Procurement Strategy for Care and Support Services

Contents

1   Glossary of Terms

Care and Support	The provision of personal care, housing support, practical, social and emotional support services to or with an individual using the service in their own home.
Care at Home	Care provided in a person's own home by paid care workers to help with daily life. Home care workers are usually employed by an independent agency, and the service may be arranged by a Local Authority or by the person (or someone acting on their behalf).
Care Inspectorate	The Care Inspectorate regulates a range of social care services, undertakes strategic inspections of Local Authorities' social work services and is also responsible for the scrutiny of children's services as set out in the Public Services Reform (Scotland) Act 2010. It also works to deliver joint inspections of a range of strategic services and does this in collaboration with other scrutiny bodies.
Community Benefit	Intended to improve the economic, social or environmental wellbeing of the authority's area in a way additional to the main purpose of the contract in which the requirement is included.
Equality Impact Assessment	An equality impact assessment (EqIA) is a process designed to ensure that a policy, project or scheme does not discriminate against any disadvantaged or vulnerable people.
Flexible Framework Agreement	A framework agreement which allows for new entrants to be admitted, as providers, after it has been established.
Framework Agreement	A framework agreement is a general term for agreements with suppliers that set out terms and conditions under which specific purchases (call-offs) can be made throughout the term of the agreement. In most cases a framework agreement itself is not a contract, but the procurement exercise to establish a framework agreement is subject to the public procurement rules.
Integration Authority	An Integration Authority can be a Local Authority, a Health Board or an Integration Joint Board (IJB), according to the model of integration adopted. The term covers both models of integration identified in the Public Bodies (Scotland) Act 2014, whether body corporate (IJB) or lead agency.
Health and Social Care Partnership	A Health and Social Care Partnership is led by a Chief Officer and is the operational and delivery aspect of integration, bringing together staff from the relevant Health Board and Local Authority.
Light Touch Regime	Outlines specific rules for certain service contracts, that are generally of lower interest to cross-border competition.

National Health and Wellbeing Outcomes	The nine-national health and wellbeing outcomes provide a national framework for measuring the effect of integrated health and social care services on the health and wellbeing of individuals.
Outcomes	In social care, an 'outcome' refers to an aim or objective a person would like to achieve or need to happen – for example, continuing to live in their own home, or being able to go out. People should be able to say which outcomes are important and receive support to achieve them.
Personalisation / Person Centred Care	Starting with the person as an individual with strengths, preferences and aspirations and putting them at the centre of the process of identifying their needs and making choices about how and when they are supported to live their lives.
Procurement Strategy	A specific sourcing strategy for a category or group of supplies or services.
Scottish Commission for Learning Disability (SCLD)	The Scottish Commission for Learning Disability is an intermediary organisation supporting the Scottish Government as a strategic partner and working with the learning disability sector in Scotland to drive delivery which can improve the quality of life for people with learning disabilities and their families.
Self-directed support	Self-directed support (SDS) allows people to choose how their support is provided and gives them as much control as they want of their individual budget. SDS is the support a person purchases or arranges, to meet agreed health and social care outcomes. SDS offers a number of options for getting support.
Social care	Any form of support or help given to someone to assist them in taking their place in society.
Supported living	Describes a broad range of options for vulnerable adults assessed as requiring care and support. The purpose of the service is to enable people to establish or remain in their own homes, living as independently as possible; and to achieve and maintain or increase their potential in relation to physical, intellectual, emotional and social capacity.
Sustainable procurement	A process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment.

2 Executive Summary

2.1 This strategy is for the development of a national flexible framework approach for the purchase of care at home and supported living services, collectively defined as care and support services. The flexible framework agreement will be open to all Scottish Local Authorities' and Health and Social Care Partnerships (HSCPs). This strategy document uses the term Local Authority as this is the contracting party, however the reference to Local Authority recognises that the Integration Authority directs the Local Authority under the banner of the Health and Social Care Partnership to deliver on their intentions as per their Strategic Plan.

2.2 A core objective of the development of this national flexible framework is to encourage and promote collaborative working with people who require a service, providers, local authorities and other partners to improve the lives of people who receive care and support. The development of a national flexible framework is intended to provide an overarching structure to achieve the principles detailed in 2.3 below. The flexible framework can be used by people requiring a service, Local Authorities and providers to creatively respond to meeting individual's personal outcomes together.

2.3 The overarching principles of this strategy are:

- Support the continued implementation of personalisation/self-directed support (SDS);
- To promote a holistic approach to delivering care and support and focus on the achievement of personal outcomes;
- Increase life choices and improve lifestyles for people requiring services;
- People are encouraged to self-care/support by identifying and building on their strengths and their own capabilities;
- Facilitate the provision of innovative approaches to promoting choice and control;
- Support people to maintain and/or develop links with their communities;
- To promote and embrace the Health and Social Care Standards;
- Enhance a collaborative and partnership approach in the market;
- Support positive workforce practices such as payment of the Scottish Living Wage (SLW);
- Support the use of a range of technology enabled care in the delivery of care and support services;
- Ensure equality and human rights for people with different needs across Scotland;
- Provide transparency of costs leading to better informed decisions.

2.4 This procurement strategy has been prepared following analysis of the market, consideration of purchasing patterns and commissioning needs, and consultation with a range of stakeholders.

2.5 A flexible framework will seek to support the overarching principles of the strategy by providing:

- A greater choice of high quality and sustainable provision and rates for people requiring support;
- The option to purchase services via an hourly rate and/or an individual budget;
- A structure which puts achievement of outcomes at the forefront;
- A non-ranked framework which focuses on choice/the provider who can best meet the persons outcomes;
- A vehicle for sharing best practice between Local Authorities and providers when working from the same framework (ultimately delivering greater choice to people requiring a service);

- The flexibility for providers to add new services to the framework and for new providers to apply to be on the framework at set periods;
- A structure where people have a better understanding of the services available to them across care at home and supported living services and the associated costs;
- A structure which reduces barriers between SDS options;
- An opportunity to work with providers to deliver enhanced community benefits, use of technology and fair work practices;
- A more streamlined approach to continued delivery of the Scottish Living Wage and wider fair work practices.

2.6 The flexible framework for care and support services will be the first national approach of its kind for these services and represents an opportunity to work with providers on nationally agreed terms and conditions. This provides an opportunity for a more standardised approach for both Local Authorities and providers. The framework structure will allow Local Authorities to purchase care at home and supported living services separately, while also identifying where there are providers who can deliver a holistic service.

2.7 An overarching priority in this exercise is to increase choice of both quality and value for money providers with the capacity and capability to deliver care and support to people who wish to choose these services in communities across Scotland. Therefore, the framework will include a process whereby providers can choose to join the framework throughout its duration.

2.8 Care and support services fall under the social and other services category as defined in schedule 3 of the Public Contracts (Scotland) Regulations 2015. As such, Scotland Excel can utilise the provisions of the light touch regime and exercise a degree of flexibility in determining the procurement process and methodology used in securing these services. Scotland Excel must follow the treaty principles of transparency, equal treatment and non-discrimination, proportionality and mutual recognition.

2.9 A national flexible framework will be supported by a suite of documentation and guidance that will assist Local Authority commissioning, care management, procurement colleagues and service providers, utilise the framework.

2.10 While the total spend by all 32 Local Authorities is estimated at over £750 million per annum, the value of the new framework will be lower as at this point, 22 Local Authorities have confirmed participation. However, the number of participating Local Authorities is expected to rise throughout the duration of the framework.

2.11 The estimated total spend represents the total value of purchased care and support from existing providers. It is anticipated, that each participating Local Authority, will continue to purchase services from existing providers under the new framework, to minimise disruption and ensure continuity of care. The framework can be used for new care packages by Local Authorities and people requiring a service to identify the appropriate support for them.

