annually
* Equalities and Diversity awareness
* Safeguarding Adults (update every 2 years)
* Safeguarding Children (update every 2 years)
* Health & Safety to meet current legislation
* Risk Assessment and Management
* Mental Capacity Act (update every 2 years)
* Infection Prevention and Control
* First Aid Competency based update every 3 years
* Infection Control
* Food Hygiene (update every 3 years and where required in community settings)
* Basic Life support
* GDPR -Data Protection + Record Keeping (update every 2 years)

Training around requirements of appropriate legislation, e.g. Care Act, Autism Act etc. that is appropriate for the Customers who are supported by the Service.

**Additional/ Specialist training that may be required to support Customers**

NB This list should not be seen as an exhaustive list, the Service Provider, or the Council may identify additional training that supports the delivery of the service to an individual Customer or specific Customer group):

* Managing Medication - Competency based updated every two years
* Understanding long-term conditions
* Delirium in Dementia and Understanding Dementia
* Falls Prevention and Management
* Assisting and Moving Competency based training to be updated every two years (minimum standard = one day practically based moving and handling training course to include the use of standard/contract items provided through the Council's equipment contract unless otherwise specified)
* Duty of Care
* Communication for Customers with Sensory Impairments
* Conflict Management/ resolution training
* Physical intervention and restraint reduction
* Choice and control
* Fluids and Nutrition
* Common co-occurring medical conditions
* Continence Management
* Mental Health Awareness
* Catheter Care
* Positive behaviour support and management
* Advocacy

**The Service Provider will supply, on request:**

* a copy of their current induction, training programme, and ongoing continuing professional development programme, including short courses and access to qualification programmes
* a copy of their current Staff training record that shows: what training all their Staff have received, the dates they received this training, when this training needs to be renewed and detail of what the training comprised, e.g. was it classroom training, or on line, how long the training was, who provided the training and what the outcomes for the training are.

**The Service Provider will additionally be required to have the following in place:**

* a system for induction and equal opportunities training for all Staff
* a health and safety policy and training plan inclusive of all areas deemed necessary to work safely within different settings
* risk management policy and procedures
* adequate training received by all operational staff in Safeguarding demonstrating full understanding and compliance with the Derby City Adults and Children’s Safeguarding policy and procedures (Derby City Adults Safeguarding Board and Children’s safeguarding board provide training, which is free of charge)
* all operational Staff have access to professional supervision on at least a monthly basis to ensure quality and consistency of Service
* each member of Staff has a personal and professional development plan/portfolio that is assessed, implemented and evaluated on an annual basis. Documentary evidence of this may be requested by the Council
* staff opportunity to attend appropriate further training
* mechanism to consider what support, supervision, training and progression opportunities are proportionate to volunteers and experts by experience within the service and demonstrate evidence of their organisational policy with regards to this.

The Service Provider will report on their practices around Staff training and appraisal as part of the contract monitoring process.

* 1. **STAFF RECRUITMENT AND STAFF COMPETENCIES**

The Service Provider will supply sufficient and suitably experienced and qualified (where appropriate) Staff to effectively deliver the Service as described in this Service Specification.

The Service Provider will ensure their Staff are competent, appropriately trained, supervised and supported on an on-going basis to maintain the overall quality of the Service. Staff are also required to have the right values and human qualities that will best deliver the outcomes within this Specification.

The Service Provider will ensure that all staff working on this contract will have undergone the necessary clearance checks, including Enhanced Disclosure and Barring Service (DBS) checks and Protection of Vulnerable Adults (POVA) checks and meet the necessary requirements before appointed, when required. They will also undergo any other relevant checks required under future legislation. Documentary evidence of this may be requested by the Council.

The Service Provider will ensure that their organisation has Staff that are able to facilitate and support peer supporters, and have expertise in developing and maximising social capital and enabling community-led activities and initiatives.

The Service Provider will ensure that all staff have a right to work in the UK and have a robust recruitment process to ensure all pre-employment checks are made as appropriate for requirements of delivering this Service.

* 1. **REVIEW OF PROCEDURES / CHANGE**

If the Council is required to change the Service being delivered due to changes in legislation, consultation with Service Providers will take place with an agreed variation to services.

.

All proposed changes will be implemented by the process outlined in the terms and conditions supporting this Service Specification and any specific Contract terms and conditions.

* 1. **INPUTS, OUTPUTS AND OUTCOMES**

### ASSESSMENT AND SUPPORT PLANNING

The needs of each Customer will be identified through an assessment completed by the Council in conjunction with the Customers and their families and carers. This document is called 'My Self-Assessment'. Risk assessments will also be produced where appropriate.

The Service Provider will work closely with the Customer’s Social Care Professional, keeping the Council informed of any material changes to the Customer’s wellbeing or needs.

