

## Contracting for Services – Guidance for Care Managers and Brokers

### 2. Care Home Services

**N.B. This guidance should be read in conjunction with Section 1. Overview.**

#### 2.1 Purchasing Arrangements

The majority of care home placements are made on the basis of a Pre-Placement Agreement (PPA), i.e. they are purchased through “spot” contracts. There are block contracts with a small number of specialist and nursing homes.

Care homes are required to be Registered under the Care Standards Act 2000. Devon County Council may not enter into a contract with a home that is not Registered, or with a homeowner who is not Registered under the Act.

#### 2.2 The Pre-Placement Agreement (PPA)

The PPA used for care home services is the **Residential and Nursing Home Care Pre-Placement Agreement (Adults)**.

All care home providers in Devon have been sent a copy of the PPA by the Procurement & Contracts Team, together with a return form which the provider signs and returns to confirm that they agree to Devon County Council’s terms and conditions. The majority of providers have accepted DCC’s PPA, though a small number have chosen not to accept DCC funded residents. When the Procurement & Contracts Team are made aware of a new care home having opened, or a change of ownership of a home, they will send out a new PPA and return form.

Before making a placement in a care home in or outside Devon, the care manager/broker must ensure there is a PPA in place with the care home. Where this is not the case the Procurement and Contracts Team must be provided with the details of the home, in order that a PPA and return form can be sent to the provider.

#### 2.3 The FACE Care Plan form

For each individual service user placed in a care home, a FACE Care Plan must be commenced by a care manager and completed by a broker.

All FACE Care Plans should be completed on a net payment basis with the service user contribution being collected by the provider. However, the Care Plan will need to set down the gross cost and any First or Third Party contributions itemised to enable the agreement to be recorded correctly in CareFirst.

Where the placement is long stay the end date should read “until further notice”, except where the service user has a property to sell when the guidance on the 12 Week Property Disregard should be followed.

This can be found in “Aspects of Charging for Residential and Nursing Care Accommodation” on the DCC Internet – Policies & Procedures section at:

[http://www.devon.gov.uk/index/socialcare/social\\_services/policies-procedures-guidance/assessment-elig-careman/caremanagement-policy/aspects-of-charging-for-residential-and-nursing-care-accommodation.htm](http://www.devon.gov.uk/index/socialcare/social_services/policies-procedures-guidance/assessment-elig-careman/caremanagement-policy/aspects-of-charging-for-residential-and-nursing-care-accommodation.htm)

Where the placement is short stay, the date of commencement, period and end date should be clearly stated.

Each FACE Care Plan for care home services must include the following wording:

“Where this FACE Care Plan form is sent to the named Service Provider for the purpose of Commissioning a service, the Service shall be delivered by the Service Provider in accordance with the conditions of the Residential and Nursing Home Care Pre-Placement Agreement (Adults) and the terms are deemed to be incorporated in this FACE Care Plan. (Please note upon DCC completing the financial assessment of the Service User and the Service User’s contribution being known the payment arrangement will be transferred to a Net Agreement and the Client Finance Team will communicate this to you as appropriate).”

The FACE Care Plan does not need signatures. Authorisation to spend is in line with the Scheme of Delegation for the ACS Directorate and is achieved electronically.

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### 2. Care Home Services Continued

Where there are changes to the assessed needs of a service user which result in a new care plan being written, or there is an agreed change to the contract price, or to the method of payment (i.e. from net to gross or vice versa) a new FACE Care Plan must be completed. A cessation letter from the broker is necessary for temporary absences from the home or to record permanent discharge from the home.

The broker passes the FACE Care Plan to the broker support clerk, who distributes copies of the form as follows:

- Service Provider
- Service User or their representative
- CareFirst system authorisation, then forward to office for placing on service user's file

#### 2.4 Price

For placements of older people in care homes within Devon, there is a banding system which comprises a number of different levels for residential care, standard nursing care and high dependency nursing care. Nursing placements include an element of Registered Nurse Care Contributions (otherwise referred to as Funded Nursing Care - FNC) which is paid to the care home by DCC as part of the contract price and then reclaimed from the relevant Primary Care Trust.

The current bandings can be found in "Bandings of Residential Care" on the DCC Internet – Policies & Procedures section at

[http://www.devon.gov.uk/index/socialcare/social\\_services/charges-benefits/res-and--nurs-care-cb/payments-to-homes.htm](http://www.devon.gov.uk/index/socialcare/social_services/charges-benefits/res-and--nurs-care-cb/payments-to-homes.htm)

Where placements are made outside of Devon, the fee level will be in line with the level of fees paid by the Local Authority in whose area the home is situated.

The service user may choose a more expensive home if a third party can contribute to the payment, but they must be advised that if the third party is no longer willing or able to make payments a move to another home may be necessitated. The broker will send out the letter "Information on Third Party Contributions" to the Third Party, and monitor its return.

Care managers and brokers must also be familiar with the guidance.

In the case of people with learning disabilities, physical disabilities or mental health problems all placements are made on the basis of individually assessed need and the fee level is negotiated on a case by case basis. DCC will usually need to cover the total cost in order to discharge its duty of care.

#### 2.5 Selecting the Care Home

The service user should be provided with information on all homes which are likely to be able to meet their needs and recorded preferences within their preferred locality.

Local authorities have an obligation under the National Assistance Act 1948 (Choice of Accommodation) Directions 1992 to support the service user's choice, providing:

- the preferred accommodation is suitable in relation to the service user's assessed needs;
- the cost of the preferred accommodation would not be more than the local authority would normally expect to pay having regard to the service user's assessed needs and the market rate in the locality;
- the preferred accommodation is available;
- the preferred accommodation is provided subject to the local authority's usual terms and conditions.

Within the above qualifications, service users have a right to choose even if this means waiting until a place becomes available.

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#### 2.6 Care homes outside Devon

Where the service user requests placement in a care home outside of Devon, the care manager/broker should:

- obtain details of homes in the preferred area, including vacancies and the pricing strategy of that area;
- obtain any relevant information about the home from the host local authority;
- confirm with CSCI that the home is properly Registered and establish whether there are any concerns about the home;
- request the Procurement & Contracts Team to send out the PPA.

#### 2.7 Terminating an Individual Placement

The PPA requires that both Devon County Council and the care home give at least four weeks notice if they wish to terminate a placement in a home (except during the first four weeks of a placement when the notice period is one week). Notice must be given in writing.

In some circumstances (for example where a service user is transferring from one care home to another to be nearer to relatives) it may be possible to negotiate a shorter notice period in order to minimise the need to pay two homes simultaneously. However, the home from which the service user is moving is entirely within their rights to insist on the full four weeks payment.

Where a review has established that the assessed needs of the Service User are outside the category of registration held by the home, Devon County Council must make arrangements for the service user to move to a home that is registered to meet their needs. In these circumstances DCC can terminate the individual contract on the day the service user is moved from the home. These situations most commonly occur when a person living in a home which does not have a specialist registration for such categories develops physical disabilities or dementia over a period of time. In these situations CSCI will allow the person to remain in the home while an alternative placement is sought, so long as there is no undue delay. What is most important is that the home owner or manager is made aware that an alternative placement is being sought. This enables them to actively consider potential new residents who might otherwise have been turned away. The home owner or manager should be informed as soon as an alternative placement is secured. In other words, although the PPA allows us to give immediate notice, it is good practice to give as much notice as possible of the date on which the service user will be moved from the home.

The service user's belongings should also be removed on the day they move from the home, so that the room is immediately available for use if so required.

**Procurement & Contracts Team 7/07**