

1 - INTRODUCTION, CONTEXT AND SCOPE

1.1 INTRODUCTION

In line with good practice and national directives, Local Authorities aim to reduce the demand for institutional care by increasing options for community support by commissioning or providing services which promote and support independence.

Derby City Council is therefore tendering for CQC registered Home Care Services for Adults, 18 years and over who are resident in Derby and meet the eligibility criteria for Derby City Council. This specification outlines the framework for providing outcomes-focused homecare services for adults, incorporating Technology Enabled Care (TEC) to enhance service delivery. The goal is to support individuals' independence, dignity, and overall well-being through personalised care and innovative technological solutions and should be read in conjunction with the Invitation to Tender Document, Framework Agreement, Individual Agreement and all other associated documents.

Demand for Standard Home Care is growing. In 2024 - 2025 there were on average 1400 Customers with an annual spend by the Council of around **£22.5 m**. Currently approximately 95% of the service is provided by Seven providers across four geographical areas. More details of the supply and demand trends in Home Care is provided within the **Market Position Statement** for Home Care in Section 3.1 on page 12 of this document.

Definition: The Care Quality Commission (CQC) definitions of Home Care and Support are as follows:

“These services provide personal care for people living in their own homes. The needs of people using the services may vary greatly, but packages of care are designed to meet individual circumstances. The person is visited at various times of the day or, in some cases, care is provided over a full 24-hour period. Where care is provided intermittently throughout the day the person may live independently of any continuous support or care between visits.”

CQC data indicates that in 2025 there were 74 registered homecare agencies/providers based within Derby area, with other providers based in the surrounding area also delivering a service in the City.

1.2 OUTCOME FOCUSED CARE

The Council expects Homecare services to move beyond time-and-task models and instead focus on delivering personalised outcomes that promote independence, choice, and wellbeing. Service Providers must adopt a strengths-based, person-centered approach, working collaboratively with the individual, their informal support network, and multidisciplinary professionals to design and deliver care that enables people to live the life they choose.

The outcome focused home care sector prioritises delivering measurable improvements in clients' well-being, independence, and overall quality of life. It shifts from traditional task-based care to a personalised approach, ensuring individuals achieve specific health, mobility, and social goals. Care plans are tailored, tracking progress and adapting to evolving needs. Technology enhances monitoring, communication, and efficiency. The approach fosters dignity, autonomy, and community engagement, benefiting both recipients and caregivers. Regulators and providers emphasise accountability, data driven decisions, and sustainable care models. As demand grows, innovation in training, support, and service delivery shapes the future of compassionate, results oriented home care.

Principles of Outcomes-Focused Care

- Providers must embed the following principles in their service delivery:
- Person-led care planning: Support plans must be built around what matters most to the individual – their goals, interests, preferences, cultural background, and social connections – not just their needs or limitations.

- Strengths and assets-based delivery: Focus on what individuals can do, not only what they can't. Build on people's strengths and community assets to reduce dependency and promote self-care.
- Flexible and responsive care: Support must adapt to changes in the individual's circumstances, priorities, or abilities, ensuring that care remains relevant, meaningful, and proportionate.
- Co-production: Involve the individual (and their carers, where appropriate) in decisions at every stage of the care process – from assessment to delivery and review.

Examples of Personal Outcomes

Providers should support outcomes that may include (but are not limited to):

- Regaining skills and confidence in personal care or mobility
- Staying connected to family, friends, and community
- Feeling safe and secure in the home environment
- Reducing loneliness and isolation
- Managing health and wellbeing more independently
- Avoiding hospital admission or facilitating safe discharge
- Gaining digital skills or using TEC to support independence

Service Delivery Expectations

- Care workers must be outcome-focused in practice, using enabling language and approaches, encouraging independence, and supporting people to take control of their routines.
- Visits should be flexible and outcome-driven, not rigidly fixed around tasks or minutes unless specifically required for clinical or safeguarding reasons.
- Staff must be trained to understand and apply outcome-based principles, with supervision and quality checks that focus on the impact of support, not just its completion.

Recording and Reviewing Outcomes

- Providers must use agreed digital or paper-based systems to record progress against outcomes and contribute to regular reviews with social workers, TEC providers, or health professionals.
- Outcome achievement should be evidenced with both quantitative data (e.g. reduced care hours, increased mobility) and qualitative feedback (e.g. service user voice, case studies, observations).
- Providers are expected to initiate reviews when outcomes have been met or care is no longer needed, enabling the Council to reallocate resources efficiently and fairly.

Working with Technology to Support Outcomes

- Where appropriate, outcomes should be supported or maintained using Technology-Enabled Care to reduce reliance on physical visits and empower individuals to self-manage (e.g. medication prompts, safety monitoring, wellbeing check-ins).
- Providers are expected to propose TEC solutions when these could help meet an outcome more sustainably or respectfully than traditional care.

1.3 SCOPE

Customers of Home Care Services will be:

- Be residents of Derby city
- Be over the age of 18 years
- Have eligible care or support needs as defined by the Council
- Require Home Care as defined above
- More than 20% of the care package is personal care

Customers may have multiple and varying levels of support needs. Service Providers will need to develop personalised Support Plans that identify clear and quantifiable ways that they will support Customers to achieve their individual **outcomes** and remain independent in their own home.

Customers that will require this Service will have a wide range of needs that may include one or a combination of the following broad headings (please note this list is not exhaustive):

- Adults with physical disabilities, chronic illnesses, or age-related conditions requiring support.
- Individuals transitioning from health settings to home-based care.
- Those seeking assistance to maintain their independence in daily activities.
- Clients who may benefit from TEC to enhance their care experience
- Learning disabilities, autism, neurodiversity and mental health
- Sensory Disabilities and/or Communication needs
- Dementia or other cognitive difficulties.

Service Providers will be required to demonstrate competence to deliver the Service to Customers on an individual basis based on their assessed needs and preferences, including demonstration of skills and experience required. Service Providers will be encouraged to develop their Service provision across a range of different Customer groups to support market development and to ensure that Customers with complex and multiple needs have their needs comprehensively met.

The Service will enable the Customer to live independently within their accommodation. An outcome focused TEC enabled approach lies at the heart of Service delivery, and performance in this respect will need to be quantifiable and measurable.

The tender is split into 5 Lots, with providers successful in Lots 1-4 split into 4 geographical lots. Successful Lot 5 providers will work across all 4 geographical lots. These areas have been split according to Derby City demand data and trends for the period of the Framework, with consideration to ensuring provider sustainability. See *Appendix 3: TD2269 Geographical Focus and Tender Lots* for details.

1.4 OBJECTIVES

- To deliver individualised care that aligns with each person's preferences and goals.
- Incorporating a strength-based approach to achieve outcomes.
- Focusing on outcomes rather than tasks,
- To promote independence and enhance quality of life.
- To ensure the safety and well-being of clients in their home environment.
- To integrate TEC solutions that facilitate proactive care and improve communication.
- To foster effective collaboration among all stakeholders involved in the care process.

