



Report to Policy Committee

Author/Lead Officer of Report:
Catherine Buntin

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Report of: Director of Adult Social Care

Report to: Adult Health and Social Care Committee

Date of Decision: 8th February 2023

Subject: Market Oversight and Sustainability – Adult Social Care

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? 1256				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<p><i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>				

Purpose of Report:

This report seeks approval from Committee for Sheffield’s Market Oversight and Sustainability Plan 2023/24 (Appendix 1), which sets out how we will ensure that we fulfil out statutory duties as set out in the Care Act 2014.

The report also asks Committee to endorse a Care Quality Framework (Appendix 2) which seeks to define the standards we expect from the delivery of care by all adult social care services: both our council run service and all commissioned care services.

These two documents form part of our Care Governance Strategy, contributing to improving our performance, quality and outcomes.

Recommendations:

It is recommended that the Adult Health and Social Care Policy Committee:

1. Approves Sheffield's Market Oversight and Sustainability Plan 2023/24.
2. Approves the Care Quality Framework
3. Requests that the Director of Adult Health and Social Care review and refreshes the Market Oversight and Sustainability Plan and the Care Quality Framework annually for subsequent consideration by the Committee

Background Papers:

[AHSC Committee Report: Market Shaping and Fair Cost of Care, 22 Sept 2022](#)

[AHSC Committee Report: Care Governance Strategy 15 June 2022](#)

Appendix 1 – Market Sustainability Delivery Plan

Appendix 2 – Care Quality Framework

Appendix 3 – DHSC Update regarding cost of care and market sustainability plan submission 17/01/23

Appendix 4a – Fair Cost of Care – Care Home Final Report

Appendix 4b – Fair Cost of Care – Domiciliary Master Report

Appendix 5 – Equality Impact Assessment

Lead Officer to complete: -	
1	<div style="display: flex;"> <div style="flex: 1;"> <p>I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.</p> </div> <div style="flex: 1; border-left: 1px solid black; padding-left: 5px;"> <p>Finance: <i>Liz Gough</i></p> <p>Legal: <i>Patrick Chisholm</i></p> <p>Equalities & Consultation: <i>Ed Sexton</i></p> <p>Climate: <i>Jessica Rick</i></p> </div> </div>
	<p><i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i></p>
2	<p>SLB member who approved submission:</p> <p><i>Alexis Chappell</i></p>
3	<p>Committee Chair consulted:</p> <p><i>Cllrs Angela Argenzio and George Lindars-Hammond</i></p>
4	<p>I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.</p>

Lead Officer Name: Catherine Bunten	Job Title: Interim Head of ASC Commissioning
Date: 27/01/23	

1. PROPOSAL

- 1.1 An [Adult Health and Social Care Strategy](#) and an accompanying Adult Health and Social Care Strategy Delivery Plan were approved in 2022 to set out our vision for 2022 to 2030. Called 'Living the life you want to live', it is about how we work together to help the people of Sheffield to live long, healthy and fulfilled lives.
- 1.2 Our vision is that everyone in Sheffield lives in a place they can call home, in communities that care, doing things that matter to them, celebrated for who they are - and when they need it, they receive care and support that prioritises independence, choice, and recovery
- 1.3 The vision is centred around delivery of five outcomes and six commitments. Our outcomes help to make our vision real – they are about what we want to focus on getting right. Our commitments are guiding principles we will follow and describe how we will achieve our outcomes and highlight what we want to do better.
- 1.4 The proposals in this report align with our vision and primarily supports the delivery of Commitment 6:
- 'We will make sure there is a good choice of affordable care and support available, with a focus on people's experiences and improving quality'.***
- 1.5 A Care Governance Strategy was approved by the Adult Health and Social Care Policy Committee on 15th June 2022 to provide assurance and set a standard about the leadership, delivery, and quality of all adult social care services across Sheffield, whether delivered by the Council or by independent providers (commissioned or not), so that we can deliver upon our Strategy and vision.
- 1.6 The purpose of this report is to seek approval from Committee for Sheffield's Market Oversight and Sustainability Plan 2023/ 24, attached at Appendix 1 and the Care Quality Framework, attached at Appendix 2 to support our implementation of the Care Governance Strategy, and to fulfil our responsibilities as they relate to market sufficiency as set out in the Care Act 2014.

2. MARKET OVERSIGHT AND SUSTAINABILITY

- 2.1 Securing sufficient care and support provision that meets the needs of our population is a statutory requirement for all Local Authorities. This duty, as set out in the Care Act 2014, recognises that "high quality, personalised

care and support can only be achieved where there is a vibrant, responsive market of services available”.

2.2 The Care Act places duties on local authorities to promote the efficient and effective operation of the market for adult care and support in the local area. In fulfilling this duty, local authorities must therefore ensure good oversight and understanding of the local care market. This covers both commissioned and non-commissioned services – including those used by self-funders.

2.3 Local authorities should shape the market– an activity that enables choice for people who might need services and ensures that the market is stable and diverse – offering high quality provision from lower level and preventative services within communities through to 24-hour care and support in a care home setting.