All personal Support Plans must identify how their outcomes will be met and set out the outcomes to be achieved.

When Service Requests are shared with Service Providers during a Contract Opportunity they will include: My Self-Assessment; Support Plan and risk assessment if appropriate.

The Service Request form will contain Customer details and will include anonymised information detailing what support is required and may include information such as:

* hours/sessions of support needed and when
* specific tasks to be delivered
* individual outcomes and needs to be met
* preferences around delivery

Service Providers will be expected to work with the Council and Customers to decide how the Customer’s desired outcomes will be met.  Service Providers who have been selected (awarded a Contract) to provide the Service will be required to develop Support Plans.

### SUPPORT PLANS

For any Contracts awarded the Service Provider will be required to complete an individual support plan, which is fully developed and discussed with the Customer, their Carer, and any other professional as appropriate. This will be in line with agreed outcomes and how these are to be achieved.

These Support Plans will be reviewed as necessary but not less than annually. Customers’ outcomes are delivered using person centred approaches, designed around Customer’s wishes and lifestyle, promoting the Customer’s awareness of their entitlement to their rights, inclusion, choice, and independence within society. The person-centred care and support delivered by the Service Provider will be tailored to the Customers’ individual assessed needs and outcomes detailed within the Social Care assessment.

Support Plans ensure that for each Customer that their disability, gender, sexual orientation, cultural and religious needs are taken into account in any support arrangement. The care and support plan will refer to means of empowering, facilitating choice, regaining or acquiring skills and/or maintaining existing skills. It will clearly define the Service to be provided, showing how the Service will be delivered to meet assessed need, promote independence and support Customers to live a fulfilled life, making the most of their capacity and potential. This will include but is not limited to:

* how the Customer wishes to be addressed
* outcomes to be achieved and what the Customer will be able to do as a result of the Service provided
* what actions will be taken, by when and by whom, to ensure the outcomes are achieved
* the date when the care and support plan will be reviewed by the Service Provider with the Customer
* how health and/or social needs will be met
* how any personal care will be provided, and by whom
* how cultural and spiritual needs will be met
* how social and community engagement needs will be facilitated
* any specialist equipment needed
* how any special communication needs will be met
* arrangements for taking medication
* how any special dietary needs/preferences will be met
* the next of kin and emergency contact numbers
* a risk assessment
* the Customer’s named key worker
* who should be involved in care reviews
* key contact details e.g. district nurse etc.
* advance directives, where appropriate
	1. **FOOD LEGISLATION**

The Service Provider is to comply with all current and future legislation regarding Food Safety and Hygiene where it applies in the performance of this Service. Specifically where any commissioned activity is covered by regulation of the Food Standards Agency <https://www.food.gov.uk/>

Service Providers who prepare, handle or serve food as part of their service are required to register with Derby’s Environmental Health Service.  Further details on registration can be found at:

<https://www.derby.gov.uk/environmental-health-licensing-trading-standards/environmental-health/food-hygiene-and-food-safety/food-advice-for-businesses/register-a-food-business/>

* 1. **SOCIAL VALUE, COMMUNITY BENEFITS AND LOCAL ECONOMY**

Social value expectations are embedded within this Service specification and will be implicit in Contracts as the key measurement of success will be good Customer outcomes. The Service Provider will be expected to consider how best to maximise social value for individual Customers through mechanisms which may include:

* supporting Customers to access community and universal support at an early stage in line with their individual needs (for example voluntary, community and faith sector networks, debt advice; advocacy; mainstream activities; leisure opportunities, employment and educational support, social networks) to promote independence and reduce demand for more costly statutory interventions (performance indicator to be developed and included in the contract)
* considering how and initiating peer support and Customer engagement can be developed as part of the Service where applicable and appropriate (performance indicator to be developed and included in the contract)
* considering seeking external funding as appropriate to further the aims and objectives of the Service
* considering ways and delivering local economic benefits including the development of employment opportunities, apprenticeships, volunteers and upskilling Customers through wider learning and development opportunities for the community (performance indicator to be developed and included in the contract)
* considering how you can generate value to the local supply chain
* considering how you can promote fairness and equality, to reflect the
* considering how you can improve health, wellbeing and support for staff and volunteers
* considering how you can minimise the environmental impact to the local community when delivering these Services
* considering other ways that the Service can offer additional social value in the delivery of the Service
* recording and reporting on social value gained regularly to the Council through contract management.
	1. **USE OF INFORMATION TECHNOLOGY**

The Service Provider will have access to appropriate IT software in order to deliver the requirements of the Service. This will include modern technology such as use of Microsoft Office (or equivalent, as long as it is compatible with Microsoft Office), email, ability to send and receive electronic communications securely.