Service Providers will need to adapt their service to the individual Customer's support network and their home setting. This may include, for example, working alongside an accommodation provider and/or with a Supported Living Provider within in an Extra Care Scheme or other accommodation setting. In these settings the Home Care Service Provider will be required to work in partnership with these other providers to deliver a seamless care and support service for the Customer.

The **Market Position Statement** for Home Care will provide further details of the supply and demand issues and financial status of the market in Derby. This is found at section 3.1 of this document on page 12.

2 - CORE PRINCIPLES

2.1 OVERARCHING PRINCIPLES OF SERVICE DELIVERY

The successful Service Provider will ensure the following principles are integrated into the delivery of this service:

- understanding of Customer demographics, different and diverse cultures, different physical and mental needs;
- embrace the principles of a person centred and enablement approach, utilising TEC where possible.
- protection of the Customer from harm;
- a robust sustainable approach, ensuring all required resources (financial, personnel, data etc) are available for continued service delivery;
- compliance with required standards as detailed in the specification and as required by law.

2.2 CORE REQUIREMENTS

When delivering the support described in this specification, Service Providers will need to ensure that services support the principles of “Your Life Your Choice”:

- a) Self-determination – each person should be in control of their own life and, if they need help with decisions, those decisions are kept as close as possible to them.
- b) Direction – each person should have their own path and sense of purpose to help give their life meaning and significance.
- c) Money – each person should have enough money to live an independent life and are not unduly dependent upon others.
- d) Home – each person should have a home that is their own, living with people that they really want to live with.
- e) Support – each person should get support that helps them to live their own life and which is under their control.
- f) Community life – each person should be able to fully participate in and contribute to family and community life.
- g) Rights – each person should have their legal and civil rights respected and be able to take action if they are not.
- h) Responsibilities – each person should exercise responsibility in their own lives and be able to make a contribution to their community.

To deliver these principles Service Providers will demonstrate that they can:

- Deliver Customer outcomes: the quality of the Service will be measured by the improvement in the outcomes for individual Customer. Individual Customer outcomes will be identified by each Customer within their ‘My Self-Assessment’ and if appropriate this will include views of their family carers or representatives. These outcomes will be specified by the council when requesting a service and monitored as part of ongoing service management. The Service Provider will agree with each Customer how and when they will be supported to achieve their outcomes and specify this in the Service Provider’s Support Plan.
- Provide personalised support: services must be planned and delivered in a way that is asset based and enabling to maximise self-care and independence. Support Plans and service delivery will evidence that support solutions build on and develop a Customer’s strengths, abilities and support within their support network. This will require services to adapt to the Customer’s changing needs and circumstances including support to access appropriate equipment and other support services.

- Support individual choice and control: Support Plans, risk assessments and the delivery of the service will need to show that the views of Customers, and if appropriate the views of carers within their support network. This may involve supporting individuals to take risks in their lives and Service Providers will need to ensure Support Plans and risk assessments reflect how they will support Customers to manage these risks are taken into account.

The Service will also support the Council's commitment and work in partnership with the Derbyshire Transforming Care Partnership. The shared aim of this Partnership is to prevent the admission of vulnerable adults with Learning Disabilities or Autism into inpatient provision wherever possible and to ensure that anyone inappropriately placed in such beds is enabled to live an independent life in a community setting.

2.3 CARE AND SUPPORT REQUIREMENTS

The care and support described below is to be undertaken with and for Customers, this may be accomplished by assisting, encouraging and/or training the Customer to develop or maintain their own skills in any of the areas covered below.

To meet the customers outcomes, personal care may involve:

- a) Direct assistance with or regular encouragement to perform tasks
- b) Training in self-care skills
- c) Assisting the Customer to get up or go to bed
- d) Washing, bathing, hair care, denture and mouth care, hand and fingernail care, foot care (but not any aspect of foot care which may require a state registered chiropodist);
- e) Management of urine bags etc.
- f) Assisting the Customer with:
 - i. dressing and undressing;
 - ii. toileting, including necessary cleaning and safe disposal of waste/continence pads;
 - iii. electric shaving, make-up, dental and oral care, including dentures
 - iv. hair care

Other care may include assistance with:

- g) Food or drink preparation, including associated kitchen cleaning and hygiene;
- h) Dealing with correspondence;
- i) Prompts to take medication or safe administration of medication which has been prescribed to the Customer in accordance with agreed protocols
- j) Night settling – preparing the Customer for the night.
- k) Support access to activities including employment, education and voluntary work
- l) Health action plan support
- m) Support planning meals, shopping, healthy eating and budgeting
- n) Assistance in budgeting and debt avoidance management
- o) Support in claiming benefits including, signposting to, and accessing advice services and as directed by Customer support to complete benefit forms/applications
- p) Support topping up pre-paid keys for gas or electricity meters
- q) Supporting and facilitating the Customer's access to social, vocational and recreational activities as stipulated in the care/support plan.
- r) Helping Customers to make their way to places and to assist in road safety and learning routes
- s) Attending day care, hospital appointments, accessing social activities etc.
- t) Shopping and handling their own money, including accompanying the Customer to the shops.

2.4 LEVEL OF SUPPORT REQUIRED

Standard	Low/Medium
	<ul style="list-style-type: none">• needs support with personal care, hygiene.• may require extra support with communication.• positive behaviour management
Home Care Plus	High
	<ul style="list-style-type: none">• Severe behaviours that challenge• may require high level of support with communicating

2.5 EXCEPTIONS

Visits solely for the purpose of shopping and/or cleaning will not be commissioned via this service except by rare exceptions, for example on a short-term basis while an alternative is arranged. There may also be some legacy arrangements at the start of the contract which remain with the new Provider while an alternative is arranged.

If specified in the Care Plan, or to meet Health and Safety minimum standards, assisting the Customer in cleaning the home, which may include tasks such as: vacuuming, sweeping, washing up, polishing, cleaning floors and windows, bathrooms, kitchens, toilets etc. and general tidying, using appropriate domestic equipment and appliances as available to:

- a) Make beds and change linen
- b) Light fires, boilers etc.
- c) Dispose of household and personal rubbish
- d) Clean areas used or fouled by pets to meet Health and Safety minimum requirements
- e) Assist with the consequences of household emergencies including liaison with local contractors
- f) Laundry services (except where an incontinence laundry service is provided).

The list above is not exhaustive, and Customers may wish to include tasks not on this list, either regularly or on an 'as and when' basis. The Service Provider will need to consider whether these tasks support meeting the **Customer's outcomes** and whether they are appropriate to the Care Plan, the My Self-Assessment outcomes or whether they need to confirm arrangements with the Council.

Service Providers are expected to encourage Customers to make clear their own needs and required outcomes, not simply to choose from a list of tasks available.

Where possible, an enabling approach should be taken to support the Customer to self-care by undertaking as much of a task as they are able to. This enabling approach is further defined in the Customer's "My Self-Assessment" and ([Adult social care - Your Life Your Choice - Derby City Council](#)).

Positive risk taking should be encouraged where the benefits of the activity to the Customer are carefully weighed against the risk taken. Prior to engaging in a new activity, a risk assessment will be undertaken, if necessary, in conjunction with the Customer and/or their circle of support in order to ensure that risk taking is managed in a planned, safe and sensitive way.

