

Cabinet

14 February 2019

Commissioning of Discharge to Assess on behalf of South Warwickshire NHS Foundation Trust under a Section 75 Agreement

Recommendations

That Cabinet:

- 1) Authorises the Strategic Director for People to revise the current partnership arrangements between Warwickshire County Council (WCC) and South Warwickshire NHS Foundation Trust (SWFT) and enter into a new agreement under Section 75 of the National Health Service Act 2006 for the provision of Discharge to Assess services (Pathway 2 and 3) on terms and conditions acceptable to the Strategic Director for Resources.
- 2) Authorises the Strategic Director of People (i) to undertake an appropriate procurement process for the commissioning of the Pathway 2 and Pathway 3 services; and (ii) to award any subsequent contracts on terms and conditions acceptable to the Strategic Director for Resources.

1.0 Background

- 1.1 The objective of the Discharge to Assess (D2A) model of provision is to facilitate a hospital step down pathway whereby patients who are medically fit for discharge, but are unable to go back to their original place of residence without further assessments or rehabilitation, do not occupy acute hospital beds for longer than necessary. For older people in particular, longer stays in hospital can lead to worse health outcomes and can increase in their long-term care needs. For example, for people aged 80 years and over, 10 days spent in a hospital bed equates to 10 years of muscle wasting (NAO).¹
- 1.2 By avoiding unnecessary prolonged stays in an acute hospital setting it is intended that improved outcomes can be achieved for patients. In addition, the service reduces pressures on acute hospital bed spaces and cost efficiencies are generated as reinvestments are made into community based care and support services.

Current Discharge to Assess Provision

¹ NHS England – Improving Hospital Discharge: <https://www.england.nhs.uk/urgent-emergency-care/hospital-to-home/improving-hospital-discharge/>

- 1.3 In South Warwickshire, 19 Discharge to Assess Pathway 3 (block) beds were commissioned in 2015 by WCC on behalf of SWFT under a Section 75 partnership agreement. The beds are currently provided by two nursing care homes: Kenilworth Grange in Kenilworth and Sebright Nursing Home in Leamington Spa. The contracts are being extended each year but will expire in May 2021.
- 1.4 The Pathway 3 offer of service is for customers who are likely to need a care or nursing home placement in the longer term and who may be eligible for NHS Continued Healthcare Funding (CHC funding). Usually these individuals would be assessed for CHC funding whilst they are still in hospital and then undergo a social care assessment if necessary prior to being discharged; this can cause delays to their discharge. It also results in the individual receiving an assessment for their long term health and support needs in an acute hospital environment, which often leads to support being commissioned that does not reflect the need of the individual. The D2A pathway enables these individuals to be discharged from hospital at the appropriate time so that they can undergo the relevant health and social care assessments in a more suitable (non-acute) environment.
- 1.5 These services are managed by WCC under the Section 75 agreement.
- 1.6 The cost of the Discharge to Assess Pathway 3 Service is forecast to be approximately £1.1 million for the financial year 2018/19 and is funded jointly by SWFT and South Warwickshire Clinical Commissioning Group (SWCCG). This funding is transferred as a 'D2A Fund' from SWFT to WCC under the current Section 75 agreement and is then used by WCC to commission the Pathway 3 services from the nursing homes. In addition, WCC recovers costs of commissioning the services from SWFT, including Procurement and Commissioner fees.
- 1.7 The current Section 75 arrangements were developed in April 2015. The Agreement has been extended several times since March 2016; it is therefore timely to revisit these arrangements. In addition, partners now wish to include Pathway 2, within these commissioning and Section 75 arrangements.
- 1.8 The contracts for the D2A Pathway 3 services are currently being extended each year on a rolling basis but this rolling basis option will expire in May 2021. There is an expectation that WCC continues to commission the Discharge to Assess Pathway 3 services on behalf of SWFT for the foreseeable future, to further aid commitment to the alignment/integration of Health and Social Care Functions within Warwickshire.

Commissioning of Pathway 2 services on behalf of SWFT

- 1.9 In addition to commissioning the Pathway 3 services, SWFT have now requested that WCC acts as lead commissioner for D2A Pathway 2 beds that are currently provided by WCS Care Group Limited under a contract with SWFT. This request is due to the successful management of the Pathway 3 D2A Contract by WCC within the current Section 75 agreement.

