

Mrs Amanda Jupp, Cabinet Member for Adults and Health	Ref No: AH01 (20/21)
April 2020	Key Decision: Yes
Care Homes & Care Services: Indicative Rates & Fees for Adult Social Care	Part I
Report by Executive Director of Adults and Health	Electoral Division(s): All
<p>Summary</p> <p>Rates and fees paid to independent providers of adult social care provision in the community and in residential and nursing homes are subject to annual review.</p> <p>The County Council has included funding in its budget for 2020/21, which covers both the effect of inflation and a contribution towards the increase in the National Living Wage that will apply on 1 April 2020. The proposals outlined below utilise this funding to support the Council’s Vision and Strategy for Adult Social Care, to be delivered through commissioning intentions as detailed in market position statements. This approach supports the drive to shape communities, builds on an asset-based approach and incentivises the care market, to grow, shape and deliver services to meet the needs of adults eligible for care funded by the local authority.</p> <p>This report sets out proposals for increases in a range of fees and rates and the factors considered in setting those fees and rates.</p> <p>It is our priority to ensure that the market can cope with vulnerable people at this unprecedented time dealing with COVID-19, therefore the Council is making provision to address financial pressures resulting from this independently of this decision.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>Independence in Later Life and a Prosperous Place are the two priorities supported by this paper; recognising the cost of delivering services to support individuals eligible for services, and paying rates and fees that contribute to creating sustainable businesses and attracting new entrants into the West Sussex care market</p>	
<p>Financial Impact</p> <p>The 2020/21 Adults and Health budget includes funding of £5.5m for the effect of the proposals in this report, of which £0.4m will be met by the West Sussex Clinical Commissioning Group through the pooled budgets for learning disabilities and working age mental health.</p>	

Recommendation

The Cabinet Member for Adults and Health is asked to approve uplifts that will apply to care services funded by West Sussex County Council Adult Operations from April 2020, as detailed in Section 2 of this report and Appendix 1.

Proposal

1. Background and Context

- 1.1 West Sussex County Council, through its department of Adults and Health, commissions independent care providers to provide care and support services to meet the assessed needs of eligible adults at a fee agreed with those providers.
- 1.2 In its October 2019 *State of Health Care and Adult Social Care in England 2018-19* report, the Care Quality Commission (CQC) stated that 'The stability of the adult social care market remains a particular concern. There is still no consensus on how adult social care should be funded in the future. Twice in 2018, we had to exercise our legal duty to notify local authorities that there was a credible risk of service disruption because of potential failure of a provider's business. An estimated 1.4 million older people (nearly one in seven) do not have access to all the care and support they need.'
- 1.3 The report also acknowledges that the number of residential and nursing home beds has been falling steadily in all regions over the last five years, which reflects a national and local ambition to support people to remain at home for as long as possible. This is also true in West Sussex, according to CQC data there are two fewer nursing homes and three less care homes registered in West Sussex in December 2019 compared with December 2018, closures have continued into 2020 which are not yet reported. Conversely there has been an increase in West Sussex of registered domiciliary care offices over the same period, increasing from 153 to 164. Although the number of organisations continues to grow, workforce issues remain a pressure for the sector. Skills for Care reports staff turnover in all roles has risen over the last six years, with care workers having the highest rate, at 40%. The sector also has a dependency on workforce from the European Union; nationally around 1 in 11 posts are filled by such people, and many commentators are concerned about the implications of the Government's points-based system for migrants on the future supply of workers.
- 1.4 Adults' Services vision and strategy is based on the principle of supporting adults who have social care needs to be as independent as possible throughout their lives, with a focus on people's strengths and community networks, supporting people closer to where they live. In addition, it is understood that most people want to be able to continue living in their own home for as long as possible.
- 1.5 The proposals for increases are focussed on where the Council wants to increase capacity in line with this vision and strategy i.e. services that support

people to remain in their own homes such as domiciliary care and supported living, and acknowledging the importance of retaining care homes with nursing and care homes to support people living with dementia, to give families respite and to support people on a long term basis when they can no longer safely remain at home.