The Agreement requires that the successful Service Providers are required to have an office location within, or no more than 10 miles outside, the Derby City Council boundary in order to enable effective management oversight.

The Service Provider offices and Staff should be accessible (in the broad terms of disability, language, culture and contactable by phone and email and other appropriate methods) to all Customers and their families.

2.6 TECHNOLOGY DEVELOPMENT AND INNOVATION

- A. The Service Provider will at least have access to appropriate IT software in order to deliver the requirements of the Service. This will include technology such as use of Microsoft Office (or equivalent, as long as it is compatible with Microsoft Office), e mail, ability to send and receive electronic communications securely. Where Staff operate outside the office environment the Service Provider will ensure Staff have appropriate technology to ensure their safety.
- B. The Council has an aspiration throughout the life of this contract to develop its use of electronic systems to support the effective management of Services. Service Providers will be required to work with the Council to develop, implement a delivery method of electronic systems and new technologies, that are compatible with the Council's systems and requirements as and when developments take place. This will include, as a minimum, the requirement for Service Providers to update the Council's Service Provider Portal to enable good communication about any changes to Staff or circumstances that may affect the Service. The Provider Portal will also facilitate timely and accurate payments to be made once in place. Service Providers will therefore be expected to have their own electronic records/ case management systems and be forward thinking in adoption of new and creative technologies to both work collaboratively and more effectively support customers.
- C. The Council is creating a TEC (Technology Enabled Care) Strategy and is committed to co-produced solutions in harnessing TEC with relevant partners. The strategy will set the direction for outcomes focussed services enabled by technology. Service Providers are encouraged to be innovative and dynamic in embedding technology enabled care to continually improve care, wellbeing and sustained tenancies. The Council's telephone-based monitoring service and TEC provider, Carelink, will also play a growing role in the procurement, installation and monitoring of TEC, and it is expected that Service Providers will work with the Council to adopt new technologies as part of support plans, where appropriate, to most effectively meet customers eligible needs and desired outcomes.
- D. TSA (TEC Services Association), the national independent advisory body for the technology enabled care sector, have produced a graphic to demonstrate how technology should be delivered through a collaborative approach in order to achieve this. In future years on this Framework and following publication of the Council's TEC Strategy, Service Providers may be required to be QSF Certified [TEC Quality - quality and standards](#). Although this is not a requirement for the initial setting up of the Framework, it would be an allowable Variation within the Contract Period.

2.7 TECHNOLOGY ENABLED CARE INTEGRATION

Service Providers must:

- Proactively identify and recommend the use of TEC solutions (e.g. personal alarms, smart medication dispensers, fall detectors, home sensors, virtual care monitoring, digital prompts) where these may reduce risks, improve outcomes, or replace/reduce the need for physical care visits.
- Work collaboratively with the Council's TEC service partners to arrange assessments, installations, training, and monitoring for TEC equipment.
- Ensure all frontline staff are trained to understand the benefits of TEC, can promote its use to service users, and integrate it into daily care delivery.

- Monitor the effectiveness of deployed TEC solutions and report on their contribution to achieving outcomes and reducing care hours where appropriate.
- Ensure that TEC solutions are used in an ethical, person-centred manner, with informed consent and in line with privacy and safeguarding standards.

2.8 DIGITAL READINESS & INNOVATION

Services Providers must:

- Maintain a digitally literate workforce capable of using electronic rostering, digital care records, and other Council-approved digital platforms.
- Demonstrate a commitment to digital innovation and service transformation through pilot participation, feedback on new solutions, and investment in new care technologies where feasible.
- Maintain up-to-date records on TEC usage, report outcome metrics, and contribute to evaluations of digital interventions.

2.9 RESPONSIVENESS & COLLABORATION

Service Providers must

- Work in partnership with the Council, health services, community organisations, and families to ensure TEC is optimally deployed and maintained.
- Respond swiftly to changes in a person's needs or environment that may warrant a change in TEC or care plan.
- Act as advocates for the person in accessing TEC services and support reablement or step-down care following hospital discharge or crisis interventions.

2.10 ASSESSMENT AND SUPPORT PLANNING

The needs of each Customer will be identified through statutory social care assessment completed by the Council in conjunction with the Customer and their family and carers. This document is called 'My Self-Assessment'. Risk assessments will also be produced where appropriate.

All personal support plans must identify how their **outcomes** will be met and set out the outcomes to be achieved.

When individual Service Requests, during a Contract Opportunity, are shared with Service Providers they will include: My Self-Assessment; Council Support Plan and risk assessments if appropriate.

The individual Service Request Form will contain Customer details and will include anonymised information detailing what care is required and may include information such as:

- hours of support needed
- specific tasks to be delivered
- If there are any time specific outcomes/tasks
- individual outcomes and needs to be met
- preferences around delivery

Service Providers will be expected to work with the Council and Customers to decide how the Customer's desired outcomes will be met.

Service Providers who have been selected to provide the Service (awarded an Individual Agreement) will be required to develop Support Plans.

2.11 SUPPORT PLANS

For any Individual Agreement awarded the Service Provider will be required to complete an individual support plan, which is fully developed and discussed with the Customer, their Carer, and any other professional as appropriate. This will be in line with agreed **outcomes** and how these are to be achieved.

These Support Plans will be reviewed as necessary but not less than annually.

Customer outcomes will be delivered using person centred & strength-based approaches, designed around the Customer's wishes and lifestyle, promoting the Customer's awareness of their entitlement to their rights, inclusion, choice, and independence within society.

Support plans ensure that for each Customer that their disability, gender, sexual orientation, cultural and religious needs are taken into account in any support arrangement. The care and support plan will refer to means of empowering, facilitating choice, regaining or acquiring skills and/or maintaining existing skills. It will clearly define the service to be provided, showing how the service will be delivered to meet assessed need, promote independence and support Customer to live a fulfilled life, making the most of their capacity and potential.

This will include but is not limited to:

- how the Customer wishes to be addressed
- outcomes to be achieved and what the Customer will be able to do as a result of the service provided
- any specialist equipment needed
- any digital technology being used
- what actions will be taken, by when and by whom, to ensure the outcomes are achieved
- the date when the support plan will be reviewed by the Service Provider with the Customer
- how health and/or social needs will be met
- how any personal care will be provided, and by whom
- how cultural and spiritual needs will be met
- how social and community engagement needs will be facilitated
- how any special communication needs will be met
- arrangements for taking medication
- how any special dietary needs/preferences will be met
- the next of kin and emergency contact numbers
- a risk assessment
- the Customer named key worker
- who should be involved in care reviews
- key contact details e.g. district nurse etc.
- advance directives, where appropriate
- support available from the Customer's circle of support, as set out in their My Self-Assessment
- how they will be supported to be part of their community

2.12 INPUTS, OUTPUTS AND OUTCOMES

Outputs of this Service include quantifiable delivery of Support delivered to Customers as part of this Service in line with tasks outlined in Section 2 and Support Plans.

Service Providers will not change the amount of Support to be delivered to the Customer without the prior agreement of the Council unless:

- pre-approved tolerances and permissions have been explicitly agreed
- the Customer informs the Service Provider that the hours are not required.

