

## **Adults and Health Committee**

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<b>Date of Meeting:</b>	13 July 2021
<b>Report Title:</b>	Cheshire East Market Position Statement
<b>Report of:</b>	Nichola Thompson, Director of Commissioning
<b>Report Reference No:</b>	AH/02/21-22
<b>Ward(s) Affected:</b>	All Wards

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### **1. Executive Summary**

- 1.1.** The Care Act (2014) places a duty upon local authorities to help to make sure that there are lots of different types of services and support available (market shaping) through the development of a Market Position Statement (MPS).
- 1.2.** A Market Position Statement is a document published by a commissioning authority which summarises the supply, demand, and commissioning intentions in a local authority area. The Market Position Statement brings together local information and analysis with regards to commercial opportunities within the public health, health and social care market in that area.
- 1.3.** This report outlines the review and refresh of the Council's Market Position Statement 2021-25 and seeks approval to go out to wider public consultation and engagement.

### **2. Recommendations**

- 2.1.** That Adults and Health Committee:
  - 2.1.1.** Approve the draft Market Position Statement as outlined in appendix 1 for the basis of consultation.
  - 2.1.2.** Following consultation, note that the final version of the Market Position Statement will be presented for approval to the Adults and Health Committee, and Children and Families Committee.

### **3. Reasons for Recommendations**

- 3.1.** The Care Act (2014) places a duty upon local authorities to help to make sure that there are lots of different types of services and support available (market shaping) through the development of a Market Position Statement (MPS).
- 3.2.** As a statutory requirement, it is therefore important that the Council can demonstrate a wide consultation and engagement process internally and externally with our partners, stakeholders, and residents.

### **4. Other Options Considered**

- 4.1.** There are no alternatives to the recommendation as it is a statutory requirement for the Council to undertake market shaping activities through the development of a Market Position Statement.

### **5. Background**

- 5.1.** As a requirement within the Care Act 2014, a Market Position Statement should outline the following:
  - What support and care services people need and how they need them to be provided.
  - The support and services available at the moment, and what is not available but needs to be.
  - What support and care services the council thinks people will need in the future.
  - What the future of care and support will be like locally, how it will be funded and purchased.
  - How commissioners want to shape the opportunities that will be available.
- 5.2.** A benchmarking activity has been undertaken to review other Market Position Statements, to identify good practice, and to learn from other areas in the development of Market Position Statements.
- 5.3.** The draft Market Position Statement provides key messages for provider markets taking an 'All Age' approach, and also includes wider market shaping for Public Health, Community Wellbeing and Community Development. The draft Market Position Statement therefore takes a more integrated and broader market shaping approach and does not focus on adult social care in isolation.
- 5.4.** The refreshed Market Position Statement for 2021-25 aims to achieve a shift in social care and health transformation, providing key messages for specific markets, while setting out our 'Strategic Commissioning' approach and wider 'Market Opportunities' and expectations in terms of:
  - Coproduction and Engagement (Our TOGETHER Guide for coproduction with individuals and communities)

- Market Engagement and Coproduction
- Outcomes Focused and Person Centred
- Performance Monitoring
- Quality Assurance
- Safeguarding
- Workforce Development, Recruitment and Retention
- Social Value
- Community Approach: Connected Communities

**5.5.** The draft Market Position Statement has been developed jointly by the local authority with NHS Cheshire CCG to ensure that it developed in line with the recently published White Paper 'Integration and Innovation: Working Together to Improve Health and Social Care for All' and is therefore in line with Health and Social Care integration developments.

**5.6.** A Market Position Statement should be the starting point of a council's market shaping activities (as part of its commissioning function) and not the end point of a process of market facilitation. The Market Position Statement is a tool to encourage continuous dialogue with stakeholders, and therefore for commissioners and providers to use for continued engagement and coproduction.

**5.7.** The initial formal consultation and engagement process (if approved by the Adults and Health Committee) will shape the development of the draft Market Position Statement. Following on from the initial consultation, ongoing engagement and coproduction will be undertaken for each individual area of commissioning e.g. through the development of a 'Home First' model and the re-commissioning of Care at Home; the development of our long term vision and ambition for increased Extra Care provision; or the service development and re-commissioning of Substance Misuse Services building on our recovery community model.

## **6. Consultation and Engagement**

**6.1.** The draft Market Position statement has been jointly developed by Cheshire East Council and NHS Cheshire CCG, including stakeholders from adult social care, children's social care and public health.