2.4 This should also include contingency planning, providing a robust response in the event of provider failure and thereby minimising any impact on people using the service.

2.5 The market oversight and sustainability plan therefore sets out Sheffield’s approach to meeting its sufficiency needs and duties for adults with additional needs in the City. It describes our approach to commissioning and how Sheffield will fulfil its role to facilitate and shape a diverse, sustainable, and quality market, as well as identifying the key challenges and risks to achieving this and our approach to overcoming them to ensure that our local care market is sustainable.

2.6 The plan considers the extent to which care and support markets in Sheffield are sufficient and stable, meeting quality standards, and providing value for money.

2.7 Sheffield is already taking action to continue to secure a sustainable market, and to drive improvements. These include:

Whole market improvements

- Digital Strategy
- Technology Enabled Care programme
- Workforce Development Strategy
- Delivery of the Individual Support Funds pilot

Living and Ageing Well

- Homecare transformation programme, including procurement of the Care and Wellbeing service, our new delivery model for homecare and a Test of Change project to inform mobilisation of the new contract and focus our collective efforts on the areas with most positive impact for people

- Strategic Review of residential care, including the development of a co-produced support programme for the sector and commissioning strategies

Adults with a disability

- Development and tender of a new MH Support and Independence framework
- Tender for the Adults with a Disability Framework
- Enhanced Supported Living Framework

2.8 It should be read alongside Sheffield's Market Shaping Statement (agreed at AHSC Policy Committee on 21st September 2022) and accompanying Market Position Statements, which can be found on the Council's website here: [Adult social care commissioning | Sheffield City Council](#)

2.9 Our Market Position Statements give providers a range of information to support business planning and development. They set out commissioning plans and aim to offer a clear picture of what gaps there are in the existing care market.

2.10 Market Sustainability and Fair Cost of Care

2.10 This year, Market Oversight and Sustainability Planning takes place in the context of the Fair Cost of Care exercise

2.11 As part of the government's adult social care reform agenda, local authorities have been required to complete a 'Fair cost of care' exercise, and in December 2021, the government announced the [Market Sustainability and Fair Cost of Care Fund 2022 to 2023](#) to support local authorities to do this (alongside preparation for wider planned Social Care Reforms).

2.12 In 2022 to 2023, £162 million was allocated, with Sheffield City Council receiving £1.826m. Conditions for 22/23 funding included the requirement to - where average fee rates are below the fair cost of care - allocate at least 75% of this funding to increase fee rates paid to providers.

2.13 Adult Health and Social Care Policy Committee approved the allocation of the 22/23 Market Sustainability and Fair Cost of Care Fund on 19th December 2022.

2.14 Since the Fair Cost of Care exercise has been completed, however, the national position has changed. The Autumn Statement announced on the 17th November 2022 changed the context for Social Care Reform and the Market Sustainability and Fair Cost of Care Fund significantly.

2.15 Whilst funding for implementation will be maintained, this is now combined with further grant funding for local authorities to address a broader set of improvements - including hospital discharge, technological innovation, and workforce pressures - and has been rolled into the Social Care Grant.

2.16 There will be reporting requirements placed on the Adult Social Care Market Sustainability and Improvement Funding regarding performance and use of funding to support improvement against the objectives. The government will provide further details on reporting in due course.

2.17 Local authorities are required to publish their Market Sustainability Plans (by 27th March 2023) and Fair Cost of Care Reports (by 1st February 2023). Guidance from the Department of Health and Social Care on publication is attached at Appendix 3, and Sheffield's Fair Cost of Care Reports are attached at Appendix 4a & 4b.

3 CARE QUALITY FRAMEWORK

3.1 A Care Governance Strategy was developed for Adult Social Care to provide an overarching framework for the governance of all aspects of Adult Health and Social Care and as an enabler for implementation of the Adult Social Care Strategy. This was approved at Committee on 15th June 2022.

3.2 The Care Governance Strategy set out an ambition to improve quality and outcomes through assuring the quality of practice and provision and improving population, and performance outcomes.

3.3 It also set out that we would create the conditions for ongoing and continuous improvement of adult social care services in the delivery of support to the people of Sheffield, which includes empowering experts by experience and our workforce.

3.4 As part of this approach to embedding Quality Improvement and implementing the Care Governance Strategy, a Care Quality Framework has been developed so that:

- people know the standards of the service which should be delivered no matter who the provider is
- people experience equality of access high quality services that deliver culturally appropriate care and support
- the adult social care workforce, including commissioned providers, share a clear vision of what high-quality care looks like and how they can contribute to delivering it
- the views and feedback from individual's and carers' views informs quality assurance activity and service development and improvement

3.5 The framework sets out:

- Our approach and standards for Care Quality
- The quality assurance process and system support

3.6 It is intended that the Care Quality Framework is implemented and reviewed in 2023/24; developing as new models of care and support are mobilised in the City.