3 Background and Context

3.1 Scotland Excel has been involved in national social care procurement across Scotland since 2009. Care at home and supported living services are new areas of work in the social care portfolio. Scotland Excel is currently funded by the Scottish Government for a two-year period up to March 2019 to explore and implement the opportunities for collaborative procurement in these areas. The 32 Local Authorities in Scotland currently

have their own arrangements for the purchase of these services and spend over £750 million per annum.

3.2 Both services (care at home and supported living) support people to live in their own home for as long possible with the care and support they need being provided. The services play a vital role in reducing early admission to care homes and hospitals and for people to participate in their communities.

3.3 Local Authorities in Scotland have traditionally commissioned and procured care at home separately from supported living services. However, differences between these services are lessening, for example, care at home providers are supporting people with more complex needs. The requirement for services to deliver a person-centred approach has resulted in commissioning and procurement strategies starting to bring these services together. This may offer additional benefits for providers in the market to expand their service offering.

3.4 Scotland Excel initially anticipated that care at home and supported living services would be developed under separate procurement strategies. However, after extensive engagement with key stakeholders (refer to section 4 for full details), this procurement strategy is for a first-generation flexible framework for care and support services, incorporating both care at home and supported living services.

3.5 The traditional differentiating factors between care at home and supported living services are:

- Care group;
- Age group;
- Length of visit;
- Complexity of support provided.

3.6 Care at home is predominantly provided for older people (aged 65 and over) and is normally associated with services such as personal care. Traditionally, care at home services were delivered on a 'time and task' model where carers deliver short periods of care within time bound slots, such as 15 minutes. Some HSCPs have tried to move away from this model of delivery, but it is still commonly used. A national flexible framework will offer a structure whereby Local Authorities and providers can explore new methods of delivering care and support services.

3.7 Supported living is predominantly provided for people considered to have complex needs such as a learning or physical disability and/or a mental health condition. Supported living is normally associated with longer periods of support of up to 24 hours per day and may require specialist training for staff delivering the service.

3.8 The market for care at home differs from supported living. The majority of Local Authorities have internal care at home. Externally purchased care at home services are delivered by some national but many local independent sector organisations (refer to section 6.5 below), whereas the market for supported living services includes a number of large national third sector organisations with a significant share of Local Authority spend.

3.9 There is wide ranging policy and legislation underpinning the delivery of care at home and supported living services. The development of this strategy has considered the policy and legislative context and the implementation process will continue to support this. The mobilisation of the flexible framework will be extended to ensure adequate time and resource for working with partners to implement agreed operational changes to improve service delivery.

3.10 As part of this work, Scotland Excel is also considering options for ongoing funding to support this work beyond the current Scottish Government funding to March 2019.

4   Stakeholder Identification and Engagement

Since commencing this work in April 2017, Scotland Excel has focused its effort on engagement with key stakeholders.

4.1 Health and Social Care Partnership User Intelligence Group (UIG) and Working Group Representatives

The UIG comprises social care commissioners and procurement experts from Local Authorities across Scotland.

Scotland Excel held an initial planning and scoping UIG on 20th July 2017. It was agreed at this meeting that two working groups would be established, one for care at home and one for supported living services to develop separate strategies, whilst recognising that there are links between the service areas. The working groups comprised of a cross section of critical stakeholders (Local Authorities, Integration Authorities, providers and Scottish Government). Each working group met four times since August 2017.

The focus of the care at home group was to consider what is working now and what needs to change for the future. The focus of the supported living group was to discuss and establish if a national framework could work for supported living services by analysing the potential benefits and drawbacks of this approach and what improvements could be made. At the last meeting of the separate working groups, both advised a preference for a single national framework to incorporate care at home and supported living services.

The findings from the working groups and provider sessions was presented to a full UIG meeting on 18th January 2018. Following this meeting it was agreed that Scotland Excel would write to the 32 UIG members requesting they confirm their preferred approach from the options below.

- Develop a national framework for care and support, including a suite of documents and tools (as recommended by working groups and Scotland Excel).

- Develop a national framework for supported living services only and create documents and tools for care at home services for local procurement (as initially envisaged by preliminary market research by Scotland Excel, but prior to the working groups contributing their views).

- Do nothing from a national perspective.

The majority of Local Authorities have expressed their preference to progress with option 1 and develop a national framework for care and support which will include care at home services and supported living services. This will include a suite of documents and tools to support delivery. Other Local Authorities, depending on their current arrangements may consider joining the national framework at a later stage.

Scotland Excel has regularly updated Social Work Scotland (SWS) and the Scottish Government on the status of the development work through briefings and attendance at meetings.

4.2 Providers

Following issue of a prior information notice, Scotland Excel invited six providers on the supported living working group and seven providers on the care at home working group. Scotland Excel has also run additional provider information sessions across Scotland (Paisley, Stirling, East Renfrewshire and Aberdeen) to elicit as much feedback as possible prior to developing this strategy. Scotland Excel has also had one to one provider sessions to engage on the work and providers have provided written feedback to key strategy questions.

4.3 Coalition of Care and Support Providers in Scotland (CCPS) / Scottish Care

CCPS is the Coalition of Care and Support Providers in Scotland. It exists to identify, represent, promote and safeguard the interests of third sector and not-for-profit social care and support providers in Scotland, so they can maximise the impact they have on meeting social need. CCPS has 81 members and the majority of these members deliver supported living services in Scotland.

Scotland Excel discussed the proposed engagement plan with CCPS prior to issuing the provider engagement communication.

The six members on the supported living working group, whilst members of CCPS, attended representing their organisation, as opposed to representing the views of CCPS.

Scottish Care is a membership organisation and the representative body for independent social care services in Scotland. Scottish Care represents over 400 organisations delivering a range of social care services. The majority of care at home providers are represented by Scottish Care.

Scotland Excel discussed the proposed engagement plan with Scottish Care prior to issuing the provider engagement communication.

Some of the providers on the care at home working group are Scottish Care members, but attended representing their organisation, as opposed to the representing the views of Scottish Care.

Scotland Excel will continue to work with providers and representative bodies to discuss roles as the project progresses.

4.4 People who are supported by services

People supported by services are key to the implementation of this strategy. The Scottish Government issued guidance on the procurement of care and support services in 2016, which places the involvement of people who are supported by services at the heart of the commissioning and procurement of services. This is to ensure that in line with self-directed support legislation, the services available meet people's needs and give them options and choice in the services they receive.

It is important that engagement is meaningful and considers the varying needs of people accessing a care and support service. As part of this work, Scotland Excel has engaged, and will continue to work with, the Scottish Commission for Learning Disabilities (SCLD) on how to engage people with a learning disability in the implementation of this strategy. Scotland Excel will also engage the Health and Social Care Alliance Scotland to assist in the coordination of this activity. The Alliance is the national third sector intermediary for a range of health and social care organisations. The Alliance has over 2,200 members in Scotland

including large, national support providers as well as small, local volunteer-led groups and people who are disabled, living with long term conditions or providing unpaid care. The National Involvement Network is a network of people who receive social care support who meet to promote involvement and share ideas about things that matter to them. This is another group of people who could help shape the specification requirements. Providers can also provide good links to people using services.

Scotland Excel will use current research undertaken by Local Authorities to help develop an appropriate engagement plan. The proposal for engagement will include hosting events to speak to people using services about what is important to them. The development of this national flexible framework will also consider how people who require a service are involved in the wider framework management process.

4.5 Scottish Government

The Scottish Government is a key stakeholder to this work. The Procurement and Commercial Directorate and Health and Social Care Integration Directorate monitor the work closely, with Scotland Excel providing monthly updates and attending regular project meetings.