**6.2.** If approved by Committee, the draft Market Position Statement will go out for a 6-week consultation process. Proposed consultation and engagement activities will include:

- The draft Market Position Statement will be published on the Council's website along with an online survey/questionnaire to receive and quantify comments.
- Communications will include a social media campaign and press release will be launched to make residents aware of the Council's consultation and engagement process.

- Communications to all contracted providers and via the Chest Procurement Portal for wider markets/suppliers not contracted.
- Activities developed via the Cheshire East Social Action Partnership with the Voluntary Community and Faith Sector.
- Activities developed via existing mechanisms including Children and Family engagement forums, Mental Health Partnership Board, Learning Disabilities Partnership Board, Carers Forum, and Older People Engagement Network etc.
- Through engagement with the Voluntary, Community, Faith and Social Enterprise (VCFSE) sector, via the Cheshire East Social Action Partnership.
- Relevant stakeholders, including partners, Members and town/parish councils will be notified of the consultation and encourage responses.

## **7. Implications**

### **7.1. Legal**

**7.1.1.** Care Act 2014 places a duty on local authorities in terms of market shaping and commissioning of adult care and support; and managing market failure. The Care and Support Statutory Guidance states that *“It is suggested that a local authority can best commence its duties under Sections 5 (market shaping and commissioning) and 48 to 52 (provider failure) of the Care Act by developing with providers and stakeholders a published market position statement.”*

**7.1.2.** The Market Position Statement is one way that local authorities can meet its duties to make available information about the local market and demonstrates activity to meet other parts of Section 5 of the Care Act.

### **7.2. Finance**

**7.2.1.** There are no financial implications or changes to the MTFS as a result of the review and refresh of the Market Position Statement 2021-25. Budgets are aligned to commissioning activities described within the Market Position Statement in line with the Council’s Medium-Term Financial Strategy (MTFS) processes.

### **7.3. Policy**

**7.3.1.** The Market Position Statement will contribute towards the vision of the Corporate Plan 2021-2025 to be an open, fair, and green Council and help to deliver the priority to be a Council which empowers and cares about people. The Market Position Statement enables the Council to be open and transparent about our commissioning intentions based on capacity, demand, engagement and coproduction in partnership with key stakeholders, and importantly with local residents and people who use commissioned services and those who may use them in the future.

#### **7.4. Equality**

**7.4.1.** A draft Equality Impact Assessment (EIA) has been developed for the draft Market Position Statement. Feedback from the consultation and engagement of the Market Position Statement will be incorporated within the EIA.

#### **7.5. Human Resources**

**7.5.1.** It is not anticipated that additional staff resources will be needed for the development and delivery of the Market Position Statement.

#### **7.6. Risk Management**

**7.6.1.** The Market Position Statement has been developed in partnership with stakeholders via the Cheshire East Older People Joint Commissioning Project Group. The Project Group is underpinned by project management principles and processes, included a robust project plan and risk management process. Risks are recorded, monitored, and escalated as appropriate. There are no high-level risks associated with the development of the Market Position Statement

#### **7.7. Rural Communities**

**7.7.1.** Commissioning and market shaping should include local population needs analysis to understand the demand and needs of specific groups and communities, as well as identifying gaps in provision and capacity to meet the gap. This therefore includes the development of services within rural communities, and accessibility of services for residents living in rural communities. The Market Position Statement provides specific local consideration and focus on rural communities.

#### **7.8. Children and Young People/Cared for Children**

**7.8.1.** The draft Market Position Statement takes an 'All Age' approach with key market messages for children and young people service providers, and also Public Health service providers that are targeted at children and young people.

#### **7.9. Public Health**

**7.9.1.** The draft Market Position Statement provides key market messages for Public Health service providers, and also for broader provider markets which focus on prevention and the wider determinants of health.

#### **7.10. Climate Change**

**7.10.1.** The draft Market Position Statement sets out the council's strategic commissioning approach, including expectations in terms of Social Value, which includes Social, Economic and Environmental impacts. Providers are therefore required to demonstrate their impact on the environment through their contract with the Council, for example the

recently commissioned Community Equipment Service has set recycling and reuse targets for equipment and also carbon reduction activities for the transportation of equipment through the use of electric vehicles.

<b>Access to Information</b>	
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Appendices:	1.0 Draft Market Position Statement 2021-2025
Background Papers:	1.0 Cheshire East Council Corporate Plan 2.0 Care Act 2014 3.0 DHSC (2021) Care and Support Statutory Guidance