



Leicester City Council Scrutiny Review

'Domiciliary Care'

Scoping Document for completion by Members

Background to scrutiny reviews

Getting the right topics for scrutiny reviews is the first step in making sure scrutiny provides benefits to the Council and the community.

This scoping template has been designed to assist in thinking through the purpose of a review and the means of carrying out the review. This scoping document needs to be completed by the member proposing the review but advice can be sought from a Scrutiny Officer (contact details below).

In order to be effective, every scrutiny review must be properly project managed. This is to make sure that the review achieves its aims and has measurable outcomes. One of the most important ways to make sure that a review goes well is to ensure that it is well defined at the outset. This way the review is less likely to get side-tracked or be overambitious in what it hopes to tackle. The Commission's objectives should, therefore, be as SMART (Specific, Measurable, Achievable, Realistic & Time-bound) as possible.

This template includes a section for the Department to complete to allow the Scrutiny Commission and OSC to consider any additional factors that may influence the proposed review. It also includes a section on public and media interest in the review which should be completed in conjunction with the Council's Communications Team. This will allow the Commission to be properly prepared for any media interest and to plan the release of any press statements.

Scrutiny reviews will be facilitated by a Scrutiny Officer.

Evaluation

Reviewing changes that have been made as a result of a scrutiny review is the most common way of assessing effectiveness. Any scrutiny review should consider whether an on-going monitoring role for the Commission is appropriate to the topic under review.

For further information please contact the Scrutiny Team on (0116) 229 8898

1. Title of Proposed Scrutiny Review

A review to look into the quality of domiciliary care provision in the independent sector; and to consider whether there is a link between conditions of service and levels of pay, staff morale and the quality of care given.

Also to understand what can be specified in the commissioning process ie terms and conditions, qualifications and experience of carers etc.

Proposed by - Councillor Dr Lynn Moore

2. Rationale

Members should outline the background to this review and why it is an area worthy of in-depth investigation.

The commission is aware that domiciliary care staff working for the private sector seem to be paid considerably less than council staff. Also having had sight of some contracts of domiciliary care workers it is felt that the contracts offer poorer terms and conditions to staff.

The commission is keen to examine the Council's commissioning process and contracts with care providers to understand approach to conditions and pay for staff. The commission want to ascertain whether the level of wages in the private sector have an effect on morale, management of time and care given; if there is a fair, equitable and comparable approach to council terms and conditions; and whether this has an impact on contract performance.

The commission are concerned to understand what the weekly wage pattern is for care workers, not just hourly pay. Also what expenses are paid and what counts as work time. This is in the context of the council's commitment to introducing a living wage.

The commission would also like to assess the frequency of inspections of providers and establish if there is an adequate system that gathers feedback from staff regarding the changing needs of service users.

3. Purpose and Objectives of Review

Members should consider what the objectives of the review are

To assess the quality of domiciliary care services in the independent sector by considering the following:-

- 1) To determine how the Council, Regulators and Providers measures the compliance and quality of domiciliary care services
- 2) What do domiciliary care staff in the private sector actually earn in comparison to council counterparts i.e. per week or per year?
- 3) Do the level of wages in the private sector have any impact on staff morale?
- 4) Is there an adequate system to collect feedback from care staff as to the changing needs of service users?
- 5) If appropriate, the scope for amendments of contracts with providers to encourage better pay and conditions for staff.
- 6) The frequency with which the quality of provision is assessed and how this compares other local authorities?
- 7) What do we specify in our contracts as commissioners?
- 8) What recommendations should be made for immediate and longer term consideration and also for future commissioning of domiciliary care services.

4. Methodology/Approach

Members should consider how the objectives of the review will best be achieved and what evidence will need to be gathered from officers and stakeholders, including outside organisations and experts.

- Review literature on the subject
- Take evidence from officers and stakeholders as to current contractual agreements with providers
- Examine examples of contracts
- Consider reported conditions of domiciliary care from service users and their carers
- Consider information gathered from Providers and their staff
- Look into best practice examples (national)
- Invite evidence from the Commissioning and Contract team
- Invite input from Trade unions
- Consider Regulatory inspection reports of commissioned providers

5. Expected length of the review

Members should anticipate the likely length of the review being proposed.

It is anticipated that the review should be completed in 3 months.

6. Additional resource/staffing requirements

All scrutiny reviews are facilitated by Members Support/Scrutiny Support Officers. Members should anticipate whether any further resource is required, be this for site visits or independent technical advice.

This review will require officer time from Care Services and from Service Contracting and Procurement.

The review will be supported by Member Support Officer time.

7. Risks

Members should consider whether there are any additional risks to undertaking this scrutiny review, for example whether there is a similar review being undertaken by the Executive or whether a national or local change in policy or service may supersede the need for this review.

Insufficient time to complete the review.

Availability of people from whom to take evidence.

8. Further Supporting Evidence

Members should consider whether they would like to add further information to support the case for a scrutiny review.

Before approving this scoping document the Scrutiny Commission should ensure the following boxes should be completed in conjunction with the relevant officers:

9. Likely publicity arising from the review

Members will wish to anticipate whether the topic being reviewed is high profile and whether it will attract media interest. If so, this box should be completed with help from the relevant officer in the Council's PR and Media Team.

Publicity will be through all Adult Social Care & Housing Scrutiny Commission Meetings as they are public meetings.

Stakeholders of interest will be kept informed.

10. Divisional Comments

Scrutiny's role is to influence others to take action. It is, therefore, important for the Scrutiny Commission and OSC to understand the Division's view of the proposed review. The following box should be completed in sufficient time for the Commission to consider as part of its deliberations whether to proceed with the review.

It is not possible to regulate the level of monies paid to independent domiciliary care workers through the Council's contract for services. What we do require are the contractors to perform the services (i.e. to the specification for providing personal care and support) in compliance with statutory requirements, including employment law. The issue with going beyond this is that under European Union Law contract conditions have to relate to the performance of the contract.

The better means of enforcement of the national minimum wage (NMW) is for the worker (or someone on their behalf) to complain to Her Majesty's Revenue and Customs(HMRC) who have the job of enforcing the NMW. If someone has been convicted or suffers a penalty we could perhaps exclude them from tendering or terminate their contract under regulation 23.

A good summary of who is eligible and the rules on NMW can be read by accessing information on the following website; <https://www.gov.uk/minimum-wage-different-types-work>

There is some very recent debate on the subject of the living wage as a result of Scottish Government Activity, but they have not got a very good response from the European Commission (i.e. they are saying it could amount to breach of treaty on Functioning of European Union) also attached below as a PDF.

In the current procurement exercise for a range of domiciliary care providers, Legal Services have been considering a payment mechanism approach to payment of travel costs and using project trust account. However there is no doubt that this will increase the cost of the service

to the Council, which is likely to be unaffordable. Nor will it attach to the direct provision service user who contracts direct with the agencies.

The procurement exercise to secure a new domiciliary care providers is currently underway, and Scrutiny should be aware that this is the case when considering the scope, timing and recommendations from any review. For example, providers may change after procurement, so any issues identified might not be relevant into the future. The current procurement exercise includes a focus on quality of care, staffing policies and monitoring arrangements.

Therefore, it would be helpful for Scrutiny to further clarify the scope of the review, to ensure this is focussed on what the Council (Adult Social Care) can influence or determine.

The Department agrees to assist in the proposed review.

Departmental Comments Completed by __ Tracie Rees _____

Job Title __ Director Care Services and Commissioning – Adult Social Care ___