- 1.6 Independent providers also offer care services to people who will be paying for care themselves. In West Sussex, the proportion of people aged over 65 funding their own care is much higher than those funded by the Council. This creates competition for provision which has a significant impact on the level of fees that the County Council will need to pay to secure care services. That competition is intensifying and is adding to price pressure, this is partly evidenced by the increase in the number and cost of agreed rates (that is those rates which are agreed on an individual case basis as opposed to being set by the Council) in the last 12 months for services commissioned for older people.
- 1.7 Under the Care Act 2014 a local authority has a duty to ensure sustainability of the care market and to ensure that there is sufficiency, diversity and quality in supply. Providers are autonomous businesses responsible for employing, training and setting pay and terms and conditions for their own workforces. The County Council has to set fees that cover the legitimate costs of delivering the service and make a fair return to support the business to be sustainable.
- 1.8 However, despite these factors having an upward influence on fees for care, local authorities must comply with related public law duties; which include ensuring that the funding available to the local authority is used to meet the needs of the entire local population. The County Council, therefore, must agree fees with providers which are affordable to the public purse, fit within a regional context and take into reasonable consideration its own finances and budgetary position, alongside those of the market.
- 1.9 Annually, commissioners undertake a review of the rates, fees and charges the Council pays to independent providers of adult social care based in West Sussex. In addition to statutory and market considerations, commissioners have also considered other factors including:
 - Contract clauses on price revision and annual inflation.
 - Pressures on providers including (but not limited to) statutory obligations, paying the national living wage, sleep-in costs (predominantly Learning Disabilities supported housing and residential services), auto enrolment of pensions and increased regulatory costs (CQC).
 - Intelligence from the market gained through provider forums, meetings with individual providers, representations from providers and market reports that inform commissioning
 - Private rates paid in West Sussex and what is a fair 'public' rate/fee to pay, taking account of guides (for example) on minimum rates.
 - Response from West Sussex Partners in Care (the local care association) and representations from other providers on pressures and expectations of the market, difficulties in recruiting and, increasingly the difficulty in retaining staff against a backdrop of increased regulation and complexity of need.
 - Opportunities for innovation in service design and delivery that will support more efficient models of care.

- 1.10 This year the increases that the Council proposes support what is set out in the published Market Position Statements for Lifelong Services and Older People. In both there is a critical focus on building capacity to support everyone to be as independent as is possible for them and to support people to remain safely in their own homes, also for as long as is possible.
- 1.11 To support building capacity the money available will be weighted towards those services that we need more of in West Sussex, consequently there will be lower increases or no increase for other services and fees. This is the inescapable consequence of the County Council needing to prioritise the limited funding that it has available. The alternative would be a flat rate increase across all care types, but this would result in an uplift that does not reflect the realities of the care market in West Sussex. That would be the case either whether viewed in context of the cost pressures facing providers, which are not uniform, or the County Council's commissioning intentions. For some providers it is acknowledged that the recommendations will be disappointing, so another aspect of the recommendations is the creation of a resilience fund. In exceptional situations this will give providers, who consider that a higher uplift is necessary to maintain the viability of their business, the opportunity to evidence why they should be treated differently. Equally it is hoped that the fund will signal to the market that the County Council is seeking innovative ideas from providers, whether in respect of service delivery or arrangements based on the principle of payment by outcomes. For the first time, resources are being earmarked to actively encourage this because the future sustainability of the adult social care budget means that the County Council will not be in a position to continue commissioning services in the same way as it does today.
- 1.12 This report excludes block contracts as their costs are governed by the indexation provisions specified in those agreements

2. Proposal Details

- 2.1 The table shown below sets out the recommended fees; the context and details underpinning the proposals are set out in the body of the report.

Service	Current Fee £		New Fee £		Uplift	
Care Homes and Care Homes with Nursing						
	Standard Per week	Enhanced Per week	Standard Per week	Enhanced Per week	Standard	Enhanced
Band C -Specialist dementia	591.75	686.65	615.42	700.38	4%	2%
Band P -Frail with intensive/complex						