Service Providers will record and report on care and support hours that have been used and any hours that have not been used with details of why they have not been provided. The Council will set the parameters and methods of providing these reports.

Outcomes to be met as part of this Service will be defined by individual Customer's needs. Service Providers will be required to evidence how outcomes are being met as part of the Quality Assurance requirements of the Service.

2.13 SERVICES AVAILABILITY

Customers

The Service will be available as required by individual Customers but may be 7 days a week, 24 hours a day.

Service Commissioned by the Council

Service Providers will also need to be contactable out of office hours where emergency services and urgent hospital discharges are required. Service Providers are therefore required to provide emergency out of hour's contacts to the Council for duty staff within the service providers organisation with decision making abilities with regards to providing new or increased services in emergencies.

The Service Provider will be contacted by the Council through the Council's Commissioning Team when a placement is required, usually during office hours. This will be on a case by case basis but occasionally in groups of Customers where this is appropriate to meet individual outcomes.

When individual Customer Requests are identified through a Service Request, Service Providers will need to be able to confirm that they can meet the specific needs of the Customer, how they will meet these needs and when they can start delivering the Service.

3 - MINIMUM STANDARDS, WORKING METHODS AND CODES OF PRACTICES

3.1 CORPORATE AND SERVICE POLICIES

Service Providers should take account of best practice and national policy directives relevant to their Service areas and keep themselves up to date with developments and updated guidance as necessary – this may include NICE guidelines, codes of practice of relevant regulatory bodies and specific requirements made upon the delivery of Service in respect of professional or quality assurance schemes they may be signatories to.

The websites below provide references to strategic documents that guide the development and coordination of Services for Customers supported by the Council, including:

Derby City Council Plan 2022-25

[Council Plan 2022-2025 \(derby.gov.uk\)](https://www.derby.gov.uk/council-plan-2022-2025)

Derby City Commissioning Strategy 2024-27

[adults commissioning strategy 2024-2027 \(derby.gov.uk\)](https://www.derby.gov.uk/adults-commissioning-strategy-2024-2027)

Market Position Statement

[ASC Market Position Statement and Market Sufficiency Strategy 2024 v1 \(derby.gov.uk\)](https://www.derby.gov.uk/asc-market-position-statement-and-market-sufficiency-strategy-2024-v1)

Quality Assurance Protocol

[adults quality assurance protocol 2024 \(derby.gov.uk\)](https://www.derby.gov.uk/adults-quality-assurance-protocol-2024)

Your Life Your Choice

[Adult social care - Your Life Your Choice - Derby City Council](https://www.derby.gov.uk/adult-social-care-your-life-your-choice)

Personal Budgets

[Personal budgets - Derby City Council](https://www.derby.gov.uk/personal-budgets)

For Customers with Learning Disabilities and Autism

- 'National Plan Building the Right Support' <https://www.england.nhs.uk/learning-disabilities/natplan/>
- 'The National Service Model' <https://www.england.nhs.uk/wp-content/uploads/2015/10/ld-serv-model-oct15.pdf>

For Customers with Dementia

- <https://www.nice.org.uk/guidance/ng97> NICE guidance
- National Dementia Strategy 2009
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/168220/dh_094051.pdf

Providers should ensure that services offered are managed in line with the principles and service models outlined in this list of documents.

3.2 LEGISLATION

The Council is required to provide Services in compliance with legislative frameworks, national policy and guidance and as such it is expected all Service Providers will comply with these and seek to address any future relevant legislative and policy changes that may arise. Current legislation and relevant policy and guidance affecting this Service include, but are not limited to:

- The Care Act 2014 (The Service Provider is required to embrace and embed principles of 'Prevent, Reduce, Delay', which changes the dependency culture of assessing for Services to an approach that builds upon a Customer's assets and the support networks they have in their local communities).
- The Children and Families Act 2014
- The Mental Health Act 1983 (amended 1987)
- Health and Social Care Act 2008: code of practice on the prevention and control of infections (July 2015)
- Human Rights Act (1998)
- Data Protection Act (2018)
- The Mental Capacity Act Code of Practice (2007)
- The Mental Health Act Code of Practice (2015)
- The Deprivation of Liberty Safeguards (DoLS) Code of Practice (2008)
- Equalities Act (2010)
- Health & Safety at Work Act (1974)
- Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations (1995) (RIDDOR)
- The Autism Act (2009)
- Food Hygiene (if relevant, minimum standard level 2 or equivalent for food handlers, updated every 3 years)
- The service providers need to ensure that fire safety precautions are in place to reduce the risk of fire and protect customers, staff and visitors in the event of fire. Please see link for further guidance <https://www.gov.uk/government/publications/fire-safety-risk-assessment-small-and-medium-places-of-assembly/fire-safety-risk-assessment-small-and-medium-places-of-assembly-accessible>

The Service Provider will be responsible for engaging and participating in the Council's programme of communication, liaison, and consultation to ensure they are aware of, and can demonstrate awareness of new developments in best practice, in legislation, Service and policy updates.

The Service Provider will be required to be aware of and follow appropriate guidance.

Provided by nationally recognised agencies, including:

- LeDeR and the Confidential Inquiry into the Premature Deaths of Adults with Learning Disabilities
- Building the Right Support

- Revised DHSC National Autism Guidance 2019
- STOMP / STAMP
- NHS Long Term Plan and subsequent Guidance 2019
- National Framework for NHS Continuing Care and NHS Funded Care
- NICE Guidelines relevant to the Customer group supported.

3.3 REGULATION / CQC REGISTRATION AND CQC RATING

As personal care will form part of the care packages, it is a requirement that all Service Providers of the Standard Home Care Service are registered with the Care Quality Commission (or any successor statutory regulation organisation) and will maintain the registration and have a CQC rating of 'good' or 'outstanding' assigned to them throughout the duration of the Framework Agreement and the duration of any Individual Agreements they are awarded.

The Service Provider will be required to be registered with the CQC to be able to deliver personal care in Derby City. The Council expects that all Service Providers will adhere to any future Care Regulator quality standards and rating systems.

The Service Provider is to update and inform the Council of receiving a CQC inspection as soon as possible, keeping open lines of communication as to the process and outcomes.

If the Service Provider rating falls below the required CQC rating during the Framework Term, then they will be required to:

- Inform the Council within two working days of receiving an indication of the pending rating.
- Provide an action plan that is satisfactory to the Council that will address all the concerns raised by the CQC within a timescale agreed with the Council.

The Service Provider is also to inform the Council within two working days of any change in their registration status with the CQC.

Where the Council has concerns about quality of service delivery, the ability of the Service Provider to continue to provide the Service and/or Customer safety, whatever the CQC rating, the Council may terminate the Individual Agreement.

CQC Rating 'pending'

Where a Tenderer is waiting for a rating for the delivery of personal care from the CQC, they are to immediately inform the Council once the rating is received.

If a CQC rating is published before the commencement date of the contract which is 'requires improvement' or 'Inadequate' then the contract award will be withdrawn.