The Health and Social Care Integration Directorate provides policy advice to Ministers and is responsible for the integration of health and social care and ensuring compliance with policy. A representative from the Directorate was on both working groups.

4.6 Others

Scotland Excel engaged Convention of Scottish Local Authorities (COSLA) and the Care Inspectorate to make them aware of this work. It is anticipated that both organisations will have greater involvement in the next phase of the work, the development of a national specification for care and support. The Care Inspectorate has recently published its quality framework for care homes for older people. This is a new approach to how care and support services are scrutinised and could help form the basis of a national specification focused on outcomes.

The Scottish Social Services Council (SSSC) is the regulator for the social service workforce in Scotland. SSSC protect the public by registering social service workers, setting standards for their practice, conduct, training and education and by supporting their professional development. Scotland Excel will engage SSSC in the development of the specification.
Scotland Excel will also engage with Police Scotland to understand if there is any risk of organised crime in the delivery of these services.

5   Service Profiling

5.1 Contract Status and Spend Analysis

Some Local Authorities currently operate separate framework agreements for care at home and supported living services while others have more recently developed single care and support frameworks. Some have legacy agreements in place which are negotiated annually and directly with providers.

Twenty-two Local Authorities have confirmed their intention to participate in a national framework, subject to the framework being developed in a manner that meets the needs of people using services and Local Authority commissioning strategies. Those Local Authorities who do not currently intend to participate, may review the Scotland Excel framework when their current arrangements expire and join the framework at a later stage.

The flexible framework is expected to provide a choice to complement other commissioning arrangements Local Authorities have in place or planned. It is intended to build on existing good practice and replicate this where possible across the country.

Data on spend and usage was initially gained from Spikes Cavell and home care census data. Spikes Cavell data was compared with Local Authority returns which found that Spikes data was higher due to the categorisation used by Local Authorities. Therefore, this strategy has used Local Authority confirmed spend as a basis to calculate future framework spend.

The total estimated spend by the 32 Local Authorities for care at home services is £338 million per annum. In 2016-2017, the top 10 providers accounted for 53% of annual spend and the top 20 providers accounted for 68% of annual spend.

The total estimated spend by the 32 Local Authorities for supported living services is £416 million per annum. In 2016-2017, the top 10 providers accounted for 50% of annual spend and the top 20 providers accounted for 69% of annual spend.

5.2 Estimated Framework Spend/Framework Period

The annual spend of the 22 Integration Authorities for care at home and supported living services is estimated at £316 million. This annual spend figure incorporates current care packages of which Local Authorities may or may not transfer over to the new framework arrangement.

It is difficult to forecast the likely spend on this first-generation framework. Scotland Excel has therefore estimated annual spend of around £79 million in year one. This figure assumes circa 25% of the existing placements of the 22 participating Local Authorities transition across to the new national arrangement. Scotland Excel has assumed, in line with growth experience in other national frameworks, a steady increase of 5% + per annum.

This equates to rounded annual spend of:

Year 1 - £79,000,000 (25% of annual spend)
Year 2 - £95,000,000 (30% of annual spend)
Year 3 - £110,000,000 (35% of annual spend)
Year 4 – £125,000,000 (40% of annul spend)

The estimated total value for the 4-year framework period is £409,000,000.

Scotland Excel will work with Local Authorities up to the point of issuing the contract notice to validate potential spend through the new framework and will closely monitor the framework usage in year 1.

5.3 Sustainable Procurement

As part of the development of this strategy, the Scottish Government sustainability test has been completed to determine the areas that Local Authorities, Scotland Excel and providers can positively impact through the development and ongoing contract management of this national framework.

The Procurement Reform (Scotland) Act 2014 places a duty on public sector bodies to consider how in conducting a procurement process it can improve the economic, social and environmental wellbeing of the authority area, facilitate the involvement of small-medium enterprises (SME's), third sector bodies and supported businesses and promote innovation. This includes reducing inequalities.

This new flexible framework provides an opportunity to develop new and innovative approaches to delivering care and support services, including approaches to sustainability.

The completed sustainability test (Appendix 1) has identified the following national outcomes as areas that this flexible framework can positively support:

- A We live in a Scotland that is the most attractive place for doing business in Europe.
- B We realise our full economic potential with more and better employment opportunities for our people.
- C We are better educated, more skilled and more successful, renowned for our research and innovation.
- E Our children have the best start in life and are ready to succeed.
- F We live longer, healthier lives.
- G We have tackled the significant inequalities in Scottish society.
- H We have improved the life chances for children, young people and families at risk.
- J We live in well-designed, sustainable places where we are able to access the amenities and services we need.
- K We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
- M We take pride in a strong, fair and inclusive national identity.
- O Our people are able to maintain their independence as they get older and are able to access appropriate support when they need it.
- P Our public services are high quality, continually improving, efficient and responsive to local people's needs.

The sustainability test also highlights the national indicators which will be positively impacted by the development of this flexible framework. Scotland Excel has considered each indicator and provided a proposed action to address.

Ref	National Indicator	Actions
8.	Improve the skill profile of the population.	A training competency framework could be developed and included as part of the specification to help improve the skills profile of staff working in care services. This would be in line with the SSSC minimum standards.
9.	Reduce underemployment.	Encouraging care providers to pay their staff the Scottish Living Wage should assist with attracting and retaining staff in the care profession. The approach to fair work practices within the framework will be considered with partners when developing the framework.
10.	Reduce the proportion of employees earning less than the Living Wage.	Encouraging care providers to pay their staff the Scottish Living Wage should assist with attracting and retaining staff in the care profession. The approach to fair work practices within the framework will

		be considered with partners when developing the framework.
14.	Improve levels of educational attainment.	A core part of the service is to support people to achieve their outcomes. If an outcome for the individual is to attain further education or learning, this will be included.
22.	Improve self-assessed general health.	The core aim of the framework services is for people to improve their general health and wellbeing. This will be included as part of the Specification and assessment and care management.

This may also consider self-management, reablement, enablement and preventative care services. |
23.	Improve mental wellbeing.	A core aim of the framework services is for people to improve their mental wellbeing. This will be included as part of the Specification and contract monitoring.
24.	Reduce premature mortality.	A core aim of the framework is to support people to live healthy and independent lives for as long as possible in their own home. This will assist in reducing premature mortality.
26.	Improve support for people with care needs.	This framework is intended to provide additional choice and options for support to people requiring a service. Scotland Excel will develop a framework agreement which will enhance the level of choice people have.
36.	Improve people's perceptions of the quality of public services.	By engaging people who are supported by services in the process of developing the framework agreement, this should help improve people's perceptions of the quality of public services if they have the opportunity to help develop them.
37.	Improve the responsiveness of public services.	By engaging people who are supported by services in the process of developing the framework agreement, this should help improve the responsiveness of public services.
40.	Improve access to suitable housing options for those in housing need.	While the framework proposal will not increase the number of houses available, a core part of the specification is to

		improve independent living options for those most vulnerable.

Sustainability, community benefits and fair work practices will be considered and incorporated as a core part of the specification for care and support services. Scotland Excel will work with stakeholders to develop an appropriate model fitting for the purchase of care services. This will be considered proportionately within the invitation to tender.

5.4 Service Characteristics

Care at home and supported living services support people in Scotland to live independently for as long as possible in their own home. Services must be registered with the Care Inspectorate, the scrutiny body who inspects the quality of care in Scotland.. The Care Inspectorate has separate registration requirements for care at home and supported living or 'housing support'. This means that if a provider wishes to deliver both services, they require a dual registration. Provider feedback received to date suggests that the current Care Inspectorate registration requirements act as a barrier to innovative service delivery. The Care Inspectorate are currently reviewing their registration and grading requirements. This may mean it changes during the life of this framework but will potentially allow for greater flexibility in how services can be delivered. Framework conditions will be developed to accommodate such future changes.

