

OPEN

BRIEFING REPORT

Adults and Health Committee

23 May 2025

**Accommodation with Care Contract:
Commissioning Planning and
Initial Scope of Works 2025**

Report of: Helen Charlesworth-May, Executive Director of Adults, Health and Integration

Purpose of Report

- 1 The purpose of this report is to brief members about the Accommodation with Care contract, ahead of the upcoming recommission next year. The current Accommodation with Care contract has been extended for 6 months from 30th September 2025 - 31st March 2026.

Executive Summary

- 2 The current Accommodation with Care contract has been extended for 6 months from 30th September 2025 - 31st March 2026.
- 3 This extension was recently approved at DLT on Monday 18th November 2024.

Background

- 4 The Accommodation with Care (AWC) contract originally commenced in October 2018, as a framework for providers to join. These contracted providers deliver high quality, safe and personalised accommodation with care to Adults over 18.
- 5 This service promotes choice, dignity, control and quality of life for all residents and provide modernised care and support services that deliver value for money. The AWC contract includes the following provisions: Mental Health, Learning Disability, Physical Disability, Intermediate Care and Discharge to Assess.
- 6 Once awarded a place on the AWC framework, Care Home providers are able to bid for Care Home placements issued through the e-Brokerage system. Our Quality Assurance Team carry out visits to inspect the homes, against our contract PMF.

- 7 Under the Care Act, the Local Authority has a statutory responsibility to ensure this service is available and to a high standard for the residents of Cheshire East.

Briefing Information

- 8 As with all Council contracts of this value, supporting vulnerable people requires sufficient time and resource to ensure a new contract is re-commissioned effectively to the highest standard. This additional time will help to ensure the correct consultation and involvement with all stakeholders.
- 9 In order to abide by the Care Act, we promote the efficient and effective operation and sustainability of a market in services for meeting the care and support needs of individuals. There is a need to transform the care and support offer to ensure we have greater capacity and an improved range of services that are value for money.
- 10 As with all Council contracts of this value, supporting vulnerable people requires sufficient time and resource to ensure a new contract is re-commissioned effectively to the highest standard. As a result of extending and recommissioning this care homes contract, residents will be able to remain in their current care homes and would not risk the Council not satisfying its statutory duties.
- 11 We wish to help Care Homes understand that that their financial model should not rely on the Local Authority funding placements. We would like all care homes to make any self-funding residents aware that Cheshire East Council have no obligation to fund the placement if the service user can no-longer cover the weekly care fees.
- 12 This contract will align with the Transformation programme work. We will work with providers to reset, reimagine and reshape care homes, so they can deliver services that are more responsive, innovative and aligned with the needs of our residents.

Additional Quality Information

- 13 A robust system is in place to ensure the quality of services delivered in all Cheshire East care homes. The Council's Quality Assurance Team along with the regulator which is the Care Quality Commission and key stakeholders including the ICB work together to monitor the quality and performance of all care homes located within the borough.
- 14 Reciprocal arrangements are in place to highlight any concerns regarding the quality of care being provided in care homes located outside of the Cheshire East footprint. Any homes which are considered to be "Requires Improvement" have an enhanced quality assurance input from the local

authority and partners in order to ensure the safety and quality of care provided to residents.

- 15 The Councils do not place in any homes rated “Inadequate”. Referrals to care homes where there are significant concerns are suspended from any new admissions until improvements have been demonstrated and sustained to the satisfaction of the council (including Safeguarding), the regulator (CQC) and Health.
- 16 If the Council and partners have serious concerns regarding the providers performance and a care home provider is in persistent breach of the contract in place, the resident/residents will be moved to an alternative care home in order to ensure care needs are safely being met to a satisfactory standard.

Legal Implications

- 17 The proposal to extend the current contract for a further 6 months constituted a modification and recently was approved.
- 18 The general rule is that modifications to above threshold public contracts will usually trigger the need to run a new tendering process unless the proposal falls within one of the so-called safe harbours set out under Regulation 72 of the Public Contracts Regulations 2015. The value of this contract places it above the light touch threshold of £663,540 therefore Regulation 72 of the PCR 2015 will apply.
- 19 In this instance the most appropriate safe harbour will be Regulation 72(1) c which permits modifications without triggering a new procurement procedure where all of the following conditions are satisfied:
 - (a) The need for the modification has been brought about by circumstances which a diligent contracting authority could not have foreseen.
 - (b) The modification does not alter the overall nature of the contract.
 - (c) Any increase in price does not exceed 50% of the value of the original contract.

Taking each of the above conditions in turn:

The recommissioning process is ongoing and there are still a number of outstanding key workstreams which are yet to be completed, these are circumstances that could not have been foreseen by a diligent contracting authority.

The proposed modification is a 6-month extension which will not alter the overall nature of the contract.

The value of the proposed 6-month extension is £22,500,000 which is 12.4% of the original value of the contract and therefore does not exceed 50% of the original contract value.

In addition, CEC will need to notify the Commission regarding this extension. This will need to be done using the standard form that was used to initially call for competition, for the care home contract, in accordance with Regulation 28(a) of the Public Contracts Regulations 2015.

