



INITIAL SCREENING – STAGE 1

As a public authority we need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Full EINA/EQUALITY ANALYSIS is required.

Name of policy, strategy or function: Framework Agreement for Home Care and Care Homes with and without Nursing	Ref: AC-1108FR
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Responsible Officer: John Sullivan Blakeney (until 17/11/2011) / Dionne Williams	Role: Chairperson of EINA/EQUALITY ANALYSIS Task Group
Directorate: Adults and Communities	Assessment Date: 5 December 2011

Is this a:	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Function <input checked="" type="checkbox"/>	Service <input checked="" type="checkbox"/>
Is this:	New or Proposed <input type="checkbox"/>	Already exists and is being reviewed <input type="checkbox"/>	Is Changing <input checked="" type="checkbox"/>	

1. What are the main aims, objectives of the policy, strategy, function or service and the intended outcomes and who is likely to benefit from it

A framework agreement is a general term for agreements with a provider, or providers, that set out terms and conditions under which specific purchases (call-offs) can be made throughout the term of the agreement. They are used for products, works or services where requirements are needed on a repetitive basis but where the exact quantities are unknown. They are particularly useful, because once a framework is established, the process for awarding individual call-offs is both faster and less costly than would be the case if the requirement was procured separately (www.ogc.gov.uk).

The Council seeks to enter into a framework agreement with providers of services regulated by the Care Quality Commission. The framework agreements will take over from the current contractual arrangements for Home Care and Care Homes with and without nursing. This framework is for all client groups and thus aims to streamline and provide transparency and equity as to how services are commissioned for service users. This is for the benefit of both service providers and service users.

This framework agreement is a procurement activity which is intended to be a transitional arrangement moving towards the Council's Future Operating Model (FOM) for commissioning adult care services. Framework agreements are more suited to Personalisation as they allow choice and control to citizens as to who delivers their services, as the Council seeks to move away from block contracting arrangements. The long term (or FOM) for commissioning following the Framework Agreement sees customers being encouraged to manage their own individual budget and where possible (and where legislation permits), purchase support (support brokerage) from a range of providers in the market place. However there will be instances where the Directorate will continue to manage the customer's Individual Budget, under the current traditional model (the managed service).

Framework agreements also allow the Council to have a more flexible arrangement with the market, only purchasing services that are required, with no commitment to buy any services from a provider.

The Council is also seeking to make efficiencies and savings via mini competitions, which would take place under the framework. There will be no contracted prices and so providers will need to be competitive in terms of quality and price in order to 'win' bids for packages of care. It moves the Directorate away from Council set rates to market driven competitive prices, stimulates competition and allows new providers to enter the market at any time. This provides greater transparency to providers and the general public as to how services are commissioned, as well as demonstrating value for money with the emphasis on quality relevant to individual service users. (See 1.6.4 in **Appendix 5** attached).

The framework agreement will be awarded for a two year period commencing on 1st 2012; with a possible extension of up to two years. Any extension would be based upon the pace of the review of packages of care and the move to the Governments' requirements to increase the number of Direct Payments and Individual Budgets.

The framework agreement has been developed in partnership with Health colleagues and providers online and via a number of events. The Directorate will also have joint partnership arrangements with Health around provider performance under the framework agreement.

2. Explain how the main aims of the policy, strategy, function or service will support the Equality Duties?

- | | |
|------------------------------------------------------------|-------------------------------------|
| 1. Eliminate discrimination, harassment and victimisation? | <input type="checkbox"/> |
| 2. Advance equality of opportunity? | <input checked="" type="checkbox"/> |
| 3. Foster good relations? | <input checked="" type="checkbox"/> |
| 4. Promote positive attitudes towards disabled people? | <input type="checkbox"/> |
| 5. Encourage participation of disabled people? | <input checked="" type="checkbox"/> |
| 6. Consider more favourable treatment of disabled people? | <input checked="" type="checkbox"/> |

Advance equality of opportunity

The framework agreement will enable service users to exercise some choice about who delivers their service, even where the Council is managing the service on their behalf. The current arrangements for service users to choose between providers vary between provision and social work teams. Under the framework agreement, in all instances, a provider will be shortlisted to deliver a care package based upon quality and price elements stipulated by the Council. The service user can then select a provider from those short listed. The framework agreement will also provide transparency to providers as to how work is allocated. Currently, care home provision is usually determined by the social worker and/or with the service user; using either a third party broker service (for which there is a charge) or the opinion of the social worker. Home care is determined by brokers employed by the Council, which is based upon their opinion. The use of a framework agreement will provide a transparent process by which social workers, brokers and service users can make choices about a provider; but allows any provider who is on the framework to bid/compete for services they maybe suitable to deliver.

Foster good relations

The framework agreement is part of Commissioning's new approach to the social care market. Commissioning wish to work with providers via a Supplier Relationship Management (SRM) approach. This approach seeks to improve relationships with the market which at times have been difficult (with some providers). The framework agreement in conjunction with the Directorate's Marketplace enables service users to be more engaged in the commissioning of their social care. The framework agreement also seeks to provide service user choice whilst ensuring that the

Council achieves best value in terms of quality and price.

Encourage participation of disabled people?

The framework agreement is a transitional arrangement towards the Directorate's FOM for adult social care services, which seeks to put service users at the forefront of commissioning decisions; and where capacity is there, for service users to commission directly with service providers. This framework arrangement and the eventual FOM for adult social care is across all client groups; and so service all users with assessed eligible needs will be encouraged and supported to make their own commissioning decisions in line with their allocated amount of funding to meet their assessed eligible needs.

Consider more favourable treatment of disabled people?

The framework agreement aligns itself to the Directorate's FOM which seeks to promote and support the Government's Personalisation agenda. The Personalisation agenda seeks to put all service users at the forefront of adult social care. In line with the choice directive, the framework agreement seeks to empower all service users to whom there is a statutory duty to provide services to meet assessed eligible need to be able to make choices about the services which they receive, in line with amount of funding which is available to them.

3. Does your policy, strategy, function or service affect:

Service users	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Employees	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Wider community	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Please provide an explanation for your 'Yes' or 'No' answer

Service users and their advocates

The introduction of framework agreements will not have an impact in terms of direct service delivery, as the impact is more how the service will be commissioned on behalf of the service user. The framework agreement facilitates a choice of services to the service users, as they will be able to choose a provider as long as they meet their needs and are within the financial resource envelope available (in line with the customer's Individual budget and any customer/third party contributions). If no supplier can provide the required service then the package of care will be reassessed under a moderation process which currently exists in the personalisation of budgets.

Framework agreements more affect how the Directorate will interact with service providers and the market to stimulate supply and ensure that there are adequate levels of quality and value for money. The framework now allows an opportunity for all service users to make choices about their service provision in line with clear and transparent processes.