The principles of self-directed support, the Health and Social Care Standards and the National Health and Wellbeing Outcomes are integral requirements of the flexible framework agreement.

Defining the content of a care at home or supported living service is not straightforward as the core requirement is for personalised support. Each service provided to or with a person should be unique and personalised to meet their outcomes. Some common elements include help with maintaining accommodation, budgeting, paying bills, planning meals and shopping, emotional support, help with personal care and engagement with social activities.

The Scottish Government published results from their Social Care Services survey in December 2017 (Appendix 2). The survey results provide useful information on home care provision in Scotland. The published information for 2017 shows there were 59,640 clients receiving homecare and a total of 696,620 hours of service provided. Whilst the number of clients receiving home care appears to be decreasing since 2010, the total number of hours of support is increasing. This may be because people with more complex home care needs are being cared for in their own home as opposed to being admitted to hospital or care homes.

The survey results show that while many Local Authorities have in-house home care provision, an increasing number of clients are receiving services from the independent and voluntary sectors, while Local Authority provision is decreasing. This shows that home care is a growing market.

The majority of clients receiving homecare are over the age of 85. Scotland's population is currently projected to rise and to age. Current projections suggest that the population of Scotland will rise to 5.7 million by 2039, and that the population will age significantly, with the number of people aged 65 and over increasing by 53% between 2014 and 2039 *(Projected Population of Scotland (2014-Based)).* The number of people aged 75 and over is expected to increase by 85%, from 0.43 million in 2014 to 0.80 million in 2039 *(NRS Scotland).* This will have a significant impact on social care resources in Scotland and an increase in the number of people requiring home care.

There is no single source of data for supported living services in Scotland. Supported living services in the main are provided for people who have a learning disability, physical disability and/or a mental health condition but can include other client groups.

The SCLD publishes statistics on people who have a learning disability in Scotland and those who live in supported accommodation. They state that, in 2017, there were 23,186 adults with a learning disability known to Local Authorities across Scotland. 3,687 adults with learning disabilities live in supported accommodation and 6,562 live in mainstream accommodation with support provided in their own home.

In addition to this, 7,271 adults with learning disabilities known to Local Authorities were reported to live with a family carer. This is 31.4% of all adults with learning disabilities known to Local Authorities. There is a concern that family carers are getting older and may not be able to care for their family member in the family home for as long as may have been done in the past.

Supply Market Analysis

5.5 Current Provision / Registered Services

The data in the table below is from the Care Inspectorate datastore and provides an overview of the total number of registered care at home and supported living providers in Scotland as at 31st March 2018. This data has been cleansed to remove multiple registrations by the same provider.

Number of registered care at home providers in Scotland	294
Number of registered supported living or 'housing support' providers in Scotland	387
Total number of providers	681

Of the total 681 providers stated as delivering supported living and care at home services, 134 providers have dual registration. This means that the estimated total number of registered providers delivering care at home and supported living services/housing support is around 547. It should be noted that some providers may provide housing support and not care and support and that these figures may also incorporate children services, which is out with the scope of this framework.

Service providers delivering services out with Scotland who wish to enter the Scottish market would require registering their service with the Care Inspectorate.

5.6 Cost of Services

Local Authorities in Scotland have varying approaches to establishing rates for care at home and supported living services. Many Local Authorities establish local framework agreements, which include an hourly rate for service provision. However, more recently, some Local Authorities have been exploring how to better utilise individual budgets within a framework agreement.

Scotland Excel asked each of the Local Authorities to confirm the range of hourly rates paid to providers for delivering supported living and care at home services. An average rate was calculated based on returns. The average rate for care at home services was £16.25 per hour

and supported living services was £16.94 per hour. It should be noted that higher end rates included specialist services and included enhanced rates for rural provision.

The majority of the hourly rate is made up of staffing costs. The care sector has been known for paying entry level wages, however the roll out of the Scottish Living Wage is a positive change.
Local Authorities normally negotiate locally with providers following an increase in the Scottish Living Wage. The Scottish Living Wage is voluntary and not statutory. It is a requirement for Local Authorities receiving Scottish Government funding that all care workers in adult services are paid the Scottish Living Wage. Scotland Excel will consider an appropriate approach to fair work practices to be incorporated in the tender process.

Variances in hourly rates and cost of services are primarily down to the geographic area where services are delivered. Many Local Authorities with rural areas often pay higher rates for services to account for travel. It can also be difficult to maintain smaller care packages in rural areas, as they may be less sustainable for providers.

Care at home services are normally associated with shorter periods of support than supported living services. Some supported living care packages can cost £150,000 per annum for a person with complex requirements.

Scotland Excel will develop a robust price schedule to be completed by providers as part of the tender process to be appointed on to the framework agreement. Scotland Excel has already explored with some providers, the key elements which make up the cost of a service and will consider these elements in line with the specification. The flexible framework will seek to provide transparency of costs to better inform choice and decisions while ensuring a focus on quality and sustainability.

It is likely that the price schedule will incorporate areas such as staff costs, staff on costs and management fee.

Scotland Excel will work with partners to develop and consider various cost models as part of the development work for the flexible framework.

5.7 Shaping the Requirement

Local Authorities and providers have expressed an interest in developing a framework which offers as much flexibility as possible to meet the differing needs of people using services. The framework also needs to maximise the number of quality providers and offer opportunities for SME's. It is anticipated that there will be a core specification for supported living and care at home services, that will incorporate the core principles for the delivery of services including self-directed support, health and social care standards and the national health and wellbeing outcomes.

A national specification should not be prescriptive around service models to be used in recognition that an effective service model for one person, may not be effective for another.

This framework will primarily be for people choosing self-directed support option 3 (where a person chooses to have the Local Authority select the appropriate support and arrange it for them). However, if an option 3 framework is developed well and includes a wide range of services, this may also be used to deliver option 2 (where the person chooses their own support and requests that the Local Authority or a third party holds the money and arranges the chosen support on their behalf). The intention is for the flexible framework to be developed in a way that is inclusive to the options under self-directed support and that it could be used as a reference point for people regardless of the SDS option chosen.

In addition to the core specification, there may be client group specific requirements, which could be developed and incorporated as appendices to the national specification. This will include working with people who have a learning disability, physical disability and/or a mental health condition. These services can be described as 'specialist' and may require staff members to have additional qualifications or training.

Scotland Excel in partnership with Local Authorities will consult with people who are supported by services, providers and other partners to develop the specification of requirements.

The "light touch" procurement rules applicable in this area allow for greater flexibility. It would be intended that providers who are successfully appointed on to the framework agreement following the initial tender exercise, will remain on the framework agreement for the full 4-year term. The flexibility that the framework will offer will be for new providers to be added on to the framework and for current providers to add or amend their service offerings. Other Scotland Excel frameworks have set periods for this for example the end of years 2 and 3. However, Scotland Excel will consider as part of the engagement work, whether the framework should be opened at more frequent windows. The process to appoint new providers will be developed. It is anticipated that this flexible framework approach will provide people using services greater access to service provision. An important part of the framework is encouraging providers to work collaboratively to develop innovative solutions to delivering support. Provider organisations will be able to submit consortium bids in response to the invitation to tender.

A key part of the next phase of the work is to engage with people who are supported by services to understand what they want from care at home and supported living services. The information collated will be used to help inform the specification of requirements and how the framework is accessed and utilised locally.

The service requirements will be developed in line with adult social care policy and legislation.