Where Staff / volunteers operate outside the office environment the Service Provider will ensure staff have appropriate technology to ensure their safety.

The Council is planning to develop its use of electronic monitoring and/or accounts systems to support the effective management of Services.  Service Providers will be required to work with the Council to develop and implement methods of electronic monitoring and / or accounts systems that are compatible with the Council’s systems and requirements.

Service Providers are expected to engage with the Council’s electronic systems as a requirement of this Service. This will include, as a minimum, the requirement for Service Providers to update the Council’s Service Provider Portal to enable good communication about any changes to Staff or circumstances that may affect the Service. This will facilitate timely and accurate payments to be made

Service Providers will also be required to maintain and update an entry on the Council’s e-Marketplace.

Service Providers will need to respond to Contract Opportunities via the Council's e-procurement system.

* 1. **PRICE, INVOICING AND PAYMENTS**

Service Providers will operate within our affordable maximum price **which will be shared at each mini competition or direct award**.

Analysis of the current market informs the Council that it can secure day opportunities below the maximum price.

Individual contract prices will vary to reflect the range of needs of specific Customers but remain under the maximum price.

The Service Provider will invoice the Council for the service provided for each Contract on a monthly basis with a consolidated invoice, which shall be paid in arrears. The invoice shall provide a breakdown of the Service provided per Customer.

Invoices will be submitted electronically in a format agreed with the Council through the Council’s Service Provider Portal.  Service Providers will be required to register on this Portal as part of the invoicing process.

The Service Provider will make any requests for an annual fee review by submitting a request on the Council’s own proforma between 1 September and 31 October inclusive. No requests will be considered outside of this window. The Council will review requests on an individual basis and will only consider requests via this route for enhanced operating costs. Any price changes will be implemented on 1 April of the subsequent financial year. Any fee review relating to a Customer’s perceived enhanced support needs must be discussed separately via a review of needs with the Customer’s social worker.

* 1. **RISKS / BUSINESS CONTINUITY / EXIT STRATEGY**

### BUSINESS CONTINUITY AND RISK MANAGEMENT

The Service Provider will have a service continuity plan. The service continuity plan shall refer to all elements required to perform the Service Specification and as a minimum cover the following:

* The plan shall have clearly identified points as to when the service continuity plan needs to be invoked.
* An obligation upon the Service Provider to liaise with the Council with respect to issues concerning service continuity, disaster recovery and insolvency
* The Service Provider has contract and personal data backed-up on separate secure server and have disaster recovery availability.
* The Service Provider has all data is protected by appropriate firewalls and antivirus products that are updated as per the software supplier's recommendations.
* The Service Provider has mechanisms to identify any financial problems, that may affect service delivery, at the earliest possible stage. The Service Provider shall have a process in place that alerts the Council to this scenario. The Service Provider will have scenario planned this so that it has pre-planned mitigation strategies for financial issues such as reduced cash flow, decrease in profits or turnover, debt management, negative net asset position and reduction in liquidity ratio.
* The Service Provider has plans in place to ensure Staff cover is provided in the event of sickness, annual leave, strikes, absence, staff leaving and any other events that could lead to a staff shortage such as epidemic/pandemic/viral illnesses, restrictions on travel etc.
* The Service Provider has plans to relocate staff where the accommodation they work in is not fit for purpose or Staff are unable to travel to the accommodation they work.
* The Service Provider has plans for supply issues in its supply chain and ensure it has continual and alternative means of accessing the equipment and services it requires such as key services, PPE and medication to meet the Service requirements.
* The Service Provider has a multi-channel communication strategy to ensure all stakeholders are made aware of and kept up to date on any issues that may affect them, with an emphasis an early warning alert to the Council in the situation where the provision of the Service could be compromised or at any time where the service continuity plan is enacted in relation to the supply of this Service.
* The Service Provider has named Staff with designated roles and responsibilities for carrying out assigned task and actions in the service continuity plan.
* The Service Provider has implemented a training plan to ensure all Staff are aware of the service continuity plan and understand their roles and responsibilities in different scenario's.
* The Service Provider has scenario planning for known issues and identified risks.
* The Service Provider ha clearly identified points as to when Service returns to 'normal', whilst understanding what may need to be completed to 'catch-up' in terms of Service delivery.
* The Service Provider has a review process after any implementation of the service continuity plan to understand what was successful and what needs further development.
* The plan demonstrates an understanding that at all times the priority shall be the care. support and safety of the Residents identified as receiving a Service from the Service Provider

The Service Provider shall upon the Council's request provide the service continuity plan and any other risk management strategies documents relating to the performance of this Service, at an agreed interval as part of the framework/contract initiation period.

The Service Provider shall review the service continuity plan on an annual basis during the term of the contract, to ensure it is addressing all know issues and risks.