As there will no longer be Council set rates, the results of the mini competition process will determine the price the Council will pay. In agreeing the allocation of money to a customer (individual budget), there will have been a moderation process to ensure that the customer's needs can be met in the marketplace with the amount given. Where customers wish to exercise choice and select a provider which is more expensive, the customer /family may then be required to pay a third party contribution (top up) This will be regardless of the client group or service provision. Currently, due to the way older adult care home provision is commissioned, only customers subject to this type of provision are required to pay a top up. Whereas customers who have services commissioned via spot contracting arrangements, in the main do not pay a top up.

Employees

The framework agreement will change how employees currently work with the market to commission services. Commissioners will engage with the market via a Supplier Relationship Management (SRM) approach, aiming to work in partnership with providers beyond a contract management function. The use of framework agreements will change how services are commissioned and the role of the Assessment and Support Planning function in that process. This

is being reviewed within a brokerage project, which is looking at how, where and by whom commissioning decisions are made. Regardless of who makes the commissioning decision, the Framework Agreement will put in place fair, clear and transparent processes as to how commissioning decisions are made.

Wider Community – The adult social care market

Service Providers

This section refers to the social care market. The framework agreement will change how providers engage with the Directorate and ultimately how they will 'win' work for service provision. Providers will compete for work via a mini competition process under the framework. The framework agreement will provide transparent processes for how the mini competition is undertaken, and is ultimately based upon information provided by the provider around quality and price. The framework agreement will divide providers in categories based upon the type of provision they deliver and their geographical location. Currently there is little transparency in the allocation of work to providers and this has caused some tension with certain providers. The framework agreement is an open framework with roll on, roll off arrangements. This is a move away from some current contractual arrangements which have a closed and/or commissioning process. In such cases, we have been unable to commission with new service providers which have entered the market since the commencement of those contracts.

Small/Niche/Specialist Services

In order for providers to apply, engage and bid for work via the Framework, it requires them to have an ICT infrastructure which requires as a minimum an email address and internet access. There is a risk that smaller organisations are disadvantaged by this, due to the disproportionate cost in comparison to larger companies, both financially and with regards to resources. Although Commissioning is particularly interested in attracting niche/specialist services onto the Framework, there is a risk that the requirements around tendering, micro procurement, and quality assurance in order for providers to engage with the Framework, may disadvantage them. Such businesses tend to be small, have limited infrastructure and deliver to specific customers within the community. Commissioning will work with providers to ensure they are not disadvantaged and provide support and advice where required.

Self Funders

The Framework Agreement will be in the first instance, be available for service users with a managed service by the Council. However the list and categories of providers will be available for all citizens to view via the Directorate's electronic Marketplace. These providers will be identifiable on the Marketplace and will be subject to a performance management framework overseen by the Council. The Framework Agreement is not however, available to be utilised by self funders directly at this time. Over time, it is intended that the use of the Framework Agreement will reduce; and customers will utilise the Marketplace to commission services directly with the provider. As such, the Council reduces the volume of commissioning it does on behalf of customers.

4. Are there any aspects of the policy, strategy, function or service, including how it is delivered, or accessed, that could contribute to inequality? (including direct or indirect discrimination to service users or employees)

Yes ☐

No ☒

Please provide an explanation for your 'Yes' or 'No' answer

The framework agreements seek to remove the current inconsistencies of commissioning services which occur across the City, which in turn created inequalities across the City and within client groups. It also seeks to provide transparent, city wide processes for how and by whom services will be commissioned. In some areas of the City, localised processes determine how services are commissioned. The new processes do not intend to remove the professional judgement of social workers, brokers and commissioners, but give them a framework to work to.

The new framework agreement process includes a mini competition process which would require providers to have access to a computer with email and internet access. The Council is aware that there are a small number of providers who currently do not have this IT capability. The Council has been engaging with providers for 12-18 months with regards to its intentions, but it must be noted that this process might impact more upon SME providers as the cost and infrastructure implications (e.g. staff to manage the mini competition process), will be greater to a SME providers. We will be working with providers to ensure they are not disadvantaged by the introduction of the new Framework Agreements, providing advice and support as required.

5. Will the policy, strategy, function or service, have a adverse (negative) impact upon the lives of people, including employees and service users?

Service Users

Yes ☐

No ☒

Providers

Yes ☒

No ☐

Please provide an explanation for your 'Yes' or 'No' answer

Service Users

The framework agreement in conjunction with the marketplace seeks to offer more choice and control to service users as to how and what type of service is commissioned to meet their needs. Framework agreements also offer a number of opportunities for the Council:

- Value for money advantages of centralised procurement without the commonly associated level of bureaucracy;
- a single tendering exercise over the life of the arrangement;
- no need to negotiate terms and conditions for each requirement as those are agreed as part of the framework set up.
- a reduction in administrative effort and cost for the Council;
- the initial tendering process allows the Council to identify competitive suppliers, who should offer more competitive prices on the basis of an expected value of business;
- having multiple suppliers allows flexibility to cater for a range of requirements;
- the agreed service requirements can be given at short notice by the Council
- to maintain security of supply
- A mutually beneficial longer-term working relationship can be established with providers

Providers

The benefits to the provider include:

- a longer term approach to business development planning
- a longer term approach to planning, for example to assist with business planning and employee

requirements

- A mutually beneficial longer-term working relationship can be established with the Council

However there maybe some adverse impacts for providers.

The framework agreements do not place any obligation on the Council to actually buy anything, nor for suppliers to provide services. Therefore, if the requirement doesn't fit into the framework agreement or the Council thinks it can achieve better value for money by not using it, and then it can go elsewhere or use its existing contracting arrangements, for example longer term block contracts to which it is still committed.

Framework agreements do not guarantee that providers will get any business from them. Therefore, a provider may spend resources getting included on a framework agreement and never get any business as a result. If providers are struggling to receive work via the framework, then the Council could see (1) providers going out of the market, (2) providers (in particular, specialist providers) not engaging with the process. The Council has taken this into account and has made the tender process and supporting application as streamlined as possible. In addition, all providers who are accepted onto the Framework, also have the opportunity of promoting their services in the 'Marketplace' which will be an interactive information, advice and signposting resource for the general public relating to health and wellbeing for adults in Birmingham. In addition, commissioners are already adopting a Supplier Relationship Management approach with providers to engage in a partnership with them, to ensure that there is a viable, stable and growing market to support the personalisation agenda. All providers will be assigned a named commissioning officer with whom they will be able work with to develop innovative and appropriate services to meet customer's needs and outcomes.

As the Council seeks to move towards its FOM for commissioning, it is based upon a premise that there will be a shift towards customers taking more ownership of their commissioning decisions and in some cases, contracting directly with the provider. In order for this to happen, customers must have a good knowledge and understanding of what they are buying. Where this is not the case, vulnerable customers could be placed at risk. The Council is continuing to put measures in place to support customers to make an informed choice about services. This includes the information and advice web page and the marketplace, which will come on line early 2012.