3.7 The Care Quality Framework is attached at Appendix 2 for approval.

4. HOW DOES THIS DECISION CONTRIBUTE?

4.1 This proposal supports a broad range of strategic objectives for the Council and city and is aligned with "[Our Sheffield: One Year Plan](#)" – under the priority for Education Health and Care; Enabling adults to live the life that they want to live and the Council's Delivery Plan approved at Strategy and Resources Committee on 30th August 2022.

4.2 Market sustainability, alongside the Care Governance Strategy, and the Care Quality Framework are key to the delivery of the Council's statutory responsibilities for Adult Social Care including the following outcomes for the people of Sheffield:

- promotion of wellbeing
- protection of (safeguarding) adults at risk of abuse or neglect
- preventing the need for care and support
- promoting integration of care and support with health services
- providing information and advice
- promoting diversity and quality in providing services

4.3 This proposal also meets the 'Efficient and effective' outcome set out in the Adult Social Care Strategy. Effective Market Shaping should ensure that people have a choice of good services that meet their needs and give them a positive experience regardless of their background, ethnicity, disability, sex, sexual orientation, religion, or belief.

5 HAS THERE BEEN ANY CONSULTATION?

5.1 The ASC Strategy, which has informed our commissioning intentions, was developed through significant consultation over an 18-month period. This involved people receiving services, carers, providers, partners, and workforce across the sector.

5.2 The Fair Cost of Care exercise has relied on the participation of care providers to input data into the respective online tools, and further engagement has been undertaken in the development of our final Market Sustainability Plan.

6 RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

6.1 Equality Implications

6.1.1 As a Public Authority, we have legal requirements under the Equality Act 2010. This includes the Public Sector Equality Duty, under which public

authorities must, in the exercise of their functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is connected to protected characteristics and prohibited by or under this Act;
- advance equality of opportunity between those who share a relevant protected characteristic and those who do not; and
- foster good relations between those who share a relevant protected characteristic and those who do not.

6.1.2 The broad ambitions set out above are consistent with The Duty. These include promoting independence and wellbeing and for people to be actively involved in the design of their own support; envisaging a range of different types of provision envisaged (supported living, extra care, residential care, etc), including support for people with complex needs; aiming for preventative and community-based support, including for people with mental ill health.”

6.1.3 The Equality Impact Assessment can be found at Appendix 5.

6.2 Financial and Commercial Implications

6.2.1 The Council has a statutory duty to set a balanced budget. For 23/24, a standstill budget approach has been adopted because of the Council’s financial position, with each committee asked to work within their budget envelope.

Full consideration will be given to the affordability and viability of any proposals and will include financial modelling, demand, and growth implications.

6.3 Legal Implications

6.3.1 The Care Act 2014 sets out the law around market development in adult social care. It enshrines in legislation duties and responsibilities for market-related issues for various bodies, including local authorities. Section 5 of the Care Act sets out duties on local authorities to facilitate a diverse, sustainable high-quality market for their whole local population, including those who pay for their own care and to promote efficient and effective operation of the adult care and support market as a whole. The statutory guidance to the Act suggests that a local authority can best commence its market shaping duties under Section 5 of the Care Act by developing published Market Position Statements with providers and stakeholders. The proposals are therefore in line with the Council’s legal obligations.

6.4 Climate Implications

6.4.1 The commissioning of care and support services for Adults in Sheffield can have a large impact on Sheffield’s Climate Emergency.

6.4.2 For example:

- The care workforce is significant, and is required to travel across the city, working together to create better opportunities for 'active travel' can help to reduce emissions from transport
- The energy efficiency of the buildings in which care is delivered (such as day services, or residential care) provides a significant opportunity to reduce our carbon emissions, and commissioning should encourage and enable improvements to environmental standards and promote renewable energy.

6.4.3 There will be additional areas of impact to transport and energy efficiency, and we will be bringing forward a Climate Action Plan for Adults Social Care to fully assess these, alongside an action plan setting out how we will contribute to Sheffield's 'Net Zero' Climate ambitions.

6.4.4 Further, Climate Impact Assessments will be undertaken as a key element of our commissioning approach, and we want providers and partners to align with our Net Zero ambitions and will be looking to work with them to identify key areas of impacts in their activities and how we can reduce, monitor and measure these.

6.4.5 Giving early indications of this intention to the market is important as it potentially links to cost of providing the service, for example when thinking about things like energy use and the business case for providers to invest in alternative energy sources.

6.5 Other Implications.

7 ALTERNATIVE OPTIONS CONSIDERED

7.1 The development of Market Sustainability Plans is consistent with Council's duty to oversee and if necessary to intervene in the market to ensure that people have a choice of good quality support providers to choose from should they need to draw on social care services, whether funded by themselves or from public funds.

8 REASONS FOR RECOMMENDATIONS

8.1 The recommendations arise from the Council's market shaping responsibilities and from the need to fulfil the conditions for receiving the DHSC's Market Sustainability and Fair Cost of Care Fund (2022-23).

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