physical care needs	528.27	655.39	528.27	655.39	0	0
Band D - Baseline Social Care Rate (Accommodation and Personal Care element of Nursing Fee)	563.63	631.95	586.18	644.59	4%	2%
For respite stays up to 2 weeks	n/a		£21		NEW 2020	
Out of County Care Homes and Care Homes with Nursing						
Out of county care homes on set rates	Host Authority Rates		Host Authority Rates		Match set rates for new and existing placements	
Out of county care homes with nursing on set rates	Host Authority Rates		Host Authority Rates		Match set rates for new and existing placements	
Out of county care homes individually negotiated (all customer groups)	Variable		Variable		Variable	
Out of county care homes with nursing individually negotiated (all customer groups)	Variable		Variable		Variable	
Individually Agreed Rates						
Individually Negotiated	Variable		Variable		No change	
Domiciliary Care/Care and Support at Home						
Domiciliary Care	Variable		Variable		Rates under £20.69, increase by £1.40 per hour Rates above £20.69, increase by £1.00 per hour.	
Extra Care Housing						

Extra care housing	Variable	Variable	Up to 3% based on need
Supported Living and Community Support			
Supported Living (including community-based support) for people with a Lifelong Disability	Maximum Ceiling Hourly rate		4%
Supported Living (including community-based support) for adults with assessed mental health needs	Maximum Ceiling hourly Rate		4%
Shared Lives			
Shared Lives	Variable	Variable	2.5 %
Day Opportunities			
Day services for people with a lifelong disability	Variable	Variable	0%
Prevention Services			
Prevention services for people with a lifelong disability	Variable	Variable	2.5%

2.2 Care Homes and Care Homes with nursing

2.2.1 The Council sets the rate at which it funds care for older people, most funded placements are made at these rates.

2.2.2 In reviewing the rates it pays, the Council has taken account of the services it wants to continue to commission and those where alternative provision is needed to deliver the vision of independence through a strengths-based approach to care and support. This has also led to the recommendation that an additional payment for respite stays of less than two weeks is introduced to encourage providers to accept short term placements, when commissioned at indicative rates (shown at Appendix 1). The aim is to assist people to remain in their own homes for longer by supporting family carers to have a break and also when remaining at home is no longer possible this facilitates providers to make provision for short stays prior to moving into a care home which assists familiarisation with the home and the individual. Since this is an incentive payment to providers, rather than a cost relating to meeting care needs, it

should be noted that it will not be taken into account as part of the financial assessment process, which determines the contribution that each individual customer pays towards the cost of their care package.

- 2.2.3 National living wage will increase on 1st April 2020, however the final phase of the employer minimum pension contributions has been reached meaning that there are no further increases during 2020/21.
- 2.2.4 Neighbouring authorities' rates have also been considered in the context of their demographic, geography and market dynamics.
- 2.2.5 In line with the Council's commissioning strategy we recommend no increase to residential placements, however recognising the ongoing demand for dementia placements and nursing placements the recommendation for the requisite standard rates is 4% and enhanced rates 2% (see Appendix 1).

2.3 Individually negotiated Rates

- 2.3.1 Some placements made in care homes and care homes with nursing are individually negotiated. Placements for people with learning disabilities, physical and or sensory disabilities, acquired brain injury or functional mental health needs tend to be individually negotiated but an increasing number of older people's placements are also subject to negotiation.
- 2.3.2 There is no automatic increase to these rates, where a set rate is paid these are already above the proposed new fee rate. Individually agreed fees vary significantly according to provider and individual user's needs and by their very nature closely take prevailing market factors into account.

2.4 Out of County Care Homes and Care Homes with nursing

- 2.4.1 Where the Council funds placements outside of West Sussex, either at host authority rates or individually agreed rates, it is recognised that the host local authority best understands its local care market. Therefore, the recommendation is that the Council's default position is to follow the approach taken by the host local authority.

2.5 Domiciliary Care/Care and Support at Home

- 2.5.1 The Council does not have a set rate at which it funds care and support at home, this has been determined through a procurement process, therefore the rates paid vary across providers.
- 2.5.2 Through market engagement during 2019 providers in West Sussex clearly articulated that recruitment and retention of staff was their biggest challenge against a backdrop of increasing costs.

If providers are unable to attract enough care workers to meet demand, it will become increasingly difficult to deliver our vision for adults living in West Sussex. The Council has listened to the feedback and considered the impact on its strategic aims, as a result proposes to pay a higher rate of increase.