6. Is an Equality Impact Needs Assessment/Equality Analysis required?

If your answer to question 2 has identified potential adverse impact and you have answered '**yes**' to any of the following questions 3, 4, or 5, then you should carry out a Full EINA/EQUALITY ANALYSIS.

Does the Policy, Strategy, Function or Service require a Full EINA/EQUALITY ANALYSIS? **Yes**
☒ **No** ☐

If a Full EINA/EQUALITY ANALYSIS is required, before proceeding you should discuss the scope of the assessment with service managers in your service area as well as the Directorate EINA/EQUALITY ANALYSIS Contact Officer.

If a Full EINA/EQUALITY ANALYSIS is Not required, please sign the declaration below and forward a copy of the Initial Screening to your Directorate EINA/EQUALITY ANALYSIS Contact Officer

DECLARATION

A Full EINA/EQUALITY ANALYSIS is not required, the Initial Screening has demonstrated that the Policy, Strategy, Function or Service is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Chairperson: Dionne Williams

Sign-off Date: 6 October 2011

Summary statement:

Due to the fundamental changes as to how services are commissioned for Care Homes and Home Support, a full Equality Analysis is required for the implementation of Framework agreements.

Quality check: The screening document has been checked using the agreed audit arrangements in the Directorate:

Name: (Officer/Group carrying out the Quality Check)
Jim McManus
Directorate: Adults and Communities
Contact number:
Jim.mcmanus@birmingham.gov.uk

Date undertaken:
14 Dec 2011

Screening review statement:
I concur that a full EINA is needed

EINA/EQUALITY ANALYSIS Task Group Members

<u>Name</u>	<u>Role on Task Group</u> (e.g. service user, manager or service specialist)	<u>Contact Number</u>
1. John Sullivan-Blakeney	Chairperson – Commissioning	
2. Dionne Williams	EINA coordinator/Chair – Commissioning	07818 510694
3. Richard Doidge	BIU/Commissioning	0121 675 8668
4. Peter Glover	Legal Services	0121 464 3096
5. Jennet Hartrick	Market Manager – Home Care	0121 675 4432
6. Robert Cummins	Corporate Procurement	0121 303 6519
7. Teresa Eadon	Project Lead	0121 464 0910
8. Mohammed Majid	Finance – spend data	0121 675 5389
9. Jules Gregory	Market Manager – Care Homes	07825 318 269

FULL EINA/EQUALITY ANALYSIS – STAGE 2

Step 1– Scoping the Equality Impact Needs Assessment (EINA/EQUALITY ANALYSIS)

Building on the material included at the Initial Screening stage, you should begin the EINA/EQUALITY ANALYSIS by determining its scope. The EINA/EQUALITY ANALYSIS should consider the impact or likely impact of the policy, strategy, function or service in relation to all areas of our remit. The EINA/EQUALITY ANALYSIS should be proportionate to the significance and coverage of the policy, strategy, function or service.

1. What data, research and other evidence or information is available which will be relevant to this EINA/EQUALITY ANALYSIS? Please tick all that apply

Service Targets	<input type="checkbox"/>	Performance Targets	<input type="checkbox"/>	Service Take-up	<input checked="" type="checkbox"/>
User Satisfaction	<input checked="" type="checkbox"/>	Press Coverage	<input checked="" type="checkbox"/>	Census Data	<input checked="" type="checkbox"/>
Workforce Monitoring	<input type="checkbox"/>	Community Intelligence	<input checked="" type="checkbox"/>	Previous EINA/EQUALITY ANALYSIS	<input checked="" type="checkbox"/>
Complaints & Comments	<input type="checkbox"/>	Information from Trade Unions	<input type="checkbox"/>	Staff Survey	<input type="checkbox"/>
Other (please specify)	<input checked="" type="checkbox"/>				

Please provide details on the available evidence/information you have selected?

Previous EINA

A previous EINA was undertaken for the introduction of framework agreements. This document is an updated version and includes home care provision as well as care homes.

Census/service user Data

The Joint Strategic Needs Assessment included Census data as part of the modelling to determine future socio-demographic changes in Birmingham. In 2007 the London School of Economics completed a “Birmingham Strategic Resource Analysis” which identified the particular challenges in Birmingham.

Data and modelling regarding current and forecasted service take up across care homes and home care provision was undertaken as part of Adults and Communities rFBC. This data has been taken into consideration as well census data. However for the purposes of this Equality Analysis, updated service user data was collated by the Business Intelligence Unit to identify the profile/demography of service users who would potentially be affected by the implementation of the Framework (although it only reflects current service users). The data includes:

- Service user type breakdown
- Number of service users
- Gender (with breakdown to service user type)
- Ethnicity (with breakdown to service user type)
- Age (with breakdown to service user type)

Consultation

In 2011, a 3 month consultation (A vision for adult social care in Birmingham) was completed by Adults and Communities regarding changes to care services which included care home and home care provision. Part of this consultation included the implementation of Individual Budgets for all service users, which would be customer’s choice and control as to how services are commissioned. In July 2011, the findings of the Consultation were quashed following a high court ruling, however the implementation of Framework agreements was not. The Directorate has subsequently gone out to consult on a revised set of proposals as part of the Council’s 2012+ budget consultation. This consultation is still ongoing and the potential impacts are linked to the budget available to meet assessed needs. Commissioning continues to work with the market to identify quality services which can meet assessed needs, which are affordable.

As part of the proposal of moving towards framework agreements, consultation and engagement sessions with providers, health, Council colleagues and services users have been undertaken since November 2009. The Directorate has made a commitment to engage with providers over the development of any new contractual arrangements. Engagement has included workshops, meetings, seminars and receiving feedback on the framework agreement documentation itself. Further provider events are planned for early 2012 prior to the launch of the Framework Agreement.

Earlier this year representatives of a number of market providers made an application for a Judicial Review as to the fees paid by Birmingham City Council, alleging that the current fees were insufficient to deliver on the Council's duty to meet assessed need. The Court ruled that the application was premature as the Council, as a Public Body, needed to be allowed to complete its administrative functions with regard to the open book dialogue offered to the market to determine the current range of costs for care in Birmingham.

The Directorate is currently preparing a Report for Cabinet on the outcome of the Open Book process, which is scheduled for March 2012.

Service User Satisfaction

The Business Intelligence Unit undertakes annual customer surveys around both internal and external home care provision across the City. The last survey undertaken in 2009 concluded a significant difference in service user satisfaction between internal and external home care provision. In addition, overall satisfaction levels for home care have dropped since 2007. Therefore the Framework Agreement in conjunction with the Quality Assurance framework will seek to improve service quality and performance of providers.

Service User Choice

To effectively manage the allocation of work within the framework agreement, there is a dependency on the implementation of a function and process to support the service user in choosing and organising their care. This will include, but not limited to a brokerage function.

The Framework Agreement seeks to also facilitate service user choice by asking providers to specify and detail whether they are able to meet any specialist and/or cultural needs. This allows the opportunity for specialist/niche providers to 'showcase' their strengths and attributes. These requirements will be taken into consideration by the brokerage function when shortlisting providers to deliver the care package.