3.4 THE CARE ACT

Under the 2014 Care Act the Council has a new duty to support to all Customers, whether they fund them or not. Should any Service Provider need to permanently cease a service, or have to cease for a period due to unseen circumstances, they will be required to work closely with the Council in identifying Customers and their families, so the Council can help source alternative provision on a temporary or long term basis depending on if the nature of the closure.

The Service Provider should also take note of the notice periods in a Annex E of the Framework Agreement and as detailed later on in this Specification.

3.5 THE MENTAL CAPACITY ACT

Customer should have choice and control over their own health and care services; it is they who should make decisions about every aspect of their life. There is a need to 'shift the balance of power' away from services which are 'doing to' rather than 'working with' people, to a recognition that

individuals, their families and carers are experts in their own lives and are able to make informed decisions about the support they receive.

Any decisions about care and support should be in line with the Mental Capacity Act. People should be supported to make their own decisions and, for those who lack capacity, any decision must be made in their best interests involving them as much as possible and the views of those who know them well, who make up their 'Circle of Support'. (<https://www.derby.gov.uk/health-and-social-care/your-life-your-choice/>)

3.6 WORKING IN CUSTOMER'S HOMES

Staff of the Service Provider are invited into Customer's and carer's homes by Customers and carers themselves. Their status is as an employee of an agency; support workers will recognise this and act accordingly respecting the rules of the house and the wishes of the Customer. The Service Provider will ensure that:

- a) Staff must clearly:
 - i. Identify who is entering the Customer home, or contacting the Customer and the organisation they work for
 - ii. Keep a record in the Customer's home of who has visited the Customer and when
 - iii. The contact details of key worker, and supervisor responsible for their care package
- b) Customer should be informed of the names of workers who will be delivering their support, where possible, in advance
- c) Staff should carry, and show to Customer and others as appropriate, an official photo identification with their photo, name and Service Provider name on.
- d) Support Staff will not smoke in a Customer's home or on their property or whilst providing care to a Customer in the community.
- e) Support Staff must be free from the effects of mind-altering substances or alcohol during working hours. Substances include both illegal drugs and legal medication if the medication affects their ability to carry out their duties in a safe and sufficient manner.
- f) Staff must not drink alcohol while they are on duty.
- g) Staff must not take any other person, including children, to the Customer's home.
- h) Staff must not take any pets or other animals to the Customer's home.
- i) Staff must not use a personal mobile phone during home visits or when providing direct care.

3.7 BEHAVIOURS THAT CHALLENGE

Customers with complex needs, supported under this Framework may have, at times, behaviours that are considered to be "challenging", and Service Providers will be required to demonstrate how they can minimise the impact of behaviour issues by developing positive work with individuals. Derby City Council has a commitment to the implementation of a positive behaviour support model including full organisational and manager accreditation, and staff training in line with the National Service Model and the Derbyshire Transforming Care Plan standards is essential and will be monitored for the duration of the Framework Agreement. See also

- 'The National Service Model' <https://www.england.nhs.uk/wp-content/uploads/2015/10/ld-serv-model-oct15.pdf>
- *Transforming Care Plan* <http://www.northderbyshireccg.nhs.uk/transforming-care-plan>
- 'Guidance on best practice on Challenging Behaviour' Learning Disabilities and Challenging Behaviour <https://www.nice.org.uk/guidance/ng93>

3.8 SAFEGUARDING

Both the Council and the Service Provider must follow laid-down national and local safeguarding procedures as part of the process of managing and preventing serious concerns.

The Service Provider will be fully compliant with the protocols for Safeguarding Adults and Safeguarding Children set out by the Council on our website:

<http://www.derby.gov.uk/health-and-social-care/safeguarding-adults-at-risk/safeguarding-vulnerable-adults>

<http://www.derbysab.org.uk/>

<https://www.derby.gov.uk/health-and-social-care/safeguarding-children/>

The Service Provider will have a named officer who will act as the lead safeguarding officer who will be responsible for reporting to the Council all concerns raised in connection with the protection of vulnerable adults at Stage One of the Safeguarding Adult Protection Policy and Procedures and inform the Council in writing who that person is. The Service Provider will notify the Council of any changes to this member of Staff.

The Service Provider will ensure all its Staff are aware that they are individually responsible for compliance with the Safeguarding Adult Protection Policy and that they know all the internal and external processes for reporting all concerns in connection with the protection of vulnerable adults and children where appropriate.

Staff should be told in writing that they can report concerns through the nominated member of Staff, or if they would prefer to, through the Council as set out in the Council's Safeguarding Adult Protection Policy and Procedures.

Staff training needs in relation to safeguarding will be continually evaluated with all Staff receiving appropriate training. The Service Provider will be able to access the Council's training relating to appropriate Safeguarding courses.

The Service Provider is expected to have a clear statement outlining their responsibilities towards Customers available for all Staff.

The Service Provider will demonstrate senior management commitment to the importance of safeguarding and promoting the Customer's welfare.

3.9 EQUALITY AND DIVERSITY

The Council is committed to advancing equality of opportunity and providing fair access and treatment in employment and when delivering Services. Derby City Council will work to deliver its commitments by tackling inequality arising out of age; disability; gender re-assignment; marital status and civil partnership; pregnancy and maternity; race; religion and belief including non-belief; sex or gender; sexual orientation; and other forms of disadvantage such as rural deprivation and isolation. Derby City Council's policy applies to every Councillor, manager and employee of the Council and any other person or organisation employed by the Council to work or to deliver Services on its behalf, including those employed through contractual, commissioning or grant-aided arrangements.

It is the responsibility of the Service Provider to actively meet the requirements of the Equality Act 2010 and Derby City Council responsibilities under the Public Sector Equality Duty (the Duty) by paying due regard to:

- Eliminating discrimination, harassment, and victimisation and any other conduct that is prohibited by the Equality Act 2010
- Advance equality of opportunity
- Foster good relations between people who share a relevant protected characteristic and those who do not

Having due regard means the Service Provider needs to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics
- take steps to meet the needs of people with certain protected characteristics where these are different to the needs of other people
- encourage people with certain characteristics to participate in public life or in other activities where the participation is disproportionately low

The Council also expects the Service Provider to:

homecare-specification

- capture effective data collection on employees and people and analyse these statistics
- produce equality impact assessments on policies, procedures and Services that may have an impact on people or the Service as a whole
- provide one or more equality objectives at least every four years.

The Duty and this Specification requires the Service Provider to consider disabled people's impairments, when making decisions about policies and Services, as the law recognises that disabled's people's needs may be different from the needs of non-disabled people. This might mean making reasonable adjustments or treating disabled people better than non-disabled people to meet their needs or providing positive discrimination to enable disadvantaged group's access to the Service.

All Staff employed by the Service Provider will recognise and respect the religious, cultural, and social backgrounds of users in accordance with legislation and local and national good practice.

The Service Provider will ensure that it has access to appropriate translation Services/resources to enable equity of access and understanding.

The Successful Bidder will recognise and make provision for cultural and religious needs such as prayer time and specific food preparation eg Halal, Food allergies, Gluten)

3.10 DIGNITY

Derby City Council is passionate about promoting Dignity in Care to all citizens of Derby. Dignity in Care is a national campaign led by the National Dignity Council promoting dignity and respect to vulnerable people who receive care and support services.