- 2.5.3 A higher award acknowledges the cost of delivering home care today¹, but also supports to manage costs as the Council moves towards new commissioning arrangements, which are due to come into effect in January 2021. Further, this sends a strong signal to the market that the Council wants to grow capacity to support people to remain in their communities and in their own homes.
- 2.5.4 The overall available budget for these services will be increased by 6.2%. Due to the range of rates paid to providers, the Council proposes to apportion this across providers by increasing rates below £20.69 by £1.40 per hour, and increasing rates above £20.69 by £1.00 per hour, in preference to offering a blanket percentage increase. This approach enables an increase to all providers, whilst recognising that some services are charging below the UKHCA suggested minimum cost of care and may require additional funding to sustain their services.
- 2.5.5 This increase will only be applied to those rates agreed under contract terms or through the annual uplift process

2.6 Extra Care

- 2.6.1 The Council currently has a Dynamic Purchasing System (DPS) which comes to the end of its initial term in September 2020, subject to a future decision these arrangements will run beyond this term. The extra care contracts across West Sussex provide care and support to people in their own home subject to a tenancy or lease agreement. This enables people to grow old in place and delay the need for residential or nursing care placements whilst ensuring quality of life and maintenance of independence for as long as possible.
- 2.6.2 The proposal for a 3% uplift to budget, to enable this to be applied upon request with increases up to 3%. This increase reflects the importance of investing in extra care as a key part of enabling the Council's strategy and vision. The importance of recruiting and retaining staff to deliver care in extra care settings is reflected in this proposal. The Council will apportion the uplift to this area according to the need presented by individual providers in line with the contract arrangements, these rates will be uplifted from October 2020.

2.7 Supported Living

- 2.7.1 Supported Living is the term given to personal support services and includes both the provision of accommodation based supported living schemes, where individuals hold a tenancy agreement and support is typically a mixture of shared and individual support; and outreach services where care and support is delivered to an individual, but there is no shared support (i.e. people living with parents or alone).

These services are commissioned under framework contracts with maximum ceiling hourly rates.

¹ UKHCA's minimum price for home care from April 2020 is £20.69 per hour

2.7.2 The Lifelong Disability and Autism Market Position Statement 2019 sets out the Council's commissioning intentions, for this customer group. There is a focus on the benefits of supported living services, in particular how it enables people to live as independently as possible within the community.

The Council intends to increase capacity and availability of these settings through the development of a new Supported Living Model, due to mobilise in 2021. This will provide an alternative to residential placements, consequently, demand for residential services will reduce.

2.7.3 Commissioners are aware of the challenges to the market, particularly in relation to recruiting and retaining staff to work in these services. There is a key dependency on a stable and increasing workforce to meet the Council's commissioning objectives around supported living, therefore an uplift of 4% is recommended.

2.7.4 The rate set for sleep-in (night-time cover) will not be subject to an uplift but may be reviewed depending on the outcome of any future judgement on this issue.

2.8 Shared Lives

2.8.1 Shared Lives services support adults to live in the community within a family home setting; the carers provide accommodation, care and support in their own home.

These services are commissioned from independent providers and are also directly provided by the Council. Shared Lives can be highly successful arrangements and are seen as a critical element in offering a setting that focuses on developing independence to support moves to more independent living.

2.8.2 In order to facilitate the expansion of Shared Lives to further client groups and increase capacity by attracting new carers (whilst recognising the self-employed status of carers) an uplift of 2.5% recommended.

2.9 Day Services

2.9.1 Day services are commissioned under individual contract arrangements with independent providers.

These services provide a range of functions that meet customers social care needs by supporting people to retain independence and promote wellbeing.

2.9.2 Commissioners are updating contract arrangements and reviewing current delivery models together with the associated cost structures.

In line with the objectives for Day Services, set out in the Lifelong Disability and Autism Market Position Statement, the Council aims to develop new models of support which focus on progression, increased independence and community-based relationships. This approach will reduce the reliance on building based day services, consequently no uplift is recommended for these services.

2.10 Prevention Services

The Council has recently completed a procurement exercise for Community Based Social Support services and new contracts will be awarded from April 2020 based on financial costing for 2020/21. Whilst no uplift will be applied for these, an increase of 2.5% is proposed for provision that was outside that process.