It is recognised that in some cases, specialist/niche services may mean a higher price for service delivery. Providers will not be shortlisted solely on the price of their service alone. Providers will be shortlisted based upon a combination of:

- Quality Assurance score at the point of registration onto the framework agreement
- Quality score under the mini competition process
- Price

Quality elements are weighted higher than the price score.

2. Have you identified any gaps in relation to the above question? Yes ☐ No ☒

If 'Yes' please detail including what additional research or data is required to fill these gaps? Have you considered commissioning new data or research?
If 'No' proceed to Step 2.

Step 2 – Involvement and Consultation

Please use the table below to outline any previous involvement or consultation with the **appropriate** target groups of people who are most likely to be affected or interested with this policy, strategy, function or service. (See Appendix 3 - for details on each target group)

Target groups	3. Describe what you did, with a brief summary of the responses gained and links to relevant documents, as well as any actions
Age	<ul style="list-style-type: none"> Adults and Communities Proposed Budget 2012-2013 Consultation 12 October – 6 February 2012 3 month Directorate consultation (A vision for adult social care in Birmingham). Framework for Care Homes and Home Support Consultation - 1 June 2011 - About 390 delegates Care Homes Framework consultation: workshop 1 - 11 October 2010 - 65 delegates (about 50 providers) Care Homes Framework consultation: workshop 2 - 1 November 2010 - 65 delegates (about 50 providers) Shaping the market for personalisation conference and exhibition - 27 September 2010 - Over 400 delegates Care Homes Consortia Meeting - 19 August 2010 - 9 attendees (4 providers representing Consortia) Home Owners Meeting - 18 November 2009 - 10 attendees (6 providers) Home Support Framework consultation Workshops November and December 2009 Home Support Framework Specification consultation Workshops 1 November and December 2009 Home Support Combined Framework Arrangement and Specification Workshops February 2010 Residential and Nursing Contract Customer engagement workshop – 22 November 2010
Disability	<ul style="list-style-type: none"> Adults and Communities Proposed Budget 2012-2013 Consultation 12 October – 6 February 2012 3 month Directorate consultation (A vision for adult social care in Birmingham) Framework for Care Homes and Home Support Consultation - 1 June 2011 - About 390 delegates Care Homes Framework consultation: workshop 1 - 11 October 2010 - 65 delegates (about 50 providers) Care Homes Framework consultation: workshop 2 - 1 November 2010 - 65 delegates (about 50 providers) Shaping the market for personalisation conference and exhibition - 27 September 2010 - Over 400 delegates

- Care Homes Consortia Meeting - 19 August 2010 - 9 attendees (4 providers representing Consortia)
- Home Owners Meeting - 18 November 2009 - 10 attendees (6 providers)
- Home Support Framework consultation Workshops November and December 2009
- Home Support Framework Specification consultation Workshops 1 November and December 2009
- Home Support Combined Framework Arrangement and Specification Workshops February 2010

Gender

- Adults and Communities Proposed Budget 2012-2013 Consultation 12 October – 6 February 2012
- 3 month Directorate consultation (A vision for adult social care in Birmingham)
- Framework for Care Homes and Home Support Consultation - 1 June 2011 - About 390 delegates
- Care Homes Framework consultation: workshop 1 - 11 October 2010 - 65 delegates (about 50 providers)
- Care Homes Framework consultation: workshop 2 - 1 November 2010 - 65 delegates (about 50 providers)
- Shaping the market for personalisation conference and exhibition - 27 September 2010 - Over 400 delegates
- Care Homes Consortia Meeting - 19 August 2010 - 9 attendees (4 providers representing Consortia)
- Home Owners Meeting - 18 November 2009 - 10 attendees (6 providers)
- Home Support Framework consultation Workshops November and December 2009
- Home Support Framework Specification consultation Workshops 1 November and December 2009
- Home Support Combined Framework Arrangement and Specification Workshops February 2010

Race

- Adults and Communities Proposed Budget 2012-2013 Consultation 12 October – 6 February 2012
- 3 month Directorate consultation (A vision for adult social care in Birmingham)
- Framework for Care Homes and Home Support Consultation - 1 June 2011 - About 390 delegates
- Care Homes Framework consultation: workshop 1 - 11 October 2010 - 65 delegates (about 50 providers)
- Care Homes Framework consultation: workshop 2 - 1 November 2010 - 65 delegates (about 50 providers)
- Shaping the market for personalisation conference and exhibition - 27 September 2010 - Over 400 delegates
- Care Homes Consortia Meeting - 19 August 2010 - 9 attendees (4 providers representing Consortia)
- Home Owners Meeting - 18 November 2009 - 10 attendees (6 providers)
- Home Support Framework consultation Workshops November and December 2009
- Home Support Framework Specification consultation Workshops 1 November and December 2009

- Home Support Combined Framework Arrangement and Specification Workshops February 2010

Religion or belief

- Adults and Communities Proposed Budget 2012-2013 Consultation 12 October – 6 February 2012
- 3 month Directorate consultation (A vision for adult social care in Birmingham)
- Framework for Care Homes and Home Support Consultation - 1 June 2011 - About 390 delegates
- Care Homes Framework consultation: workshop 1 - 11 October 2010 - 65 delegates (about 50 providers)
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- Home Support Framework consultation Workshops November and December 2009
- Home Support Framework Specification consultation Workshops 1 November and December 2009
- Home Support Combined Framework Arrangement and Specification Workshops February 2010

Sexual orientation

- Adults and Communities Proposed Budget 2012-2013 Consultation 12 October – 6 February 2012
- 3 month Directorate consultation (A vision for adult social care in Birmingham)
- Framework for Care Homes and Home Support Consultation - 1 June 2011 - About 390 delegates
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- Home Support Combined Framework Arrangement and Specification Workshops February 2010

4. Who are the main stakeholders and what are their requirements?

The main stakeholder is service providers who deliver services in Birmingham and out of area. Service providers need to know (1) how they can apply to be part of the framework, (2) how the framework will work, (3) how work will be allocated to providers and (4) how the price paid for services will be determined. Providers will be supplied with an application pack, briefing notes and workshops to fully engage with the new process.

Commissioning and Assessment Support Planning colleagues who arrange services on behalf of customers. The use of framework arrangements will fundamentally change how services are commissioned on behalf of customers. All customers who require home care or care home provision will have a choice of services determined by a short list sorted by the ICT solution which supports the framework. The ICT solution will create a shortlist based upon the customer's requirements, quality and price; information which is collected via the mini tender process. All colleagues will require ICT and new process training.

The operation of the Framework agreements will thus result in a change in practice for social workers and brokers as to how services are commissioned for service users and include an opportunity for customers to choose a provider from a shortlist of providers.

Customers, as the range of providers available for home care and care homes via a managed service, will be dependent upon the framework agreement. Customers need to know how the framework agreements determine the range of services available to them, where the Council is managing the service on their behalf.