Section 151 Officer/Finance

- 20 This extension is funded through existing revenue budgets. The Adults Services budgets have received substantial growth in 2025/26 reflecting the pressure on these demand lead services and to correct the overspend position experienced in 2024/25. The aim of this extension is to ensure that the new contract when implemented will provide maximum value for money whilst meeting appropriate standards of care. A major element of the Council's transformation programme relates to this area, for example, the Prevent, Reduce Enable (PRE) project will be utilising the revised contract going forward.

Policies

- 21 In order to abide by the Care Act we promote the efficient and effective operation and sustainability of a market in services for meeting the care and support needs of individuals. There is a need to transform the care and support offer to ensure we have greater capacity and an improved range of services that are value for money.
- 22 The Public Contract Regulations 2015 provide for flexibility as regards the "period of validity". If this contract is extended; without terminating the system; then the provisions of Reg 34 at para 28 must be complied with: "Contracting authorities shall notify the Commission of any change in the period of validity, using the form used initially for the call for competition.

Loneliness and social isolation

- 23 We are currently working with our Domiciliary providers geographically as a community asset, within the Care Communities, by offering services to help aid loneliness and social isolation, such as Day care, hot meals, bathing, activities, etc.
- 24 We would like Care Homes to tackle to same issues, by working alongside general practice, community health, mental health, acute trusts, social care, Public Health, the VCSFE, Local Healthwatch, optometry, dentistry, and community pharmacy services, to focus on the local population's health, well-being and needs; helping people to remain in good health for longer (Improving population health).
- 25 Care homes will be key to the 'Blueprint 2030' ambitions in relation to 'Healthy Neighbourhoods' and 'Health and Care Services' . This also links in with

Transformation Project work, as PRE enables residents to maintain independence and may delay commissioned services.

Equality, Diversity and Inclusion

- 26 The Provider will be organised and provide services in a way which does not discriminate against the Resident or Staff in respect of any of the protected characteristics under the Equality Act 2010.
- 27 The Provider shall have in place an equal opportunities policy for the recruitment, development and care of the workforce (including volunteers).
- 28 The Provider is also required to consider all implications and include such considerations in the Resident's Care Plan.
- 29 The Provider will ensure that all Staff are aware of the general and specific duties of the Equality Act 2010 and the protected characteristics to which they apply.
- 30 An Equality Impact Assessment has been completed as this has an impact on the following people:
 - Existing and potential AWC Service Users (Including their families)
 - Existing and new Care Home Providers who are interested in working with/continuing to work with CEC.
- 31 The local authority will ensure to help providers understand and comply with their statutory obligations under Equalities legislation. With the help of the Contracts Team, QA team, the social work teams/ Operations, Safeguarding and Finance. These rules are also set out in our AWC Specification matching the Equality Act.
- 32 Not tolerating any kind of Discriminatory Abuse - Treating a person in a way which does not respect their race, religion, sex, disability, culture, ethnicity, sexuality or age.
- 33 Local authority and providers will ensure that the needs of Residents / patients from under-represented groups and priority groups are fully considered in the planning and delivery of service arrangements, these groups are as follows:
 - Young People
 - Ex-service Personnel
 - People with a Learning Disability
 - Lesbian, Gay, Bisexual, Transgender
 - Black and minority ethnic groups
 - Where a referral is made by an Independent Domestic Abuse Advisor or an Independent Sexual Violence Advisor or via the Sexual Assault Rape Centre

- Those who make themselves vulnerable e.g. Homelessness, Drug / Alcohol use, and sex workers
- Those who are involved in Family Focus or Complex Dependency Programmes.

Carbon Neutral:

- 34 Cheshire East also working with partners across the borough on our mission to get to a more sustainable future.
- 35 We continue to engage with Care Homes around climate change. This will allow us to broaden our outreach to communities, exploring different ways for businesses to support investment in clean, renewable energy from sources such as wind, solar and hydro, waste and water and fleet vehicles.

Risk Management

- 36 As with all Council contracts of this value, supporting vulnerable people requires sufficient time and resource to ensure a new contract is re-commissioned effectively to the highest standard. This additional time will help to ensure the correct consultation and involvement with all stakeholders. As a result of extending and recommissioning this contract, residents will be able to remain in their current care homes. If we chose not to extend, we would risk the Council not satisfying its statutory duties.
- 37 Potential Risks to consider going forward:
- Retaining a sustainable fee structure
 - Retaining positive relationship with all providers
 - Reduce reliance on Agency staff
 - Try to dissuade new homes from only targeting self-funders
 - Work with the Health, the ICB and CWP to upskill our local providers to manage challenging behaviours, through training opportunities, so we can place these residents with our CE homes, without 1:1, instead of having to place OOA.
 - Loneliness and social isolation: Incentivise providers to become a local provision/ hub in the local community, for older people who may require support.
 - Instability of Home Managers- we want to try to help support the home managers who are feeling burnt out and give them incentives to stay in post.
 - Retain high quality of care standard – Improving standards to stay at CQC ‘Good’ instead of being comfortable at Requires Improvement
 - Expanding our number of Adult Respite Beds available
 - Expanding specific Bariatric support
 - Expanding dementia support to include stronger links with care communities to make them dementia friendly communities and end of life to ensure people die with dignity and place of choosing.

Access to Information	
Contact Officer:	Aniela Kowalska, Project Manager- New Models of Care. Aniela.kowalska@cheshireeast.gov.uk