- 1.10 The Pathway 2 service offer is for customers who are medically fit for discharge but cannot return to their own home, but who have the potential to do so if given additional short term support and reablement in a 24-hour care home environment. The Pathway 2 service offers Physiotherapist and Occupational Therapist support, with the intention of developing the customers' independence to enable them to return to their own home. Ongoing assessment of long term needs is also facilitated in a more (non-acute) suitable environment.
- 1.11 In South Warwickshire, there are currently 10 Discharge to Assess Pathway 2 beds provided by WCS Care Group Limited in South Warwickshire, with an annual contract value of circa £667,644.
- 1.12 The provision of Discharge to Assess services is a health function which SWFT is responsible for and therefore has to be delegated to WCC under the Section 75 Agreement to enable WCC to commission these services on SWFT's behalf. Section 75 of the NHS Act 2006 enables WCC and SWFT to enter into these arrangements if doing so is likely to lead to an improvement in the way the functions of SWFT and the health-related functions of the WCC (which includes the duty of WCC to prevent/delay needs for care and support) are exercised. Ensuring that patients are discharged from hospital in a timely way and their independence is maximised before they return to their own home is consistent with WCC's prevention agenda.

2.0 Benefits of WCC commissioning D2A Services on behalf of health partners

- 2.1 The benefits of WCC continuing to commission the D2A Pathway 3 services and expanding this arrangement to the D2A Pathway 2 services are outlined below:
- WCC has been successfully commissioning the Pathway 3 services for the past 3 years;
 - In addition to this, WCC also acts as the Lead Commissioner on behalf of South Warwickshire CCG and Warwickshire North CCG under a Section 75 Agreement for the provision of Residential and Nursing Care Home services. It therefore has increasing experience of commissioning on behalf of Health partners and is developing good relationships with these partners and the providers;
 - Services are commissioned in line with procurement regulations and satisfy the wish to have longer term contracts (more than 4 years) to assist with market sustainability;
 - Improved collaboration across organisational boundaries through the utilisation of alternative models of contracting and integrated commissioning processes leading to better outcomes for customers;
 - Reducing duplication in service provision to facilitate improved hospital discharge processes;

- Shorter length of stay in hospital with after-care, long term condition care and end of life care at or closer to home leading to improved outcomes for customers;
- Improved partnership working to reduce the number of people delayed in hospital and to support people to be as independent as possible leading to improved longer-term outcomes for customers;
- Promote to the market, opportunities to link with the Out of Hospital Programme to add to the current measures to improve health and wellbeing and to reduce demand;
- Joint risk sharing and apportioning risk to the provider, which has been viewed as a means of incentivising providers to seek innovative ways to achieve the aims of the service contract through improving integration, or particular outcomes, and achieving better value for money.

3.0 Proposal

3.1 It is proposed that the following recommendations set out below are considered and approved:

3.1.1 The Strategic Director for People is authorised to revise the current partnership arrangements between WCC and SWFT and enter into a new agreement under Section 75 of the National Health Service Act 2006 for the provision of Discharge to Assess services (Pathway 2 and 3) on terms and conditions acceptable to the Strategic Director for Resources;

3.1.2 Authorises the Strategic Director for People (i) to undertake an appropriate procurement process for the commissioning of the Pathway 2 and Pathway 3 services; and (ii) to award any subsequent contracts on terms and conditions acceptable to the Strategic Director for Resources.

4.0 Timescales associated with the decision and next steps

Action	Date	Responsible Officer
3.1 Revised Section 75 developed and signed off	By 31 st March 2019	WCC Legal Services, SWFT Legal Services, CCGs
3.2 Contract delivery commences	1 st April 2019	WCC Public Health and Strategic Commissioning Business Unit

5.0 Background papers

None

6.0 Supporting Papers

Discharge to Assess – Permission to Procure Cabinet report, 18 September 2014

Role	Name	Contact Information
Report Author	Ewa Niepsuj	ewaniepsuj@warwickshire.gov.uk
Assistant Director	John Linanne	johnlinanne@warwickshire.gov.uk
Strategic Director for People	Nigel Minns	nigelminns@warwickshire.gov.uk
Joint Managing Director for Resources	David Carter	davidcarter@warwickshire.gov.uk
Portfolio Holder	Cllr Les Caborn	cllrcaborn@warwickshire.gov.uk

This report was circulated to the following elected members prior to publication:

Councillors Caborn, Redford, Golby, Parsons and Rolfe.