There is the need for a clear communications and marketing strategy to ensure all equality groups have access to information and advice. The main requirement for all stakeholders is clear information about what the framework agreement is, how it can be used and where it can be sourced. If information is provided as an online service only, accessibility or the lack of could be classed as discriminatory.

Where stakeholders are participating in monitoring or feedback on the framework agreements, documents need to be provided in the relevant formats (eg different languages, Braille, large print, pictorially). Meetings have and need to continue to take account of access and facilities – carers may need to be invited for some users.

5. Amongst the identified groups in the previous question, what does your information tell you about the potential take-up of resulting services?

The framework agreements changes the way the Council commissions home care and care home services. This should not impact on how many service users 'take up' a service. It may change what range of services is potentially available to them, as opposed to relying on information known only to the social worker or broker on available services.

Commissioning has been communicating with providers on the approach to move to a framework agreement, and have received a significant amount of interest from providers; in particular new providers to the market. Commissioning undertook a pre qualification questionnaire (PQQ) exercise in 2010, which saw about 160 providers for home care alone register interest.

If providers are unhappy with a move away from current commissioning arrangements, for example contracted weekly and hourly rates; then the provider does have the choice not to apply to be on the framework agreement. Where the provider does not apply to be on the framework, they will not have access to any new work available, but will retain current customers pending a review of the customer's support plan. They will also be able to advertise their services to self funders via the Marketplace.

Step 3 – Assessing Impact and Strengthening the Policy

6. What will be done to improve access to, and take-up of, or understanding of the policy, strategy, function or service?

Commissioning will continue to engage with providers right through to the implementation of the framework via meetings, briefings and emails.

Commissioning is now developing a communications strategy to engage with the all colleagues in Adults and Communities via e-briefings and seminars.

Commissioning is also seeking to carry out further engagement sessions with customers, not solely on the framework agreements but on how information and advice on services will be available; including the marketplace, information and advice and the framework agreements.

Step 4 – Procurement and Partnerships

7. Is this project due to be carried out wholly or partly by contractors?

Yes ☒

No ☐

If 'yes', have you done any work to include equality considerations into the contract already? Specifically you should set out how you will make sure that any partner you work with complies with equality legislation.

Service delivery under the framework agreements will be undertaken by the social care providers. There are numerous equality clauses and corporate standing orders in relation to equality, but extending wider to DoLS, safeguarding, dignity and respect. The sections are:

- COMPLIANCE WITH RELEVANT LEGISLATION, EQUALITIES AND SAFEGUARDING
- WHISTLEBLOWING POLICY
- SAFE RECRUITMENT, CRB AND SAFEGUARDING CHECKS
- EMPLOYMENT TRAINING AND SUPERVISION OF SUITABLE STAFF
- EQUAL OPPORTUNITIES

The Birmingham Dignity Steering Group has also reviewed and added clauses to the framework agreement terms and conditions document.

Providers also have to complete questions in their application in relation to and comply with the Common Standard for Equalities in Public Procurement, These standards aim to promote racial equality amongst council contractors i.e. private sector companies that do work for the councils. In simple terms the aim of the Standard is to ensure that council contractors have a racial equality/equal opportunities policy, and that contractors implement their policy.

Providers will be asked to demonstrate how they include equality considerations as part of the quality assurance framework.

The framework agreement has also adopted the corporate Jobs and Skills policy as a means of delivering the Council's commitments in the Sustainable Community Strategy. To implement the policy commitments the Council's Adults and Communities Services is committed to working in partnership with Providers to maximise the recruitment and training of new entrants to the care industry based in and around the area where the care is being delivered.

Step 5 – Making a Decision

8. Summarise your findings and give an overview of whether the policy, strategy, function or service will meet the authority's responsibilities in relation to equality and support the council's strategic outcomes?

The framework agreement will meet the Council's responsibilities in relation to equality for customers, providers and the workforce. It seeks to remove the inconsistencies of how care home and home care provision is commissioned across the City; with clear and fair transparent processes for staff to incorporate customer choice but also equality of opportunity for providers to winning work. Further engagement needs to be undertaken with providers and service users, once the detailed processes have been agreed.

Step 6 – Monitoring, Evaluating and Reviewing

Before finalising your action plan you must identify how you will go about monitoring the policy/function or the proposals, following the assessment, and include any changes or proposals you are making.

9. What structures are in place to monitor and review the impact and effectiveness of the new policy, strategy, function or service?

This is a working document and will be updated periodically. Market impact assessments will be undertaken throughout the life of the Framework and the associated risk log will be updated.

Commissioning is introducing a quality assurance system to monitor the quality of services in the market. This will be rolled out in phases as part of the implementation of the Framework Agreement. Information will be collected and analysed by commissioning from a variety of sources including (but not limited to):

- Service user reviews
- Providers (via quarterly self assessment)
- Contract management processes
- Market place customer reviews
- CQC data
- Corporate Complaints, comments and complements

Elements of this data/information will be available to customers in order for them to make informed choices about providers.

The ICT solution which will support the Framework agreements will include management information/reporting capability which allows commissioning to review and assess how providers and the Framework is performing. This includes how the Framework is being used, spend, etc; and what services are being commissioned. Through these reports, commissioning can monitor the effectiveness of the Framework with regards to services commissioned, value for money and range of services available to meet customer's needs.

Commissioning has also introduced new contract management processes supported by ICT, to monitor the performance of contracted providers. This includes clear and defined processes as to how Commissioning will engage with the market.

Step 7 – Action Plan

Any actions identified as an outcome of going through the Steps 1 – 6, should be mapped against the headings within the Action Plan.

10. Taking into consideration the responses outlined in the Initial Screening Stage and Steps 1-6 of the Full Assessment, complete the action plan below.

	Ref (if appropriate)	Actions	Target date	Responsible post holder and directorates	Monitoring post holder and directorates (if appropriate)
Involvement and Consultation		Further consultation and engagement with customers, providers and Adults and Communities staff	6 February 2012	Jules Gregory/ Jennet Hartrick Adults and Communities	Dionne Williams Teresa Eadon (from December 2011)
Data Collection		Management information obtained from the Care first as well as other sources to potential number and type of packages (transactions), which may come through the Framework Agreement	Ongoing	Jules Gregory/ Jennet Hartrick Adults and Communities	Teresa Eadon
Assessment and Analysis		Management information from the ICT solution supporting the Framework Agreement as to the effectiveness of the mini competition	Ongoing	Jules Gregory/ Jennet Hartrick Adults and Communities	Keith Newman

Procurement and Partnership		process; and that processes are being adhered to (audit)			
		The impact of micro procurement to influence the cost of services	End of January 2012	Robert Cummins CPS	Keith Newman Robert Cummins
Monitoring, Evaluation and Reviewing		Programme of framework agreements performance arrangements	End January 2012	Jules Gregory Jennet Hartrick Adults and Communities	Simon Fenton

Step 8 – Sign-Off

The final stage of the EINA/EQUALITY ANALYSIS process is to formally sign off the document as being a complete, rigorous and robust assessment

The policy, strategy or function has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.

