

Finance and Resources Committee

10am, Thursday, 10 October 2019

National Care Home Contract – Outcome of Negotiations

Executive/routine
Wards
Council Commitments

1. Recommendations

The Finance and Resources Committee is asked to:

- 1.1 note and endorse the baseline fee uplift of £1.148m with effect from 8 April 2019
- 1.2 note that any enhanced payments made to care home providers in 2019/20 will be made on the basis of demonstrated quality
- 1.3 agree the Edinburgh concession to the NCHC as set out in the main report
- 1.4 agree to apply a reduction of £25 per week on all rates for shared rooms.

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National Care Home Contract – Outcome of Negotiations

2. Executive Summary

- 2.1 This report sets out the results of national negotiations led by COSLA to determine the National Care Home Contract (NCHC) terms and conditions for 2019/20. Taking account of the responsibilities of the Integrated Joint Boards (IJBs), the COSLA negotiating team included representation from IJB Chief Officers and IJB Finance Officers.
- 2.2 The headline settlement reached is an increase of 3.65% for Nursing care and 3.40% for Residential care from 8 April 2019 to 7 April 2020 in the rates payable to care homes for 2019/20. For the City of Edinburgh Council, this equates to an increase of £1.148m in costs in 2019/20, based on contract spend as at April 2019

3. Background

- 3.1 The rationale for developing a National Care Home Contract (NCHC) was to raise the quality of residential care for older people across Scotland and standardise the funding of placements
- 3.2 The NCHC has been signed by the owners of 42 private and voluntary sector care homes in Edinburgh. The remaining 10 homes, whose owners have chosen not to sign, primarily contract with people able to fund their own care and typically have little or no availability for Council funded service users.

4. Main report

- 4.1 This NCHC settlement is based on the previously agreed benchmarks for direct care costs in the NCHC Cost Model, which will be the mechanism for informing the national rate going forwards. Settlement negotiations were also used to deliver the commitment to pay the 2019/20 Scottish Living Wage rate of £9.00 per hour by 1st May 2019. The settlement also commits providers employing nurses and delivering publicly funded care to pay nursing staff agenda for change band 5.

- 4.2 The headline settlement reached and agreed at a meeting of Council Leaders held in April 2019 was an uplift of 3.65% for Nursing care and 3.40% for Residential care from 8 April 2019. All negotiating parties agreed that implementing the settlement and the Living Wage commitment is challenging and has required a substantive investment over the previous years. Partnerships and Councils are committed to monitoring the impact of this commitment closely and will therefore consider ways to support good quality individual providers who may face local sustainability issues.
- 4.3 All other aspects of the contract including quality payments remain unchanged. The settlement also commits Partnerships and Councils to progress on the reform of the NCHC during 2019/20 including continued work on the Cost Model.
- 4.4 There are four criteria for the various fee rates in 2019/20:

Nursing Care for Older People

	8 April 2019 – 7 April 2020
Fee level where National Care Home Contract (NCHC) is not signed	£662.14
NCHC fee level with reduced quality award	£694.90
NCHC fee level with the basic quality award	£714.90
NCHC fee level with basic and maximum Enhanced Quality Award	£717.90
Council spot purchase respite rate (NCHC rate, i.e. £714.90 / £717.90 plus up to a maximum 30%)	£933.27 (maximum)
Note: For all shared rooms: minus £25	

Residential Care for Older People

	8 April 2019 – 7 April 2020
Fee level where NCHC is not signed	£561.38
NCHC fee level with reduced quality award	£594.07
NCHC fee level with the basic quality award	£614.07
NCHC fee level with basic and maximum Enhanced Quality Award	£616.57

Council spot purchase respite rate (NCHC rate, i.e. £614.07 / £616.57, plus up to a maximum 30%)	£801.54 (maximum)
Note: For all shared rooms minus £25	

4.5 The Quality Inspection Framework is applied on the basis of the outcome of care home inspections. The Care Inspectorate will award a home one of 6 grades in respect of the following themes: how well do we support people’s wellbeing, how good is our leadership, how good is our staff team, how good is our setting, and how well is care and support planned.