Further information can be found at:

[Our equality commitment - Derby City Council](#)

[About the Dignity in Care Campaign](#)

The Service Provider will ensure that Customers are always treated with respect and will ensure their personal sense of significance is enhanced Including:

- a) the Customer feels confident that the service will assist in the improvement of identified aspects of their day to day lives;
- b) the Customer is confident that their dignity with regards to religious and cultural beliefs is respected
- c) Care Staff will assist the Customer's personal care with discretion and in such a way that dignity is maintained and that wherever care Staff take direction from the Customer.
- d) the Service Provider shall have a written policy on how it will safeguard the Customer's right to privacy and confidentiality. The Service Provider shall ensure that their Staff are made aware of this policy during induction and on-going training.
- e) each Customer should be assisted in such a way so that any distress or discomfort is avoided or minimised, paying due regard to his/her health, safety and dignity and encouraging the development of personal skills and the exercise of choice and control.
- f) as well as specific personal care tasks, the Service Provider should make it a clear and acceptable aspect of the work of their Staff that part of the personal care task is for staff to spend time talking to, relating with, and understanding the lives of Customers.
- g) the Service Provider should carry out regular audits regarding the maintenance of dignity for their customer.

3.11 CONFIDENTIALITY, INFORMATION SHARING AND DATA PROTECTION

People have a general right to independence, choice and self-determination including control over information about themselves. In the context of adult safeguarding these rights can be overridden in certain circumstances.

Emergency or life-threatening situations may warrant the sharing of relevant information with the relevant emergency services without informed consent. The Service Provider and any associated

organisations will sign up to an Information Sharing Agreement as appropriate, as part of the pre-Framework / Framework initiation period.

The law does not prevent the sharing of sensitive, personal information within organisations. If the information is confidential, but there is a safeguarding concern, sharing it may be justified.

The Service Provider and its staff shall comply with Data Protection Act 2018, any future 'any applicable UK data protection legislation' and article 8 of the Human Rights Act (the right to privacy) and any subsequent legislation that is applicable during the course of the Agreement.

As a minimum this means:

- Customers are informed of how their personal data will be processed;
- Staff will not share information about Customer outside of the workplace;
- records will be accurate and kept up to date;
- Customer will have a right to access to information held about them;
- personal tasks will be carried out in complete privacy;
- personal data will be kept secure at all times;
- any disclosure of personal information must be done securely;
- Personal data will not be collected that is not required for the provision of the Service.

The Service Provider shall have a Data Protection policy that governs conduct of Staff and Volunteers to ensure personal data is kept secure.

The Service Provider will ensure that the Staff who provide this service are aware of their responsibilities under the Data Protection Act 2018. The Service Provider will ensure that new Staff receive training on this as part of their induction and receive refresher training on their responsibilities under the Data Protection Act 2018 and any future 'applicable UK data protection legislation, at least every two years.

The Service Provider will ensure signed confidentiality agreements are in place for all members of Staff working on the contract.

The Service Provider will ensure appropriate security procedures are followed to protect the personally identifiable information belonging to Customer when making referrals or communicating on their behalf.

Any contracts that include international data flows will be subject to additional due diligence and governance arrangements.

3.12 LOCATION OF PERSONAL DATA STORAGE/BACK-UP

The Service Provider is to ensure that any personal data processed under this Framework shall not be processed outside of the UK. If requested, the Council may consider alternatives to this as long as significant security requirements are met, which may mean a change of terms and conditions the Service Provider has with any third-party storage solution provider. The Council is under no obligation to consider a request to store this personal data outside of the UK. Any additional costs the Service Provider incurs to meet these requirements shall be entirely met by the Service Provider. The Service Provider is required to understand where the personal data is 'stored' especially if using 'cloud services'.

The Service Provider will engage and respond to any request from the Council concerning the location of stored personal data, with proof if requested, at no extra cost to the Council.

3.13 RECORD KEEPING

The Service Provider shall ensure proper records are maintained and made available to the Council, including but not limited to:

- person centred care and Support Plans;
- Daily logs and incident logs
- risk assessments and capacity assessments;
- preparing reports for and attending Customer reviews;
- Staff rosters;
- details of all Staff employed and Staff changes;
- Staff records including training and induction;
- records of all accidents/incidents involving staff/Customers with follow up risk assessments and records of actions taken.

3.14 FOOD LEGISLATION

The Service Provider is to comply with all current and future legislation regarding Food Safety and Hygiene where it applies in the performance of this Service. Specifically where any commissioned activity is covered by regulation of the Food Standards Agency <https://www.food.gov.uk/> Service Providers who prepare, handle, or serve food as part of their service are required to register with Derby's Environmental Health Service. Further details on registration can be found at: [Register a food business - Derby City Council](#)

3.15 REVIEW OF PROCEDURES / CHANGE

If the Council is required to change the Service being delivered due to changes in legislation, consultation with Service Providers will take place with an agreed variation to services. All proposed changes will be implemented by the process outlined in the terms and conditions supporting this Service Specification and any specific Individual Agreement terms and conditions.

3.16 INSURANCE

The Service Provider will have the following insurances in place during the performance of the contract:

- Employer's liability insurance - £5 million in respect of any one occurrence or series of occurrences arising out of any one event; in accordance with any legal requirement for the time being in force in relation to any one claim or series of claims
- Public Liability Insurance - £10m for each and every event

Other insurances, and their levels, will need to be considered by the Service Provider in line with regulatory standards and guidance according to the type of Service provided.

3.17 IMPROPER CONDUCT

The Service Provider shall ensure that neither it or its Staff shall not take any actions that result in the detriment of a Customer's welfare or to the delivery of the Service, either by positive action or by omission. Such action shall include but is not limited to:

- (a) Abuse
- (b) fraud and theft from Customers
- (c) sexual misconduct or sexual exploitation
- (d) improper inducements, including inducements offered to employees of the Council
- (e) conspiracy with officer or officers of the Council or any Staff to defraud or disadvantage Customers
- (f) financial malpractice
- (g) business continuity failure.

3.18 FIRE SAFTEY

In order to maintain a safe living environment for the cared for individual/client, you will be expected to complete a basic assessment of fire safety hazards in the home, using guidance provided by the fire and rescue service. Where fire safety hazards are identified, an online referral form for a 'Safe and Well Check', should be completed. This basic assessment and referral can be completed upon registration of a new client or as part of their care plan review.

The basic assessment can be found [here](#). If you answer yes to any of the questions, an online referral should be submitted, with the client's consent. The online referral form can be found [here](#). Training on how to use this tool can be facilitated through Derbyshire Fire and Rescue Service (DFRS). DFRS will arrange a Safe and Well Check as required. It will be important to work alongside DFRS where fire safety risks are identified and follow their advice.

4. QUALITY AND PERFORMANCE STANDARDS

4.1 QUALITY STANDARDS

The service provider will be required to meet the council risk assessed quality standards. The Council assesses all service providers based on several criteria i.e. financial sustainability, quality, good communication, contract KPI compliance etc. Service Providers are rated based on this risk assessment. If a Service Provider is assessed as Inadequate this will be deemed as a breach of contract and may result in immediate termination of contract. Full details will be given as part of the implementation of the contract management process and is subject to change.