2.11 Direct Payments

2.11.1 The Council is implementing a strength-based approach to supporting individuals, this is called 'Connecting Lives, Supporting People'. This is focussed on enabling people to remain independent for as long as possible. The foundation of the approach is working with people to utilise their personal strengths and abilities, and the strengths demonstrated within their networks and communities to support people in a different way. The Council will be commissioning alternative models of care and support and consider how it can optimise the use of services and resources already in place. As a result of this changing focus people will be able to utilise their personal budget differently with more of a focus on outcomes.

2.11.2 The focus on investment is to enable the development of alternative models where they are needed by working with communities as opposed to increasing the budgets for individuals. Therefore the proposal is no automatic increase to the rates of Direct Payment outside of the annual care reassessment process, for which a second reason is that many customers purchase services at market rates rather than the preferential prices that the County Council is able to obtain because of its purchasing power. Instead there will be a focus on the creative use of those budgets, working with customers to consider innovative, creative and alternative solutions that meet need within the current budget.

2.12 Resilience Fund

2.12.1 The Council's recognises that the increases makes best use of the money available to support growth in the sector aligned to our commissioning intentions, however the Council accepts that some providers may consider that a higher uplift is required to maintain the viability of their business. A sum of money is available as a resilience fund which provides the opportunity for providers to evidence why they should receive a higher uplift that recommended in this paper.

Where a request is made for a higher increase this will be considered by the commissioners and operational staff as appropriate. This scrutiny will take account of the individual, the costs and risk to which the service is exposed and the relative cost of commissioning a placement in the market. These are the key factors upon which a decision will be taken.

2.12.2 Suggestions are also invited where providers have ideas that assist to build the required capacity that supports the Council to deliver on its commissioning intentions.

2.13 Out of Scope

- 2.13.1 Block Contracts. Any increases to rates under block contract will be determined outside of this decision in line with the obligations under the respective contracts.
- 2.13.2 Top Ups. Sometimes an individual or a third party may choose to pay an additional sum towards the cost of their accommodation to facilitate additional choice of services. These payments are not the subject of this paper and will need to be discussed individually with the relevant parties.
- 2.13.3 Deferred Payments. A deferred payment is where the Council funds a placement in a care home on behalf of an individual who has capital assets but has insufficient cash funds, a charge to reclaim the costs is levied against the capital asset to which interest is also added. These payments are not the subject of this paper, since they are subject to agreement between the relevant parties in the first instance with the County Council not requiring notification until this point has been reached.

2.14 COVID19

- 2.14.1 The Council recognises that since drafting this paper the focus and priorities for providers of social care have significantly changed to adapt to the daily challenges presented by COVID19.
- 2.14.2 The recommendations in this paper only relate to annual increases and do not impact or influence the discrete conversations that the Council is having on how it can best support providers at this unprecedented time.
- 2.14.3 Government grants and loans have been announced for business, additional funding has been provided to the NHS and more recently it has been confirmed that local authorities will be given additional funding to support sustainability of care providers at this most challenging time. Providers have made suggestion on how best the Council can support, which are being considered outside the scope of this paper.

Factors taken into account

3. Consultation

- 3.1 Intelligence has been gathered from requests for increases received from providers, where providers have expressed the financial pressures they are experiencing.
- 3.2 Discussions have been held with board members of West Sussex Partners in Care, the local care association, who have shared the pressures faced by providers of residential and domiciliary care. The main focus is the pressure caused by the increases in the National Living Wage, the potential outcome of the Supreme Court's imminent decision on the rate to be paid for sleep-in staff (Royal Mencap Society v Tomlinson-Blake) and increase in agency staff costs, which in some cases are 3 to 4 times more than previous years.
- 3.3 Market oversight and reviews of providers in West Sussex are undertaken through visits, meetings, forums and research. Intelligence is gathered and analysed, through market oversight software, that enables proactive and proportionate engagement with providers; this also supports analysis of the volatility, sustainability and sufficiency of the care market.