Grade 1 = Unsatisfactory Grade 2 = Weak Grade 3 = Adequate
Grade 4 = Good Grade 5 = Very Good Grade 6 = Excellent

4.6 Where a home receives a grade of 3 or 4 it will receive the basic quality award.

4.7 To incentivise the provision of high quality care, nursing homes that receive a grade 5 or 6 in the quality of care and support theme and a minimum of grade 3 in all other areas will receive an additional £2 per week per resident (£1.50p in residential care homes). For both nursing and residential care homes, a further £1 per week per resident will be paid to homes that achieve a grade 5 or 6 for the quality of their care and support and a minimum of grade 5 in any one other category.

4.8 Where either a nursing or residential care home receives a grade of 1 or 2 in the themed area of quality of care and support, and where that care home has previously been graded at that level in that theme, £20 per week per resident will be deducted from the headline fee rate. In such an event, Council officers will make recommendations to the Chief Social Work Officer regarding the suspension of admissions to a care home while improvements are made or will recommend that service users be moved to alternative placements.

Edinburgh Context and Concession

4.9 One of the aims of the NCHC is to formalise the national agreement that third party contributions should not be required to meet the cost of delivering care to the standard required by the Care Inspectorate.

4.10 The City of Edinburgh Council made a concession to care home providers in 2007/8, on the inception of the NCHC, to allow care homes to continue charging third party contributions. There were (and continue to be) supply and demand issues in Edinburgh, which made implementation of the contract more difficult, and it was accepted the Council would take a pragmatic approach and focus on the spirit of the contract, rather than the letter. Some care homes make no additional charges. Where these are applied, they are subject to the agreement of a third party, usually a relative, who accepts responsibility for payment. On this basis, it is recommended that the Council and Edinburgh Health and Social Care Partnership continues with the concession for 2019/20.

- 4.11 At the inception of the National Care Home Contract in 2007/08 it was agreed that decisions on any reduction for shared rooms are a matter for local discretion but, where a reduction is to be made, CoSLA recommends a standard deduction of £25 per week. In Edinburgh we adopted this approach in recognition of the low number of shared rooms available. Less than 10% of private and third sector care homes currently offer shared rooms and therefore this arrangement only applies on an occasional basis.

Future of the NCHC

- 4.12 The development of the NCHC has largely overcome the variation and complexity in the contractual relationship between the individual, the provider and the local authority, of which the then Office of Fair Trading was particularly critical prior to the establishment of the NCHC. The national arrangements have also acted as a buffer locally, allowing local authorities and care homes to work on issues around service design and quality, without the distraction of fee negotiations. However, the 2019/20 settlement commits Partnerships and Councils to progress on the continuing reform of the NCHC during 2019/20 which includes continued work on the Cost Model.

5. Next Steps

- 5.1 The NCHC provides a consistent framework for the purchase of care home places for older people by the Council and Edinburgh Health and Social Care Partnership.

6. Financial impact

- 6.1 NCHC related costs will increase by £1.148m in 2019/20, based on spending on care home places for older people at April 2019.
- 6.2 Following agreement being reached on the NCHC settlement for 2019/20 the EIJB has agreed a contribution of £1.148m to City of Edinburgh Council to fund the agreed 3.65% and 3.40% uplift and issued directions to the Council in respect of renewal of the NCHC.

7. Stakeholder/Community Impact

- 7.1 National contract negotiations are led by COSLA on behalf of local authorities; and by Scottish Care and the Coalition of Care and Support Providers (CCPS) in Scotland on behalf of their members.
- 7.2 This report has been assessed as having a positive equalities impact to the extent it provides clarity for service users eligible to receive financial support and their family members with regards to care home funding arrangements.
- 7.3 There are no sustainability impacts arising directly from this report.

8. Background reading/external references

- 8.1 Commissioning of Social Care, Audit Scotland, 2012
- 8.2 Joint Strategic Commissioning Plan for Older People, 2013

9. Appendices

- 9.1 None.