4.2 QUALITY ASSURANCE PROCEDURES (See Appendix Four)

The Service Provider must comply with the following:

- the Council will seek evidence through monitoring the Service, that the delivery of Services is focussed on flexible care and support and the outcomes from the individuals' My Self-Assessment in line with this Specification.
- Service Providers will be required to permit access to any employees of Derby City Council, or agents working on their behalf, and to facilitate access to records in accordance with the quality assurance and contract monitoring requirements of this contract
- Service Providers will be required to undertake a self-assessment audit return on at least an annual basis
- thematic monitoring/audit visits carried out by Derby City Council in relation to the standards stipulated
- monitoring and compliance meetings
- financial reporting including the requirement of the Service Provider to report on any financial difficulties which may result in the non-delivery of the Service in full or in part
- Duty of Candour – including the requirement of the Service Provider to report on any other difficulties or risks inherent in the delivery of this Service which may result in the non-delivery of the Service in full or in part
- reviews of care or support packages including feedback from key stakeholders including the Customer and social care worker

- Derby and Derbyshire joint safeguarding adults' policy and procedures
- medication reporting where appropriate
- Service Providers must be responsive to Customer's daily changing circumstances and complete accurate recording
- Service Providers must meet the outcomes of assessments/care plans
- Service Providers must remain compliant with other statutory requirements, such as Fire Safety and Environmental Health
- member of Derby Care Association (DeCA)
- attendance at Service Provider Forums (DeCA)
- compliance with Derby City Council's requirements for future electronic monitoring reporting.

4.3 ASSESSMENT PROCESS

This will include:

- Service Providers to complete an annual self-assessment audit
- details of the Service Provider's management structure
- feedback from Customers, Carers, and family members as well as professionals from the Council or partner agencies
- evidence of contingency planning
- provision of financial reporting to confirm the ongoing financial sustainability of the Service Provider.
- quality assurance visits, compliance meetings, reviews, response to safeguarding and complaints, timely incident reports and action plans.

4.4 PERFORMANCE TARGETS

In delivering Home Care Service Providers must demonstrate there is:

- a positive behaviour plan and risk management plan in place relevant to the individual Customer's needs;
- an annual Staff training plan in place that covers mandatory and non-mandatory training required to provide a quality service and this shows Staff attendance and attainment;
- joint working with local statutory and non-statutory Service Providers in the locality where this adds value and supports Customer outcomes.
- evidence of the Health and Well-being of Customers being supported in a pro-active and personalised way.
- evidence of complaints and resolutions
- continued knowledge gathering and information sharing with Customers regarding issues and relevant opportunities in their local area.

4.5 KPI's

The below will be reviewed on an annual basis:

Ref	Theme	Description	Target %
KPI1	Outcomes	Making progress to outcomes set by the social worker, carers and customer.	95-100% Good 80-94% Requires Improvement Less than 70% Inadequate
KPI2	Social/Community Participation	Increase in Customer involvement in social or community activities.	As above

KPI3	Involvement in planning their own support	Customers/Carers have been involved in planning their own support.	100%
KPI3	Evaluation survey	Customers/Carers have taken part in an evaluation survey. This must record whether or not the individual outcomes for each Customer have been fully met, partially met or not met.	80%
KPI4	Joint working / interface	attendance to contract management meetings and member of DeCA (Contact email: info@derbyca.org.uk)	100%
KPI5	Workforce	staff have achieved or are working towards completion of the Care Certificate/equivalent	90%
KPI6	Workforce	compliance rates for the staff training matrix	85%
KPI7	Workforce	Have an active Adult Social Care Workforce Data Set account with Skills for Care Getting started with ASC-WDS (skillsforcare.org.uk)	100%
KPI8	Complaints	formal complaint investigations led by the Service Provider will provide an outcome letter within 30 working days of the complaint being logged.	100%
KPI9	Customer Satisfaction	Percentage of Customer expressing satisfaction with their support services.	100%
KPI10	Safeguarding Incidents	Reduction in number and resolution time of safeguarding concerns.	Target will be set during contract meetings.

The Service Provider will attend contract management meetings with the Council on at least an annual basis or more regularly as determined by the volume, complexity, risk rating, or other service factors as determined by the Council.

The Council will conduct inspections on at least an annual basis or more regularly as determined by the volume, complexity, risk rating, or other service factors as determined by the council. The Council may conduct these inspections through any designated officer and these inspections may be conducted jointly with other statutory bodies as per the needs and interests of the Customers concerned.

4.6 PROBLEM SOLVING, COMPLAINTS, FEEDBACK

The Service Provider will work collaboratively with the Council, and other partners and Service Providers where relevant, to ensure that any difficulties in Service delivery are resolved as soon as is practicable to support Customer.

The Service Provider will have a complaints policy that is accessible and promoted to Customers, including provision for feedback to be provided to Customers and other relevant stakeholders (including in Plain English and Easy Read where required. This policy will ensure that complaints and feedback generate lessons learnt and continuous Service improvement.

The Service Provider shall also ensure that Customers are made aware that they can use the Council's Complaints Procedures and are provided with details of how they can access these procedures. The Service Provider will also co-operate with any investigation under the Council's complaints procedure.

If the Service Provider fails to deliver part or all of this service specification, the Service Provider will inform the Council at the earliest opportunity of any difficulties arising. The Council will work with the

Service Provider to identify Service improvements to be made; the Service Provider must demonstrate evidence of Service improvement within agreed timescales.

The Council will enact Derby's Multi-agency Provider Failure policy and protocols where presenting risks dictate and the Service Provider is expected to engage fully with this policy and related requirements.

Failure to deliver the Service in line with the Service Specification and Framework/Individual Agreement terms and conditions may result in a breach notice being put in place and further Contract Opportunities being suspended until Service improvements are made up to the required standard.

The Council reserves the right to terminate an Individual Agreement in the event of serious breaches impacting on Customer or public safety.

4.7 REPORTING / CONTRACT MONITORING

The Service Provider will work collaboratively with the Council, and other partners and Service Providers where relevant, to ensure that any difficulties in Service delivery are resolved as soon as is practicable to support Customers.

The Service Provider will have a complaints policy that is accessible and promoted to Customers, including provision for feedback to be provided to Customers and other relevant stakeholders (including in Plain English and Easy Read where required). This policy will ensure that complaints and feedback generate lessons learnt and continuous improvement.

The Service Provider shall also ensure that Customers are made aware that they can use the Council's Complaints Procedures and are provided with details of how they can access these procedures. The Service Provider will be expected to fully co-operate and engage with any investigation under the Council's complaints procedure.

The Service Provider will attend contract management meetings with the Council on at least a quarterly basis for Lots 1,2,3 & 4 Providers, and annually for Lot 5 providers or more regularly as determined by the volume, complexity, risk rating, or other Service factors as determined by the Council.

The Council will conduct quality visits as determined by the volume, complexity, risk rating, or other Service factors as determined by the Council. The Council may conduct these visits through any designated officer and jointly with other statutory bodies as per the needs and interests of the Customer(s) concerned.