4. Financial (revenue and capital) and Resource Implications

- 4.1 In gross terms, the County Council spends around £220m on the care costs which are the subject of this report. £5.5m has been provided in the 2020/21 budget to fund the uplifts which are being proposed, of which £0.4m will be met by the West Sussex Clinical Commissioning Group through the pooled budgets for learning disabilities and working age mental health. That figure consists of £3.3m as an inflation allocation plus £2.2m as a contribution towards the cost pressure that care providers will face from the 6.25% increase in the National Living Wage from 1st April.
- 4.2 Quantifying the impact of the recommendations is not a precise science, because the group of people receiving social care is subject to a significant level of turnover each year. Of itself this will lead to changes in the relative mix of spending and so the cost of any individual element of the package of proposals cannot be stated with complete certainty. Thus affordability has to be assessed in a reasonableness sense by applying the proposals in section 2 to current customer numbers. On that measure the forecast cost of the recommendations accounts in full for the resources that are available. This includes the resilience fund, which is being created from a reprioritisation of the overall cash envelope.

	Year 1 2020/21 £m	Year 2 2021/22 £m	Year 3 2022/23 £m
Revenue budget	5.5	5.5	5.5
Cost of Proposal	-5.5	-5.5	-5.5
Remaining budget	0	0	0

5. Legal Implications

- 5.1 There is a low risk of legal challenge by providers if they feel that the County Council has not met its duties under the Care Act and are not paying sufficient fees to enable them to be sustainable. The proposals therefore prioritise markets where supply is constrained and where the County Council is seeking to expand capacity.

6. Risk Implications and Mitigations

- 6.1 There is a potential risk of legal challenge by providers if they feel that the County Council has not met its duties under the Care Act and is not paying sufficient fees to enable them to be sustainable.

- 6.2 The County Council is experiencing increasing difficulties in securing placements at its indicative rates. This is a reflection of market pressures, where a combination of loss of capacity and growing demand is exerting an upwards influence on prices. The proposals in this report attempt to acknowledge that position by providing increases that take into account both the effect of the National Living Wage and inflation, but also by investing in alternative services to residential care. As a result, the County Council is likely to be in a better position to secure services at the indicative rates, which minimises the need to purchase services at a higher rate (see 1.3). The Council also has a number of block arrangements in place that will help to mitigate cost increases.
- 6.3 As fees paid in respect of care provision is a national, high profile issue, there is a potential reputational risk, if the County Council is not seen to be setting fees at reasonable rates. The proposals above, within the available budget, attempt to mitigate this risk, also they are not dissimilar to proposals and rates paid by neighbouring authorities. Moreover, by introducing a resilience fund, the County Council will be in a position to give specific consideration to applications from providers who can evidence that the proposals may jeopardise the on-going viability of their business. It is also intended to signal that change is needed in the way that care is delivered and so the fund is equally available to support providers to adapt to the County Council's future requirements.
- 6.4 In order to ensure the uplifts to fees are paid there is a reliance on a number of teams across Adults Services, Lifelong Services, Business Systems Support and the Capita partnership. Mosaic is the system within which rates are captured and from which purchases for individual are made; it is critical that the updates are made in a timely manner to ensure on time payment to providers and notifications to customers. Every effort will be made to ensure that the increases are paid as near as possible to 6th April for Indicative Rates, or other dates as stated in providers' contracts. There is a risk that some new rates may be paid retrospectively, if this happens arrangements for backdating will be communicated to providers.

7. Other Options Considered (and reasons for not proposing)

- 7.1 A number of options for fee increases have been considered including increases based on Retail Price Index, Consumer Price Index, modelling different rises on different breakdowns of estimated staff costs and other costs and to a uniform uplift across all service provision.
- 7.2 The reason why the alternative proposals were not taken forward is that some segments of the market are showing more signs of fragility that the alternative approaches would not have addressed. The approach adopted takes account of the Council's vision for adults, known commissioning issues, related market issues and positions the funding to incentivise innovation, investment or encourage growth in the required service areas, something the other approaches did not take into account.