The Service Provider accepts that the Council has to meet its obligations under the Civil Contingencies Act 2004. Under this agreement the Service Provider agrees to assist the Council in meeting its obligation under this legislation.

### RISK MANAGEMENT AND CAPACITY – CUSTOMERS

The Service Provider shall ensure that full and comprehensive risk assessments take place where required or needed and that a system is in place to review all such assessments in a planned way. The Service Provider’s Staff shall be trained in order to recognise situations where a risk assessment or a capacity assessment is required, or may need to be reviewed. Significant changes in an individual’s circumstances shall be reported to the Council, including the Customer’s Social Worker by the Service Provider to ensure that safe support arrangements are reviewed and maintained.

The Service Provider shall work with professionals and experts as required including giving full consideration of risk assessment information provided by the Council for Customers.

The Service Provider will notify the Council if there are business risks, including financial and management difficulties that may impact upon the continued delivery of their Service for the Council.

### EXIT STRATEGY

Towards the end of any Contract, the Service Provider will assist in any handover of Services, as appropriate, and in a reasonable, positive and timely manner that offers maximum support and positive outcomes for people using the Service at no extra cost to the Council.

Service Providers are expected to engage with the Council’s Service Provider Failure Policy and Procedures as and when these are relevant and appropriate.

Failure to deliver this Service in full or in part presents a risk that Customer’s eligible support needs are not met resulting in risks to the Customer, their social networks, the Service Provider’s Staff, and potentially the public.

The Service Provider will work alongside alternative Service Providers and support transfer arrangements to future Service Providers where it is in the Customer’s best interests. The Service Provider will ensure that any transfer arrangements are conducted in a manner which is Customer-focussed and are supported by appropriate information sharing or other agreements/ protocols.

* 1. **NOTICE PERIODS**

Notice periods must be adhered to when a Service Provider is unable to meet the requirements of the Service delivery in the future. Where the Service Provider has identified the inability to meet multiple Customers’ needs the Service Provider must give additional notice beyond individual notice period in recognition that additional time will be required by the Council to find a suitable alternative Service Provider.

In the event that the Service Provider gives notice to the Council on a Contract or Contracts, in a 30 calendar day period, the notice period provision for those Contracts shall be increased to an extended duration as detailed below in this clause, or other such reasonable period as required by the Council to ensure the safe and timely transition of the Customers:

(a)        Contracts with a cumulative total of 1 – 2 Customers, the Notice Period is 30 calendar days

(b)        Contracts with a cumulative total of 3 to 5 Customers, the Notice Period is 60 calendar days

(c)        Contracts with a cumulative total of greater than 6 Customers, the Notice Period is a maximum of 180 days depending on the number and complexity of the Customers affected

The Service Provider will work alongside alternative Service Providers and support transfer arrangements to future Service Providers where it is in the Customer’s best interests. The Service Provider will ensure that any transfer arrangements are conducted in a manner which is Customer-focussed and are supported by appropriate information sharing or other agreements/ protocols.

* 1. **INSURANCE**

The Service Provider shall at its own cost effect and maintain with a reputable insurance company a policy or policies of insurance providing as a minimum the following levels of cover:

Employer's liability insurance - £5 million in respect of any one occurrence or series of occurrences arising out of any one event;in accordance with any legal requirement for the time being in force in relation to any one claim or series of claims

Public Liability Insurance - £10m for each and every event

Other insurances, and their levels, will need to be considered by the Service Provider in line with regulatory standards and guidance according to the type of Service provided.

## **Appendix A: Indicative Contract Management** Framework

Quality and Performance Standards



## **Appendix B:** Glossary

| **Document Glossary** |
| --- |
| **Authorised Officer** | Either an authorised officer of Derby City Council who is designatedto manage and administer the Agreement or their duly authorised representative. |
| **Key Worker** | A member of staff of the Service Provider who takes the lead in ensuring that the delivery of support and care for the Customer is delivered according to this Agreement. This Key Worker is usually (but not always) one of the staff to the Customer. |
| **Care and Support** | What the Customer receives as part of the Service to meet their assessed needs and help the Customer achieve their objectives and personal outcomes. |

1. https://www.scie.org.uk/strengths-based-approaches [↑](#footnote-ref-1)
2. https://www.scie.org.uk/care-providers/coronavirus-covid-19/day-care [↑](#footnote-ref-2)
3. https://www.derby.gov.uk/coronavirus-covid19/ [↑](#footnote-ref-3)
4. https://www.scie.org.uk/care-providers/coronavirus-covid-19 [↑](#footnote-ref-4)
5. https://info4derby.derby.gov.uk/population/ [↑](#footnote-ref-5)
6. https://www.cqc.org.uk/what-we-do/how-we-do-our-job/fundamental-standards [↑](#footnote-ref-6)