5.8   Equality Impact Assessment

An Equality Impact Assessment (EIA) has been undertaken as part of the development of this strategy (see Appendix 3). It should be noted that this does not remove the requirement for individual Local Authorities to undertake their own EIA locally.

6   Opportunity Assessment

6.1   An overview of some of the opportunities a national flexible framework for care and support would offer is detailed below.

6.2   Common Specification – There is an opportunity to develop a common specification for care at home and supported living services. This does not refer to the specification of requirements for the individual person accessing the service as this will only be agreed by the person. A common specification will help provide a standard in Scotland and provide consistency for people supported by services, regardless of where they are resident and will provide consistency for Local Authorities and providers. Scotland Excel will work with partners to develop a national specification for care and support. While the national specification will seek to broadly describe the principles and approach to service delivery, it is recognised that there may be instances where a person's requirements are unique. The core requirement of the specification will be to deliver a personalised approach.

6.3   Community Benefits – Community benefits will be a consideration when developing the national specification. The services act as a community benefit as the purpose is to improve the health and wellbeing of people in the communities in Scotland.

6.4   Fair Work Practices – The national framework will promote and encourage the payment of the Scottish Living Wage to employees. However, it will also consider other elements for example stability of employment and equality of opportunities as part of a wider approach to fair work practices

6.5   Rates – With all procurement in social care, there is a risk that prices could rise as it may have been some time since rates were reviewed. Equally, as this is the first proposed national arrangement in this area, there may be some regional adjustments as national providers consider their costs. The approach to rates within the framework will be developed with partners.

6.6   Flexibility – The framework agreement will provide maximum flexibility for services to be tailored to meet the requirements of the person needing support.

6.7   Monitoring – There is an opportunity to consider the monitoring information that is collected by Local Authorities to develop a consistent suite of indicators to monitor going forward, recognising that there may be local variation required. The information gathered as part of the overall framework monitoring will help inform future requirements for next generation frameworks and maintain the focus on people meeting their personal outcomes. A process could also be developed to include people who receive a service in the ongoing framework and contract monitoring process.

6.8   Personalisation – The framework will allow additional services to be discussed and included where this best meets the outcomes of the person.

6.9   Standards and Outcomes – The flexible framework will promote best practice and improved outcomes for people who receive a care at home and supported living service.

6.10   Indexation – The core element of the rate for care at home and supported living services is staff costs which accounts for circa 80% of total costs. Therefore, the Scottish Living Wage/wages inflation will be a key benchmark/indice for this framework. Another element of the cost is the management fee which may include a contribution to rent of a property or administration functions. A proportion may be linked

to travel costs. This will be monitored closely throughout the first-generation framework and an approach to reviewing prices explored with partners.

7   Risks and Issues

7.1   The table below identifies risks and associated mitigating actions:

Project Period	Description of Risk	Description of Possible Impact	Probability / Impact	Mitigating Actions
All	Project does not achieve objectives set out in section 2.4	Framework does not contribute to changes in procurement and contracting practice to ensure policy objectives are met for people who rely on social care support	M/H	Develop the framework collaboratively with Local Authorities, providers, and national organisations, ensuring people who use support are at the centre. Pull expertise and learning from the best practice from across Scotland to develop tender products.
All	Lack of buy in from the market.	Providers do not participate in tender.	M/H	Engage actively with providers and ensure views are robustly considered.
Tender	SME's disadvantaged in national process.	Lack of innovation and choice of service providers on the framework.	M/H	Ongoing provider communication and sessions. Local Authority lead contacts to facilitate communication with local providers.
All	Provider withdrawing from the market.	Clients requires to move service. Loss of provider.	M/H	Developing clear processes for communication to be included in the standard terms and conditions of the framework. Review provider financial status in ongoing contract management. A further mitigating action is working collaboratively via steering groups in local authority areas to discuss and resolve issues. The framework will also include a provider satisfaction process as a forum to be able to respond to issues raised.
Tender	Lack of agreement on service specification across Local Authorities and provider partners	Unable to progress with national framework.	M/H	Service specification development process. Consider core requirements and local variation requirements.
Tender	Increase in rates beyond actual cost of care provision.	Limited framework usage.	M/H	Further consideration of market and applicable rates and benchmarking to develop appropriate price schedule.
All	Complexity of engagement at a national level may impact on timeline.	Timeline delayed.	M/H	Continually review the project plan.

Management	Transition requirements including TUPE implications.	Lack of clarity on process for transitions.	M/H	Clear requirements built in to the framework terms and conditions.
Tender	Increases in the Scottish Living Wage and overnight support.	Local Authorities cannot afford services.	M/H	Further consideration of market and applicable rates and benchmarking to develop appropriate price schedule and process for the uplift of the Scottish Living Wage.
All	Not enough provider engagement.	Providers do not participate in tender.	M/H	Provider engagement plan in place.
Management	Complexity of contract management requirements.	Resource requirements.	M/H	Appropriate resource required in Scotland Excel.
All	Lack of support or buy in from other stakeholders for example the Care Inspectorate.	Delays process of developing a national framework.	M/H	Engagement with the Care Inspectorate.
All	Care Inspectorate registration and grading requirements likely to change.	Change in Specification requirements.	M/H	Engagement with the Care Inspectorate on Specification requirements and flexible contract conditions to accommodate future change.
All	Commissioning and procurement behaviours impact on provider stability.	Providers hand back work/contracts which are unsustainable for the provider. Providers unwilling or unable to participate	M/H	Run pilots with local authorities and providers to develop new ways of working under the framework. Consider processes for ongoing framework management including feedback steering groups and provider satisfaction surveys.
All	Lack of trust in relationships impact upon partnership working.	Services not delivered to the standard they could be.	M/H	Work with partners to develop relationships.
All	Lack of change champions to implement framework successfully.	Benefits and improvements of the new structure not realised.	M/H	Work with partners to develop new processes and ways of working. The flexibility of the framework will allow partners to consider new and innovative practices.
All	Lack of buy in from Local Authorities.	Limited framework usage.	L/M	User Intelligence Group, Working Group Meeting's, Local Authorities Meetings, Chief Officer Communications and Chief Finance Officer meeting.
Tender	Lack of engagement with people who use the service.	The Specification does not reflect what people using services want.	L/M	Engagement plan has been developed to engage with existing users of these services and due to be implemented in August 2018.
Tender	Choice is restricted.	Impact on SDS options.	L/M	Aim of process is to maximise choice for people who use services. Consider flexible process where

				service providers can join the agreement at set periods.
Tender	Market readiness for formal tender process.	Lack of quality responses.	L/M	Hold pre-planned and advertised tender information sessions including ESPD and PCS-Tender.
All	Change in care staff qualification requirements.	Change in Specification requirements and potential impact on cost of services.	L/M	Engagement with the Care Inspectorate/SSSC on Specification requirements and flexible contract conditions to accommodate future change.

7.2   A risk register has been created and will be maintained throughout the project and lifetime of the framework.

8 Procurement Route

8.1 Care and support services fall within the 'Social and Other Specific Services' category as defined in Schedule 3 and are subject to the procurement regimes set out in section 7 of the Public Contracts (Scotland) Regulations 2015.

8.2 Regulation 76(2) of section 7 states that "The procedure must be at least sufficient to ensure compliance with the principles of transparency and equal treatment of economic operators".

8.3 As such, Scotland Excel has more scope to consider the procurement methodology most suited to the market whilst fundamentally adhering to the EU Treaty principles of non-discrimination, equal treatment, transparency and proportionality.

