

Contracting for Services – Guidance for Care Managers and Brokers

3. Domiciliary Personal Care Services

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

3.1 Purchasing Arrangements

The majority of domiciliary personal care placements with independent sector providers are made under block contract arrangements that were entered into during 2005. Under this process, contracts were awarded to providers for the provision of a guaranteed volume of business in specific geographical areas.

All these block providers are automatically able to provide additional hours of service, in their block area, over and above the volume specified in their block contract.

In addition, contracts have been entered into with providers for the provision of domiciliary personal care on a “spot” basis, following a tender procedure to establish a select list. Again, these tenders were for the provision of service in specific geographical areas. This select list will be opened up at 12 month intervals to enable previously successful providers to bid for spot work in further areas, or for previously unsuccessful providers to enter the market.

Domiciliary personal care providers are required to be Registered under the Care Standards Act 2000. Devon County Council may not enter into a contract with a domiciliary personal care provider that is not Registered.

3.2 The Block Contract or Pre-Placement Agreement (PPA)

The contract template used for domiciliary personal care services under block purchase arrangements is the **Personal Care Block Purchasing Agreement (Adults/Children)**.

Providers that have successfully applied to provide domiciliary personal care on a purely “spot” basis are subject to the pre-placement agreement **Personal Care Spot Purchasing Agreement (Adults) (PPA)**.

3.3 The FACE Care Plan

For each individual service user placed with a domiciliary personal care provider, a FACE Care Plan must be commenced by the care manager and completed by the broker.

The period of the contract should be worded “until further notice”, except where the service is time limited with a definite end date which should be entered.

The Face Care Plan should be completed on a gross payment basis with the service user contribution being collected by DCC. Only in exceptional circumstances should a net payment arrangement be set up.

Each FACE Care Plan for Domiciliary Personal Care 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 Personal Care Block or Spot Purchasing Agreement and the terms are deemed to be incorporated in this FACE Care Plan”.

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.

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, a new FACE Care Plan must be completed. A cessation letter from the broker is necessary for temporary cessation of care or to record permanent cessation of service.

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

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3.4 Price

As part of the process for establishing new contracts with providers in 2005, a decision was taken by ASMB to set a fixed price ceiling as that of the highest block contract price in each locality. Providers who wished to be included on the select list for spot purchased domiciliary personal care were required to submit prices up to this price ceiling.

It was decided that with effect from 1st November 2005 the price that would be paid by the ACS Directorate for new spot contracted domiciliary personal care would be that of the highest block contract price for the locality. Any existing spot contracts prior to 1st November 2005 would remain at the previously agreed rate.

Lists of the block contracted providers, select list providers and tendered rates are held by the Procurement & Contracts Team.

3.5 Selecting the Domiciliary Personal Care Provider

In any particular geographical area, the first choice of domiciliary personal care provider will be the provider that holds the block contract in that area. Once the volume of hours guaranteed under the contract has been reached, brokers should continue to place service users with that provider as "spot" purchased placements.

In the event that the block contractor is unable to take any further placements, Brokers will place service users with the select list providers in that particular area until such time as the block contractor has capacity in line with the Locality Commissioning Strategy.

Service users do not have the right to select their domiciliary personal care provider, unless they apply for, and are assessed as eligible to receive, a Direct Payment.

3.6 Terminating an Individual Contract

The contract requires that both Devon County Council and the personal care provider give at least two days notice if they wish to terminate an individual contract. Notice must be given in writing.

If the service user dies, the individual contract ends immediately, but whichever party (DCC or the provider) which first becomes aware of the death must notify the other straight away.

In certain circumstances (such as violent or disruptive behaviour by the service user) the individual contract may be ended by giving one day's notice.

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