8. Equality and Human Rights Assessment

- 8.1 All care groups were considered in determining the approach for fees and rates to encourage a fair and uniform approach. The proposals will not have a disproportionate effect, either negative or positive, on any person with a protected characteristic in comparison to those without those characteristics.
- 8.2 Whilst the fee uplifts proposed are applicable to customers who meet the national eligibility threshold and are eligible for financial support from adult social care to meet their assessed needs, they take into consideration our wider Care Act responsibilities in relation to market shaping and encourage a viable market of diverse, sustainable services delivering quality care all customers regardless of how they are funded. For those customers who are full cost payers and those choosing to respite from a personal budget there will be an effect on the sum they are recharged. There may also be a negative impact on residents generally if providers choose to increase their own rates.
- 8.3 Any negative impacts, though, must be balanced against the duty the County Council has under the Care Act to ensure the sustainability of the care market and to ensure that there is diversity and quality of provision in the market.
- 8.4 The proposals outlined in this paper are intended to support providers to continue to deliver quality services (and improve, where required) to meet all customers' individual needs, circumstances, cultures and lifestyles, hence ensuring that where customers personal circumstances and support needs change, that there is sufficient provision in the independent sector available to support them.
- 8.5 In reaching a decision on the level of fees, the Council has considered its duties under the Human Rights Act, and in particular Article 8, and the need to consider the private and home life interests of all those assessed to be in need of residential and other basic care. The Council has endeavoured to ensure that the proposals in this report enable these needs to be met.

9. Social Value and Sustainability Assessment

- 9.1 The proposals support the sustainability of the care market in West Sussex by paying an increase to those providers evidencing greater signs of fragility and also signals to the market how the market needs to shape to meet future demand in a way that is sustainable people requiring support, the public sector and to them as part of the care market.
- 9.2 The annual increases to nursing and dementia provision, under indicative rates, may encourage more providers to support County Council funded customers and also encourage new investors into West Sussex.

10. Crime and Disorder Reduction Assessment

- 10.1 There are no Crime and Disorder Act implications.

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Appendices

Appendix 1: Adults' Social Care Areas for Enhanced and Standard Rates

Appendix 2: Fee Schedule Proposed Fee Rates for 2020-21

Background papers

None

Appendix 1

Indicative Rates Schedule 2020-21

CARE HOME RATES				
ADULTS' SERVICES INDICATIVE RATES FOR PERSONAL AND NURSING CARE IN REGISTERED CARE HOMES (ALL AGE GROUPS)				
CARE HOMES REGISTERED WITH THE CARE QUALITY COMMISSION TO PROVIDE PERSONAL CARE	2019-20 from 8/04/19 Weekly Rate £		2020-21 from 6/04/2020 Weekly Rate £	
Band B – High level of physical care needs	DISCONTINUED £ (in pay) 423.32		DISCONTINUED £ (in pay) 423.32	
Band C - Specialist dementia care (intensive/complex)	Standard	591.75	Standard	615.42
	Enhanced	686.65	Enhanced	700.38
Band P - Frail with intensive/complex physical care needs	Standard	528.27	Standard	528.27
	Enhanced	655.39	Enhanced	655.39
Band F - Person with mental health needs	DISCONTINUED (in pay) £407.74		DISCONTINUED (in pay) £407.74	
CARE HOMES REGISTERED WITH THE CARE QUALITY COMMISSION TO PROVIDE NURSING CARE				
Baseline Social Care Rate (Accommodation and Personal Care element of Nursing Fee)	Standard	563.63	Standard	586.18
	Enhanced	631.95	Enhanced	644.59
NHS CONTRIBUTION TO NURSING CARE – FUNDED NURSING CARE (FNC)				
CARE HOMES WITH NURSING	2019/20 from 1/4/19 Weekly Rate £		2020/21 from 1/4/2020 Weekly Rate £	
Standard FNC	£165.56		tbc	
High FNC	£227.77		Tbc	
RESPIRE STAY INCENTIVE PAYMENT – NEW FROM 6/4/2020				
For stays up to 14 nights at indicative rates, an additional pro rata payment.			Standard	21.00
			Enhanced	
NOTES				
i.WSCC pay fees net of FNC, with reimbursement for all FNC being paid directly from the CCG. This is addition to the baseline social care element.				
ii.Prices stated are gross.				
iii.Substance Misuse, Learning Disability, Mental Health, Physical Disability and where need exceeds indicative rates are agreed on an individual basis.				
iv. Enhanced rates are paid for homes within the Adults' Services Northern area and Northern Chichester (i.e. those homes listed in the West Sussex Care Guide under Midhurst, Pulborough and Billingshurst)				

Appendix 2

Northern Area and highlighted towns in Western = Enhanced Rates
Southern & Western Areas (exc. highlighted towns) = Standard Rates