8.4 The supported living working group considered alternative procurement routes including the alliance contracting model and public social partnership (PSP). Alliance contracting is where a public-sector agency (the Owner) works collaboratively with other parties (Non-Owner participants). All participants are required to work together in good faith, acting with integrity and making best for project decisions. Working as an integrated collaborative team, they make decisions on all key project delivery issues. The most significant difference between traditional contracting methods and alliance contracting is that in alliancing, all project risk management and outcomes are collectively shared by the participants.

8.5 A PSP is a strategic partnering arrangement, based on a co-planning approach, through which the public sector can connect with third sector organisations (voluntary, charity and social enterprise organisations) to share responsibility for designing services based around client needs. This model only involves the voluntary sector.

8.6 Both approaches are methods for redesigning services as opposed to procuring them and should result in a tender exercise. In addition, there is normally a limited number of members to an alliance or PSP, which may not be as supportive to SDS and inclusive of providers, as other contracting routes. Neither approach allows for new entrants.

8.7 Given the complexity of the services and the number of providers in the care at home/supported living market, it has been determined that an approach similar to an open procedure should be used. However, the key principle of both models is a partnership approach to commissioning and procurement which can be adopted in the development of an open tender procedure. Local Authorities may develop their own alliance contracts or PSPs if there is a requirement to redesign local services. The flexible framework may be used by Local Authorities to identify providers they could work with to develop these models.

8.8 A flexible framework agreement will be developed under the Light Touch Regime (LTR), using a process similar to the open tender procedure. Provider submissions will be evaluated against predetermined evaluation criteria, which will be published as part of the invitation to tender. It is proposed that the framework is not ranked. A framework agreement does not bind Local Authorities to purchase services from the framework.

8.9 The flexibility that the framework will offer will be for new providers to be added on to the framework and for current providers to add or amend their service offerings. Other Scotland Excel frameworks have set periods for this for example the end of years 2 and 3. However, Scotland Excel will consider as part of the engagement work, whether the framework should be opened at more frequent windows.

8.10 It is anticipated that the framework will be split into two separate service options, one for care at home services and one for supported living services. This will allow Local Authorities to purchase the services separately if required. It will also allow providers to identify which services they can provide and in which geographical location. Local Authorities will also be able to easily identify where a provider can deliver both supported living and care at home requirements and can contact the provider directly.

8.11 A key requirement of the framework is to provide flexibility for Local Authorities to meet the requirements of people living in their local area. Therefore, as part of the framework agreement, Scotland Excel will include an option for Local Authorities to run their own mini competition process with providers from the framework.

8.12 Scotland Excel will provide standard documentation for Local Authorities to undertake their own mini competition process. It is anticipated that this option will help:

- Increase capacity to meet demand in specific locations
- Broaden the pool of providers for people using services to access
- Cross border working between Local Authorities
- Using individual budgets as opposed to spot purchasing
- Enhance partnership working
- Promote focus on meeting outcomes for people
- Facilitate better planning – a Local Authority may decide to undertake a mini competition to allocate support for more than one person where this is appropriate
- Allow different models of care to be utilised.

8.13 The intention will be to maximise the number of providers capable of delivering high quality care and value for money packages for people. This meets our collective duty to ensure that people receiving a service have as much choice and control over the service they receive.

9 Invitation to Tender Document and Project Plan

9.1 Invitation to Tender Document

Scotland Excel intend using a single stage open tender procedure to invite submissions from interested providers. This process will include completion of the European Single Procurement Document (ESPD Scotland).

It will be a requirement of the tender that any provider awarded a contract under the framework agreement is registered with the appropriate regulatory body (the Care Inspectorate). Any provider not yet registered may be awarded a place on the framework on a conditional basis, pending completion of registration. No business will be awarded until registration is completed satisfactorily.

Scotland Excel will report the outcome to the Executive Sub-Committee for approval, prior to any framework award.

Scotland Excel will work with partners and consider an appropriate approach to the evaluation of provider submissions. Traditional approaches include a technical and commercial assessment; however, the intention of this project is to maximise the number of providers on the framework. Therefore, a different approach to evaluation may be taken.

9.2 Commercial

An area which needs to be considered further is the approach to travel costs and the extent to which this would form part of the rates within the framework. Some Local Authorities do not incorporate an additional fee for travel requirements. In rural areas, this can cause issues with securing service provision.

The proposed approach to the commercials (the cost element) within the tender is to develop a price schedule incorporating core price elements. These headings may include staff costs, staff on costs and management costs.

This will help develop a sustainable rate for care at home and supported living services. This method will allow the market to respond by identifying a rate for services.

Additional price elements may be included for example specialist training costs for supported living.

It is important that the flexible framework promotes the payment of a good wage for staff in the care sector to attract people in to the profession and retain a good workforce.

Scotland Excel propose working with a range of partners on the development of the approach to rates within the framework. Alternative options will be explored as part of this work.

9.3 Tender Development Phase/Future Consultation Plan

Scotland Excel intend to work with stakeholders to develop the specification of requirements for care and support services. This will include people who use services, Integration Authorities, the Scottish Government, COSLA, the Care Inspectorate, service providers and their representative bodies and other stakeholders. It is anticipated that this activity will be developed through focused sessions. This will include considering how to develop a flexible specification that focuses on delivering outcomes for people. Stakeholders described will also help develop an appropriate approach to rates within the framework and consider how the framework will work in practice. This activity will be undertaken between October 2018 and January 2019.

9.4 Project Plan

The project team are currently working towards the timetable below. Dates are subject to change.

Milestone	Expected Completion Date
Commodity Strategy to Scotland Excel Contract Steering Group	June 2018
Develop stakeholder engagement strategy	July 2018
Engagement CCPS and Scottish Care/wider provider engagement	August – September 2018
Stakeholder engagement and consultation to develop a national specification (this is not intended to be a specification which details peoples outcomes but overarching principles for delivering the service in line with the Health and Social Care standards	October – November 2018
Explore various cost options/model(s) Stakeholder engagement and consultation to develop cost	December – February 2019

Collate outputs from consultation/engagement sessions and update stakeholders	March 2019
Develop framework documentation	April – May 2019
Consultation and communication with partners	June 2019
Issue Framework Contract Notice	July 2019
Provider information sessions	August 2019
Submissions returned	August 2019
Evaluation process	September – October 2019
Award process / Scotland Excel Executive Sub Committee	November 2019
Mobilise framework	December 2019
Framework go live	January 2020
Extended period of engagement and mobilisation	January – March 2020
Framework management	Ongoing

10   Framework Management

10.1 The overall management of the framework agreement will be undertaken by Scotland Excel but in collaboration with partners. The framework could attract a high number of providers therefore Scotland Excel propose developing different methods for ongoing framework management.

10.2 It is anticipated that framework management activity will include:

- Monitoring spend through the framework;
- Monitoring payment of the Scottish Living Wage;
- Collating data relating to fair work practices;
- Adding new providers and services to the framework;
- Developing new approaches to service delivery under the framework working closely with partners;
- Collating and sharing best practice examples;
- Financial monitoring;
- Monitoring market withdrawal.

10.3 In addition to the activity identified above, Scotland Excel propose developing a new approach to framework management in this framework that will seek to enhance partnership working. This will include running steering groups with Local Authorities, providers and people who use services to discuss any issues and proposed improvements to the framework.

10.4 Contract monitoring will remain the responsibility of Local Authorities. This includes monitoring individual outcomes of people using the service. As part of the development of the national flexible framework, Scotland Excel will work with Local Authorities and

providers to look at the differences in approaches across Scotland and if this element could be standardised.