Chairperson of EINA/EQUALITY ANALYSIS Task Group

Name: Dionne Williams	Job Title: Market Manager	Directorate Adults and Communities	Sign-off Date: 05/12/2011
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Concluding statement: The implementation of a Framework Agreement for Home Support and Care Homes provides an opportunity or Adults and Communities to work differently with the market, to support the shaping of services to meet service user needs. It also allows a opportunity for providers to compete openly and fairly for packages of care demonstrating quality and value for money.

The Framework Agreement in line with the Personalisation agenda, allows service users the opportunity to exercise choice and control, whilst supported by the Directorate to make such choices. Some of these fundamental changes do come with risk, but should be managed within the management of the Framework Agreement.

Quality Check and Review by the Directorate EINA/EQUALITY ANALYSIS Contact Officer:

Name: Jim McManus	Directorate Team: Adults and Communities	Review Date: 14 th Dec 2011
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Summary of strengths and area(s) for improvement: I consider that this EINA has looked at key areas of impact, will continue to do so because of the dynamic nature of the framework agreement, and that plans are developed or developing to mitigate impact. It will be important for the group to deliver this ongoing framework.

Service Director or Senior Officer (sign-off)

Name: Elizabeth Ross	Job Title: Assistant Director – Operational Commissioning	Date: 21/12/11
Name: Elizabeth Ross	Job Title: Assistant Director – Operational Commissioning	Date: Amended version (Section 5) following Consultation with Cllr Brew – 11/01/2012

The Framework Agreement - Overview

- 1.1 The decision to implement framework agreements for Home Care and Care Homes (with and without nursing), and to extend the current contracts, was taken by Cabinet on 14th March 2011. The decision to proceed with framework agreements and extend the current contracts was not quashed by the subsequent judgment of the High Court on 19 May 2011.
- 1.2 The Council is seeking to enter into a framework agreement with providers of regulated services registered by the Care Quality Commission. The framework agreement will establish the terms and conditions which will apply to contracts for individual citizens (Individual Placement Agreements, Individual Service Orders or Third Party Contracts).
- 1.3 This framework agreement is intended to be a transitional arrangement moving towards the Council's Future Operating Model (FOM) for commissioning adult care services, agreed as part of Adults and Communities revised Full Business Case (rFBC). Individual contracts relating to specific service users under the framework agreement will be awarded to providers through a mini competition process, based upon a quality and price assessment.
- 1.4 The framework agreement will be awarded for a two year period commencing in 1st April 2012; with a possible extension for a further period of up to two years. The extension would be based on the pace of transition towards citizens purchasing more care direct and the take up of direct payments. Timelines for this will be outlined in the proposed Government White Paper due in Spring 2012.
- 1.5 The framework agreement has been developed in partnership with Health colleagues and as mentioned in paragraph 3.2 of the main report, with providers online and via a number of workshop events. The Directorate will also have joint partnership arrangements with Health around provider performance under the framework agreement, as detailed in Schedule 7 to the framework agreement (Performance Monitoring). This effectively maintains the relationship we already have with Health on monitoring, which is supported by a Commissioning Group which regularly discusses and reviews the performance of providers.
- 1.6 As well as the main terms and conditions, the following schedules are also incorporated as part of the framework agreement:

Schedule 1	Glossary of Terms
Schedule 2	Service Specification for Home Support
Schedule 3	Service Specification for Care Homes with and without nursing
Schedule 4	Service Specification for Substance Misuse
Schedule 5	Service Specification for service users with challenging needs
Schedule 6	Allocation of work to providers
Schedule 7	Finance, pricing, invoicing and payment
Schedule 8	None take up of a support package and termination
Schedule 9	Contract Management and SRM
Schedule 10	Jobs, skills and supply chain opportunities
Schedule 11	Safeguarding
Schedule 12	Medicines Management for Home Support
Schedule 13	Medicines Management in Care Homes
Schedule 14	Falls and Injury Prevention in Care Homes
Schedule 15	Equipment provision in Care Homes
Schedule 16	Tissue Viability in Care Homes
Schedule 17	Palliative End of life care in Care Homes
Schedule 18	Nutrition and Dietetics in Care Homes with Nursing: Identifying and managing malnutrition and dehydration
Schedule 19	Training requirements for Care Homes

Tender Structure**1.1 Needs Analysis**

- 1.1.1 The framework agreement will allow the Council to carry out its statutory duty to meet assessed need through contracting with third party providers to carry out the services to meet those needs.
- 1.1.2 The use of an open framework gives the maximum flexibility, allows new entrants into the market to offer their services and maximises choice for citizens. All providers who apply and who are registered providers with the Care Quality Commission will be appointed to the Framework.

1.2 Procurement Route to Market and Rationale

- 1.2.1 There was a need to have a flexible approach that would evolve as more citizens opted to manage their own requirements. The framework option allows this to happen as it gives an agreed service level and a way to monitor the performance of providers. There has been significant market engagement and a number of new providers, particularly in the area of home care support, are keen to provide a service to Birmingham.
- 1.2.2 The framework agreement provides a transparent process for the allocation of work to providers through mini competitions whilst allowing maximum choice to citizens within a financial envelope of care.
- 1.2.3 The mini competitions will work by the Council publicising the service requirements of a citizen to providers appointed to a category of supply under the framework. Providers will be asked to respond detailing how they will meet the citizen's needs and their price for delivery of the service. Provider responses will be ranked based upon a score based on quality and price. This process will be supported by a technological solution. Business Change and Service Birmingham have been leading on the identification of the technological solution.
- 1.2.4 The benefit to this approach is that individual packages will be costed based upon a citizen's needs and requirements. The risk associated with this approach is that providers could offer escalated prices. It is anticipated that by having an open framework approach and by stimulating competition, the Council will see providers being competitive with regards to quality and price. See 5.5 in Cabinet Report for risk mitigation.

1.3 Desired Outcomes and Measures (KPI Structure)

- 1.3.1 The outcome is to ensure that the Strategic Director of Adults and Communities commissions safe and quality services that meet citizens' needs and ensure that the Council meets its statutory duties.
- 1.3.2 The performance of providers will be regularly reviewed and evaluated in line with Commissioning Team's revised quality assurance framework, which links into the Directorate's strategic directorate business plan. Imbedded within the quality assurance framework are joint performance management arrangements with Health.

1.4 Spend in Scope and Budget

- 1.4.1 The budget available for 3rd party payments to care providers in 2011/12 is £192.5 million. However, this is subject to the A&C and Corporate Consultation process currently taking place and will be impacted by financial decisions arising from such consultation.