11 Approach to ongoing collaborative improvements

11.1 Scotland Excel will develop a plan to assist Local Authorities and providers to maximise the potential benefits of the national flexible framework. This may include the following activities:

- Engagement sessions in local authority areas with local authority colleagues, providers and people who use services
- Run pilots with local authorities and providers to develop new ways of working under the framework
- Share best practice examples and materials
- Develop regular steering groups to discuss framework management and improvements
- Incorporate provider satisfaction surveys in to the overall framework management
- Develop processes for ensuring people using services are included in meaningful review of framework and contract monitoring.

12 Sustainability of the Framework

12.1 It has been agreed that Scotland Excel will continue to explore funding options available to support the ongoing sustainability and contract management of this framework agreement.

13 Conclusion

13.1 The new framework agreement will ensure that there is increased choice for people using services and should deliver value for money in terms of price, service and quality. It will also increase transparency in the market and provide a greater understanding of the cost of these services. The framework will also seek to drive innovation and encourage best practice on a national scale.

13.2 It is hoped that more Local Authorities will access and use the framework throughout its duration and that more service providers join the framework.

Appendix 1 – Sustainability Test

RISK & OPPORTUNITY	ASSESSMENT CRITERIA	Y	RELEVANCE TO THIS CONTRACT	NATIONAL OUTCOMES & INDICATORS INFLUENCED
Climate Change - Energy consumption	Will the product or service procured routinely involve consumption of energy (electricity, gas or other fuel) AND/OR is there an opportunity to minimise energy consumption, including through innovative solutions?	Yes	Consumption of energy in a domestic environment. Recycling in own homes, water consumption.	NO: N. NI: 52, 54,55
Climate Change - Vehicle emissions	Are vehicles routinely used in the supply of a product procured or in-service delivery AND/OR is there a potential opportunity to minimise vehicle emissions arising from vehicle movements including through innovative systems?	Yes	The provider staff may use company or personal vehicles to travel to client own homes for appointments. This will result in fuel consumption.	NO: N. NI: 4, 35, 52, 54
Skills and Training	Are there opportunities to generate employment and training opportunities (particularly for priority groups), develop trade skills in potential suppliers' existing workforce and drive equal opportunities recruitment procedures?	Yes	The main client group for Supported Living Services are individuals with a learning disability, a physical disability or a mental health issue. These are priority groups where there are opportunities to drive equal opportunities.	NO:A,B,C,D,H. NI: 1,2,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,22,23,24,26,29,30,31,32,33,34,35,36,37,38,39
Employment - SMEs, Social Enterprises, Supported Businesses	Is there an opportunity for SMEs, Social Enterprises, black and ethnic minority enterprises and women and disabled-owned businesses or Supported Business organisations to be involved in co-design or delivery of a related service, where they have appropriate skills?	Yes	The third sector make up the majority of the market for Supported Living Services. It also includes a number of smaller organisations. The framework will incorporate a mini competition process to be developed by Local Authorities to engage with their local communities in service delivery and development.	NO: A,B,G,M. NI: 1,2,3,5,6,7,8,9,10,11,14,15,16,36,37,38

Communities - impacts	Are there potential negative impacts on communities as a result of the delivery of the service procured that will require community consultation?	**Yes**	Consultation is required regarding the potential impacts on the affected community of the intended procurement, as set out in the Community Empowerment Act. A key part will be asking people who are using services what they require.	NO: E,J,K,P. NI: 3,4,5,9,10,11,12,13,14,15,16,17,18,19,20,22,23,24,25,26,29,30,31,32,33,34,35,36,37,38,39,43,52,54
Communities - enhancement	Are there potential opportunities to enhance communities through encouragement of community initiatives and regeneration of disadvantaged communities?	**Yes**	Community improvements and enhancements will be a core part of the specification. This will be linked to the innovation and partnership working approach.	NO: E,J,K,P. NI: 3,4,5,9,10,11,12,13,14,15,16,17,18,19,20,22,23,24,25,26,29,30,31,32,33,34,35,36,37,38,39,43,52,54
Equality	Are there concerns regarding discrimination (e.g. due to age, disability, gender, gender reassignment, marriage and civil partnerships, race, religion or belief, sexual orientation) within supply chains' workforce AND/OR Is there an opportunity to promote equality outcomes that are relevant to the procurement of this category/commodity that seek to prevent discrimination, promote equality or aim to widen access to the services such as the inclusion of reasonable adjustments?	**Yes**	This will be considered in the Equalities Impact Assessment.	NO: G,M. NI: 5,8,9,10,11,12,13,14,15,26,36,37,38,39,40
Fair Work practices	Is there a risk of unfair employment practices, including pay and conditions AND/OR opportunities to promote a living wage or ensure the workforce is well motivated, well led and has appropriate opportunities for training and skills development?	**Yes**	Encourage payment of the Scottish Living Wage. There will also be a question around fair work practices which will consider fair contracts of employment and fair terms and conditions. This element will be scored and is also linked to skills development.	NO: A,B,G,M. NI: 1,2,3,5,6,7,8,9,10,11,12,13,14,15,16,26,37,38,39,40

29

Health & Safety	Is Health and Safety a potential issue within the delivery of a related service or use of supplied products AND/OR is there an opportunity to improve Health and Safety?	**Yes**	As the individual care worker will be working on their own, a lone working policy may be required. The worker will have responsibility for ensuring the health and safety of the person they are caring for as well.	NO: A,F. NI: 1,2,3,5,6,7,8,9,10,11,18, 19,20,21,22,23,24,25,26, 27,28,29,30,31,39
Physical/mental health and wellbeing	Will the use of supplied products or delivery of a service procured potentially have a negative impact on health and wellbeing of users/those receiving the service AND/OR is there an opportunity to enhance the health and wellbeing of users of products or those affected by related service delivery?	**Yes**	This service works with people who have learning disabilities, physical disabilities and mental health conditions. people. There is an opportunity to promote understanding and reduce discrimination within communities. The services as a whole seek to improve the health and wellbeing of end users.	NO: A,E,F,O. NI: 1,2,3,5,6,7,8,9,10,11,12, 13,14,15,16,17,18,19,20, 21,22,23,24,25,26,27,28, 29,30,31,32,33,34,35,36, 37,38,39,40
Security and crime - impacts	Are there potential risks that the market for the products or services procured includes Serious and Organised Crime (SOC) organisations, or there may be negative impacts on security and crime through ineffective design of services procured?	**Yes**	Need to consider whether appropriate to consult Police Scotland on whether this is a target area and if any further action is required.	NO: I. NI: 31,32,33,34
Security and crime - improvement	Are there potential opportunities to enhance security and reduce crime through the design of services procured or infrastructure that impact on communities, removing barriers to work or enhancing education and skills of those most likely to reoffend?	**Yes**	Need to consider whether appropriate to consult Police Scotland on whether this is a target area and if any further action is required.	NO: I. NI: 31,32,33,34

Appendix 2 – Scottish Government Social Care Services survey in December 2017

Number of home care clients and hours provided/purchased

	2010*	2011	2012	2013	2014	2015	2016	2017
Number of clients	66,220	63,460	62,830	61,070	61,740	61,500	59,780	59,640
Total hours*	632,160	607,420	627,380	631,150	678,890	700,300	676,520	696,620
Hours per client	9.5	9.6	10.0	10.3	11.0	11.4	11.3	11.7
Number of clients age 65 plus receiving 10+ hours	15,740	15,560	15,970	16,320	16,810	17,570	16,630	16,910
Populations aged 65+	882,200	935,200	925,700	946,900	968,500	983,000	998,900	998,900
Rate per 1,000 population	17.8	16.6	17.3	17.2	17.4	17.9	16.6	16.9

Number of home care clients by sector of provider since 2010

Service Provider	2010*	2011	2012	2013	2014	2015	2016	2017
Local Authority only	43,650	38,850	35,590	33,590	31,580	29,720	28,580	27,900
Private only	14,550	16,710	19,410	19,420	21,510	21,810	22,200	23,110
Voluntary only	3,080	3,010	3,220	3,830	4,620	4,560	4,930	4,640
LA & private	3,960	3,970	3,740	2,910	2,640	3,620	2,870	3,040
LA & voluntary	710	610	550	560	840	650	640	640
Other combination	280	310	330	380	480	390	540	280
Total	**66,220**	**63,460**	**62,830**	**61,070**	**61,740**	**61,500**	**59,780**	**59,640**

* Figures for Home Care hours from 2010 exclude 24-7 care. This means that there may be some clients receiving 24-7 supported living or care at home services that are not included in the data.