1.5 Contract Duration and Tender route

- 1.5.1 The framework agreement will have an initial term of two years with an option for the Council to extend for a further period of up to two years, resulting in a contract term of four years which is generally the maximum duration for a framework under European procurement legislation.
- 1.5.2 The structure of the framework agreement will allow for a direct payment from citizens to be made to providers or for the Council to purchase the services on behalf of citizens. It is anticipated there will be a shift to direct payments (where legislation permits) reducing administrative burden on the Council and allowing funds to be provided directly to care services.

1.6 Evaluation and Selection Criteria

- 1.6.1 We have simplified the criteria for appointment to the framework so that essentially the requirement is that the provider must be Care Quality Commission (CQC) registered for the type of service they plan to offer. The reason for doing this is that citizens on direct payments and self funders can purchase services from any CQC registered provider and therefore it will ensure citizens with a managed personal budget have access to most providers.

Framework Agreement Tender Process

The Framework Agreement tendering process will enable the selection of suppliers. The Frameworks will be segmented by:

- Category – Bed-based / Home-based
- Geography – Ward (Home-based only)
- Client Group – OA / LD / MH / PD. (There are additional sub-categories including dementia / sensory impairment / misuse drugs and alcohol)

The Framework Agreement tendering process will give suppliers the following statuses: Successful / Successful pending further investigation / Not successful

- 1.6.2 A performance monitoring process will be built into the framework agreement to assist citizens in assessing which provider will best meet their needs within the financial envelope available.
- 1.6.3 The Framework Agreement seeks to also facilitate service user choice by asking providers to specify and detail whether they are able to meet any specialist and/or cultural needs. This allows the opportunity for specialist/niche providers to 'showcase' their strengths and attributes. These requirements will be taken into consideration by the brokerage function when shortlisting providers to deliver the care package.
- 1.6.4 Providers will be shortlisted based upon a combination of:
- Quality Assurance score at the point of registration onto the framework agreement
 - Quality score under the mini competition process

- Price
Quality elements that are weighted higher than the price score.

Mini Competition Process

The mini-completion process will select suppliers on the basis of price and quality criteria. Overall, this will be split: Quality = 60%; Price = 40%.

Phase 1: April – December 2012

During the Phase 1, selection will be based on price and quality criteria relating only to the supplier's response in the mini-competition process. Quality criteria will cover minimum specific requirements, 'attributes' and qualitative descriptions as to how service user outcomes will be met, 'service user choice'.

Area	Criteria	Weighting
Price	N/A	40%
Quality	Attributes – specific requirements (e.g. days, language, gender, etc...)	20%
	Service User Choice – Qualitative Outcomes	40%

Phase 2: January 2013 –

During the Phase 2, additional quality criteria relating to historic supplier performance will be factored into the mini-completion selection process. 'Community Review' and 'Service receipt Evaluation' will be linked to the QA and Contract Management processes currently under development.

Area	Criteria	Weighting
Price	N/A	40%
Quality	Attributes – specific requirements (e.g. days, language, gender, etc...)	10%
	Service User Choice – Qualitative Outcomes	20%
	Community Review – Quality and Performance Indicators	15%
	Service Receipt Evaluation – Service User / Social Worker Feedback	15%

Framework Agreement Consultation questions and Responses**Frequently Asked Questions (FAQs)**

Adults and Communities is currently in the process of moving from current contract agreements for Home Care and Care Homes to a Framework agreement.

This is a period of change for both the council and providers. To provide information specifically to providers, this document has been produced. This document includes the most frequently asked questions by providers about the framework, with a response from the Council.

If you have any further questions, please let us know via shapingthemarket@birmingham.gov.uk. Any questions will be added to this document.

Question category	Question	Answer
General	What is the reason for these frequently asked questions (FAQs)?	The council is aware that providers are keen to know as much as possible about the new framework agreements for home care and care homes. The council has received a number of enquiries from providers and so thought it would be helpful to produce this document. This document will be updated on a periodic basis.
Framework approach	Why has the Council decided to move to using framework agreements? What is wrong with the way services are currently contracted?	In line with the Personalisation agenda, the council is seeking to adopt approaches which offer customers choice and control. Commissioning is adopting framework agreements as it allows a more flexible approach to commissioning services that meet an individual's assessed eligible need, as opposed to for example, a block contract. A framework agreement does not commit the council to purchase any volume of work from any one provider, but it allows the council and customer to select an appropriate service from a potentially wider range of providers. Framework agreements are a positive way of commissioning services as it provides more choice for customers and an open and transparent commissioning process for the Council and providers.

Question category	Question	Answer
Framework approach	So providers are signing up to a framework agreement? What is the difference between a framework agreement and a framework contract?	A framework agreement sets out the terms and conditions under which specific purchases (call-offs) can be made throughout the term of the agreement. Following a mini tender process, the Individual Placement Agreement (care homes) and Individual Service Order (home care) will determine the specifics of how the service for the customer will be delivered. A framework contract is where a formal document which places an obligation, in writing, to purchase goods, works or services for mutual consideration.
Framework approach	What is the reason behind combining the contracts for care homes and home care? Will they all fall within the same tender? The two different types of services have very different requirements; will having a contract cause confusion?	The council has traditionally contracted for care homes and home care separately. Although they are different services, the majority of the contractual terms and conditions are the same. The difference in services is reflected in separate service specifications. We also have a number of providers who provide both care home and home care services. Therefore to streamline processes for both the council and the provider, the decision was taken to jointly commission both services.
Framework approach	What is the duration of the framework?	The framework will start on 2 April 2012 and run until March 2014. The framework can also be extended for up to two years, one year at a time.
Framework approach	Will the council still commission block contracts with providers?	The council is seeking to move away from block contracting with providers as: (1) it doesn't align to customer choice (2), we will not be paying for voids, and (3) the budget will be distributed via Individual Budgets. If the council wishes to use block contracts in the future, then normal Council Corporate procurement rules will apply.
Framework approach	We are concerned that the Council is consulting on a framework agreement in the absence of a revised Resource Allocation System and Personalisation	On 19 th May 2011 the High Court ruled in respect of the Judicial Review regarding Adults and Communities' Universal Resource Allocation System and the 2011/12 Budget. The following decisions were quashed:

Question category	Question	Answer
	<p>approach, the Council has announced that it is reviewing how these key themes will be implemented following recent Judicial Reviews. The RAS is subject to the next consultation due from September to December 2011. How can Providers agree to or indeed give feedback on something not yet understood / agreed? Consultation on the Framework therefore is premature and that a further consultation period should be provided when a comprehensive approach to the market has been finalised.</p>	<ul style="list-style-type: none"> • the New Offer for Adult Social Care • the proposals for the funds transferred by the NHS under Section 256 of the NHS Act 2006 • the adoption of an <u>Universal</u> Resource Allocation System • the adoption of the revised eligibility criteria and operational principles • the Equalities impact of the above recommendations <p>The only decision which was not quashed was to implement the savings agreed in the Council Plan with respect to care fees paid to third parties and the extension and management of existing agreements pending introduction of new framework agreements.</p> <p>The council did previously and still does have a resource allocation system (RAS), which allows it to calculate an Individual Budget which is an indicative amount, subject to moderation, to provide the support to meet the users assessed eligible need. As part of the framework agreement, there will no set contracted rates. The rate the Council will pay for services will be driven by the market, via a mini competition process. A Moderation process will ensure that there is sufficient funding available to provide services that support assessed eligible needs.. The Court when making its judgement did not amend the Council budget, so it still has a reduced cash envelope to work to. But fundamentally, the price that will be paid to providers will be determined by the market and that is why the Council believes that consultation and implementation of the framework agreements can continue. Whether the eligibility criteria changes or not, the Council will still need a mechanism to purchase services from providers.</p>

Applying for the framework	How do providers apply to be on the framework?	Providers will be asked to complete an application form and submit it electronically. The application form will ask various questions about the company as well as information about the services it provides. Some of the questions which will relate to the quality of services will be scored. The framework opportunity will be advertised on Find it in Birmingham (http://www.finditinbirmingham.com). Find it in Birmingham is an online portal that advertises contracts and tenders from both public and private sectors. The Council will notify all providers known to them when the advert is live and where to find the framework application form.
Applying for the framework	I am currently contracted with the council and have a number of customers who are council funded. What happens if I do not apply for the framework?	Current customers would remain with you until a reassessment of their needs is undertaken by the council. A discussion would then take place as to whether the service should be taken over by a provider on the framework, taking into consideration the needs and circumstances of the individual customer. You would not be offered any new services once the framework has started.
Fees	How does the open book programme currently being undertaken by the Council inform fees both now and for the new contracts?	It has no impact on the new Framework Agreements. The open book approach relates to fees levels attached to the current contract agreements(for year 2011/12. The services for new customers as at the start of the new framework agreements and subsequently customers going through a support plan review, will be subject to the terms and conditions of the framework agreements.
Fees	The current draft of the framework agreement (dated 30 May 2011) does not set out any agreements for annual review of fees nor how 'fair fees' will be agreed. Given the agreement that the Council will establish a clear process for fee setting, this should be clearly set out within the contract.	There are no contracted rates within the framework agreement. The price the council will pay for services will be determined by the market via a mini tender process. Therefore there are no annual fee levels to be reviewed.

Fees	I am already contracted with the Council to deliver services. How logistically will a customer who has a set contracted rate move across to a fee set by a Personal Budget?	Where a customer has a service determined by a set council rate or fee, the council will continue to pay that amount until the customer undergoes a reassessment. At that stage, the customer's individual budget will be re/calculated. At the point of the new/revised service, its delivery will be under the terms and conditions of the framework agreement. A new individual placement agreement (care homes) or individual service order (home care) would be initiated to commence the new/revised service. However, any change in service provision will be discussed and agreed with the service user and/or their family as appropriate.
Resource Allocation System (RAS)	What is the RAS and how does it work in Birmingham?	<p>The purpose of the Resource Allocation System (RAS) is to provide a clear and rational way to calculate how much money a person is likely to need to arrange appropriate support to meet their assessed eligible needs. The estimated individual budget is calculated through the RAS calculator and points allocated to questions within the SAQ.</p> <p>If there is a variation in the estimated budget and the cost of providing appropriate services which includes, if applicable, the sustainability of the carer, and there is no alternative support to the service user, then the individual budget would be moderated accordingly.</p>
Marketing	Can the council assist me with marketing my organisation's services?	The Council will be launching a new Marketplace where providers can market their goods and services to all customers, including self funded customers. You would have control over the content of your advert using headers already defined, so customers can make comparisons between providers. Customers will also be able to leave feedback on your services. The council will use the Marketplace to provide information and advice to all customers about services and goods. The Marketplace will be live from Spring 2012 and providers will receive information about how to register.

New ways of working	You have been telling providers that you will be using technology to support the new framework agreement. What does this mean and what implications does this have for providers?	The council will be using an electronic system to manage the framework. This system will house information about the provider, for example company details, and will also be used to store any communications between the council and the provider. It will also use an electronic system to manage the mini tender process for the allocation of work. The electronic system will help the council to select which providers will receive the opportunity to bid for work using a criteria based upon quality and price.
New ways of working	If Birmingham is moving to a computer based system will I still be able to talk to a real person?	Yes. We will be implementing supplier relationship management model to work with providers directly. We will also be facilitating forums and events for providers to ensure regular communication channels.
Personalisation	Is Personalisation affordable in the current financial climate?	Yes. Personalisation is not primarily a money saving exercise, but research shows people will only spend their money, both their own resources and their Individual Budgets, on support that they consider to be better value for money and which meets their assessed eligible needs. Where the council is purchasing services on behalf of the customer, it will still seek to offer a choice of services to a customer, taking into consideration the indicative RAS amount to meet the customer's needs and subject to moderation.
Personalisation	Doesn't choice cost?	Choice is about having imaginative support planning together with the availability of a wide range of providers capable of meeting assessed eligible needs.. There are costs associated with choice for both providers and commissioners (e.g. transaction costs) but these are balanced by the benefits e.g. innovation and more effectively meeting citizens needs.
Personalisation	Personalisation may increase the risk of abuse because for example, it encourages the use of new types of services such as personal assistants, which are not necessarily regulated. How will we keep people safe in this new way of working?	The assessment and support plan processes already takes risk into account. The evidence (local and national) does not support the premise that personalisation increases risk.

Personalisation	What if customers cannot afford their choice of services following their allocation of money?	In agreeing the allocation of money to a customer (individual budget), there will have been a moderation process to ensure that the customer's needs can be met in the marketplace with the amount given. A cornerstone of personalisation is enabling customers to make an informed choice about what services are available to meet their needs, and tools such as the marketplace will offer information to the customer about what services and support is available.
Personalisation	I keep hearing about personal budgets. How does this impact on the amount providers will be paid?	The amount paid to providers will be driven and determined by the mini tendering process on an individual micro procurement basis.
Personalisation	There are clearly risks associated with Personalisation for providers?	Yes there are risks if providers don't adapt, but personalisation may also bring opportunities. Personalisation represents a big change for Adults and Communities, customers and providers. It is difficult to predict exactly how the marketplace will be affected. However, the Council is committed to working with providers and customers to co-produce services that deliver outcomes for customers within the financial constraints of the current climate.
Personalisation	The Council is trying to enable customers to have choice, but who is going to help customers to make choices? Not everyone will be able to exercise choice on their own.	There will be services in the Marketplace to assist customers in making choices about the type of support to best meet their needs. There will be services that support customers to navigate the care system, for example support brokerage. Many third sector organisations offer information, advice and guidance and so are well placed to offer guidance if customers need it. In addition to this, the council will continue to manage the service on behalf of customers who do not have capacity to make choices for themselves.
Personalisation	Will customers be able to choose exactly what they want?	Customers will have a choice of services that meet their needs and that are within the budget allocated to them.