Age breakdown of all clients receiving home care in 2017

Local Authority	Client numbers by age group					
	0-17	18-64	65-74	75-84	85 plus	Total
Aberdeen City	10	280	250	540	710	1,780
Aberdeenshire	40	270	310	730	940	2,300
Angus	10	300	180	370	510	1,360
Argyll & Bute	0	50	140	370	500	1,070
Clackmannanshire	20	150	100	180	220	670
Dumfries & Galloway	20	590	340	620	790	2,360
Dundee City	0	190	290	650	780	1,910
East Ayrshire	0	240	270	640	590	1,750
East Dunbartonshire	0	260	140	460	490	1,340
East Lothian	0	380	190	380	480	1,440
East Renfrewshire	0	100	150	370	470	1,090
Edinburgh, City of	0	1,310	580	1,090	1,540	4,530
Eilean Siar	0	30	50	130	190	390
Falkirk	10	580	400	690	710	2,390
Fife	10	1,060	560	910	1,120	3,660
Glasgow City	20	270	970	2,250	2,190	5,690
Highland	0	220	240	590	780	1,820
Inverclyde	0	130	220	470	460	1,270
Midlothian	0	200	170	330	330	1,030
Moray	0	130	130	310	370	950
North Ayrshire	0	500	340	670	610	2,120
North Lanarkshire	30	350	620	1,370	1,180	3,540
Orkney Islands	0	20	30	70	90	200
Perth & Kinross	10	360	200	480	720	1,750
Renfrewshire	0	490	340	630	640	2,110
Scottish Borders	10	90	160	360	580	1,190
Shetland Islands	0	20	50	100	130	300
South Ayrshire	30	390	260	510	560	1,730
South Lanarkshire	0	620	500	1,150	1,210	3,510
Stirling	0	370	150	330	340	1,200
West Dunbartonshire	0	160	290	530	510	1,480
West Lothian	0	520	310	510	390	1,720
Scotland	**230**	**10,610**	**8,930**	**18,760**	**21,120**	**59,640**

Appendix 3 – Scotland Excel Equality Impact Assessment

Important

Under the Equality Act 2010 we must assure that all decisions are taken only after an active assessment of the impact of the decision on people affected by the decision. Where necessary, those who may be affected should be consulted beforehand.

If this is not done, the decision could be unlawful and Scotland Excel could be prevented from acting upon the decision until the impact has been assessed. This will result in major delays in the implementation as well as financial, reputational and other potential damage and loss to Scotland Excel.

Service: Scotland Excel

Department: Social Care Procurement

Title of policy/activity: Procurement Strategy for Care and Support Services

1. What are the aims and objectives of the policy/activity?

The procurement strategy for these services will seek to support a holistic approach to delivering care and support which focuses on the achievement of personal outcomes. This strategy sets out a proposal for the development of a national flexible framework incorporating care at home and supported living services under the 'care and support' title. An appropriate lot structure will allow Local Authorities to purchase care at home and supported living services separately but also identify where there are service providers who can deliver a holistic service. A key aim of the future strategy is to encourage service providers to deliver new and innovative approaches to service delivery.

Scotland Excel's priority is to ensure there is an increased level of choice of quality and value for money providers with the capacity and capability to deliver care and support to people in communities in Scotland.

---

2. List the evidence that has been used in this assessment

Internal data (customer satisfaction surveys; equality monitoring data; customer complaints)	N/A.
Consultation with officers or partner organisations	The development of this strategy has focused on engagement with key stakeholders to look at how a national framework for care and support might work and the services that would be required in a national specification. The invitation to tender will require providers to respond to a range of method statements covering core areas linked to service delivery.
Consultation with community groups	It is important that engagement is meaningful and considers the varying needs of people accessing a care and support service. Scotland Excel have engaged, and will continue to work with, the Scottish Commission for Learning Disabilities (SCLD) on how

	to engage people with a learning disability in the implementation of the future strategy. Scotland Excel will also engage the Health and Social Care Alliance Scotland and service providers to assist in the coordination of this activity. The proposal for engagement includes running sessions to speak to people using services about what is important to them. Scotland Excel will use current research undertaken by Local Authorities to help develop an appropriate engagement plan.
External data (statistics, census, research)	Statistics are available from the home care census on the age range of people using home care services and has been included as part of the procurement strategy. There is also statistics available on the levels of health, social and environmental inequalities which may indicate where there is greater need for public social care services.
Other	The Scottish Government Sustainability test has also been completed as part of this strategy and identifies the national outcomes and indicators that the development of a national framework will seek to contribute to.

3. Detail any gaps in the information that is currently available?

No gaps identified.

4. What measures will be taken to fill the information gaps before the policy/ activity is implemented? These should be included in the action plan.

Measure	Timescale
N/A	

5. Are there potential impacts on protected groups? Tick as appropriate.

	Positive	Negative	None	Unknown
Age – young			✔	
Age – elderly	✔			
Disability	✔			
Race			✔	
Religion or belief			✔	
Sex			✔	
Pregnancy and maternity			✔	
Sexual orientation			✔	
Gender reassignment			✔	
Marriage and civil partnership			✔	

6. What are the potential negative impacts?

N/A.

7. Have any of the affected groups been consulted. If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps.

The proposal for engagement includes running sessions to speak to people using services about what is important to them. Scotland Excel will use current research undertaken by Local Authorities to help develop an appropriate engagement plan.

8. What mitigating steps will be taken to remove those impacts? These should be included in the action plan.

Mitigating step	Timescale
TBC at a later date.	

9. What steps can be taken to promote good relations between various groups? These should be included in the action plan.

This can be developed as part of the core specification for services. This will include community engagement and improved links with the community. A partnership approach between the person receiving a service, the Local Authority and the service provider is an important element.

10. How does the policy/activity create opportunities for advancing equality of opportunity?

A national framework for care and support will seek to improve the level of choice of service providers available to people who need support (as per SDS legislation). It will also focus on the achievement of personal outcomes which seeks to ensure that people have equal access to services and opportunities which best meet their needs.

11. What monitoring arrangements will be put in place? These should be included in the action plan.

As per Contract management section of the procurement strategy.

12. What is the outcome of the assessment? Tick as appropriate.

1	No impacts have been identified	✔
2	Impacts have been identified, these can be mitigated as outlined in question 8	
3	Positive impacts have been identified in relation to the need to:	
	a) Eliminate discrimination, harassment, victimisation and other behaviour prohibited by the Equality Act 2010	✔
	b) Promote equality of opportunity	✔
	c) Foster good relations between groups who share a protected characteristic and those who don't.	✔
4	The activity will have negative impacts which cannot be mitigated fully	

13. Set out the justification that the activity can and should go ahead despite the negative impact?

N/A.

Sign off and authorisation

Department	
Title of Policy/activity	
We have completed the equality impact assessment for this policy/activity.	Name: Position: Date:
Authorisation by Director or Head of Strategic Procurement.	Name: Position: Date:

The impact assessment should now be authorised by either the Director or Head of Strategic Procurement.