If the Service Provider fails to deliver part or all of this Service Specification, the Service Provider will inform the Council at the earliest opportunity of any difficulties arising. The Council will work with the Service Provider to identify improvements to be made; the Service Provider must demonstrate evidence of improvement within agreed timescales.

The Council will enact Derby's Managing Provider Concerns to Provider Failure policy and protocols where presenting risks dictate, and the Service Provider is expected to engage fully with this policy and related requirements.

[Quality Assurance - Derby City Council](#)

Failure to deliver the Service in line with the Service Specification and Terms and Conditions may result in a breach notice being put in place and further Supplemental Tender Opportunities being suspended to the Service Provider until improvements are made up to the required standard. The Council reserves the right to terminate the Framework Agreement and/or Individual Agreement/s in the event of serious breaches impacting on Customer or public safety.

4.8 STAFF TRAINING REQUIREMENTS

Mandatory training requirements for relevant staff must be completed and updated as per latest guidance:

Examples may include, (this is not an exhaustive list, links, and info. correct at time of tender and links to training providers are suggestions):

Essential	Desirable/Area Dependent
Oliver McGowan Mandatory Training *FREE* only essential if CQC registered	
Safeguarding *FREE* Provided by DSAB Click here to book online	Autism Awareness Provided by Citizens Advice Autism Service Contact: Jacob Hopkins jhopkins@citizensadviceidmercia.org.uk
Emergency First Aid at Work Provided by DCC WFLD Book on via WLD.Admin@derby.gov.uk	Stoma & Catheter Care Provided by DCC WFLD Book on via WLD.Admin@derby.gov.uk
Assisting & Moving Provided by DCC WFLD (https://mycare.derby.gov.uk/Services/971) Book on via WLD.Admin@derby.gov.uk	Dementia & Delerium Pathway Provided by DCC WFLD Book on via WLD.Admin@derby.gov.uk
Medication Administration for Carers /or Managers Provided by DCC WFLD (cost £40 per learner) Book on via WLD.Admin@derby.gov.uk	Epilepsy & Seizure Awareness Provided by DCC WFLD (cost £15 per learner) Book on via WLD.Admin@derby.gov.uk
Health & Safety Awareness Corporate provide this	Falls prevention and management
Fire Safety - based on building the Day service is within	Mental Health Awareness
Infection Prevention & Control Does Health service provide this	Support with identified medical conditions; management of medication (this is mandatory if handling medication)
Moving and Handling	Tissue Viability/Skin & Hydration Care Provided by DCC WFLD Book on via WLD.Admin@derby.gov.uk
Dignity in Care	Communication for Customers with Sensory Impairments, as appropriate, BSL, Braille, Moon etc.
Communication Skills– verbal & non-verbal	End of Life care and Advance Care Planning
Understanding Challenging Behaviour Competency	Outcomes focussed planning (a requirement for all staff carrying out assessments)
Equalities and Diversity awareness	Positive behaviour support and management
Risk Assessment and Management	Conflict Management/ resolution training
Mental Capacity Act (update every 2 years)	Advocacy awareness
Food Hygiene	
GDPR -Data Protection + Record Keeping	

Training around requirements of appropriate legislation, e.g. Care Act, Autism Act etc. that is appropriate for the Customers who are supported by the Service.

Service Providers will be required to supply information to the Council that demonstrates their compliance with Service requirements in a format provided by the Council. The information requested will demonstrate that the Service Provider has the appropriate management and other systems in place to enable them to deliver the service requested. The information required will include:

- Successful completion of contract management requirements as defined within 4.1 Quality and Performance Standards.

- The Service Provider's impact on supporting Customer's to meet their outcomes on an individual basis, assessed through Section 4.1 Quality and Performance Standards and Social Work assessment and reviews
- Responsiveness to any required Service improvements as determined by the contract management/ Quality assurance mechanisms

5 - STAFFING

5.1 STAFF RECRUITMENT AND STAFF COMPETENCIES

The Service Provider will ensure:

- they have a robust recruitment process to ensure the supply of sufficient and suitably experienced and qualified (where appropriate) staff to effectively deliver the Service as described in this Service Specification.
- they have appropriate Staff retention processes, appropriate to the market it operates in, to ensure the supply of sufficient and suitably experienced and qualified (where appropriate) staff to effectively deliver the Service as described in this Service Specification.
- their staff are competent, appropriately trained, supervised and supported on an on-going basis to maintain the overall quality of the Service. Staff are also required to have the right values and human qualities that will best deliver the outcomes within this Specification.
- that all staff working on an Individual Agreement will have undergone the necessary clearance checks, including Enhanced Disclosure and Barring Service (DBS) checks and Protection of Vulnerable Adults (POVA) checks and meet the necessary requirements before appointed, when required. They will also undergo any other relevant checks required under future legislation. Documentary evidence of this may be requested by the Council.
- that all Staff have a right to work in the UK and have a robust recruitment process to ensure all pre-employment checks are made as appropriate for requirements of delivering this Service, including any new requirements due to the UK leaving the EU.
- that their total sponsorship workforce is less than 60% of the local workforce caring for customers on this contract.
- that it considers the range of communication skills and abilities of the Customer population when recruiting and training staff, to ensure that no Customer is excluded from accessing the service.
- that it has complied with the Staff Vetting Procedures in respect of all Staff employed or engaged by the Service Provider at the Service Commencement Date and that it shall not employ or engage any person in the provision of the Services who is barred from, or whose previous conduct or records indicate that they would not be suitable to carry out the Services.
- they obtain two written satisfactory references for all Staff prior to any involvement in the delivery of the Services. Where the applicant has no previous employment, two satisfactory independent character references must be obtained validated and checked.

- they make the references available to the Council for purposes of inspection and audit. If a prospective member of Staff is to be engaged for the purpose of delivering the Services is currently or has previously been employed by the Council at any time, the Service Provider must seek a reference from the Council, regardless of whether or not the Council are the preceding employers and in addition to other references sought.
- they notify the Council immediately if any member of Staff who, subsequent to commencing their position as a member of Staff, receives a conviction or whose previous convictions become known to the Service Provider.
- they have a procedure approved by the Council for dealing with allegations or suspicions of abuse;
- that all Staff are trained at induction in the proactive prevention of abuse, in the identification of relevant incidents, in following the reporting procedures and training should be updated at least annually;
- they maintain a proactive approach to prevent Abuse;
- adhere to rigorous recruitment practices to deter those who actively seek vulnerable people to exploit or abuse.
- they address issues around bullying and have in place an anti-bullying policy which should be linked to their safeguarding procedures as appropriate. It is expected that Staff and Customers will be made aware of this policy and that relevant training will be given to Staff.

5.2 TRAINING AND WELFARE

The Council is a key partner of Joined up Care Derbyshire (JUCD) also known as Derbyshire's Sustainability and Transformation Partnership (STP), bringing together Health and Social Care organisations across Derbyshire to provide the best care and services for people so that people can live well and stay well.

The key priorities are:

1. To attract and recruit Staff
2. To retain Staff and help develop and progress their careers
3. To support and supervise all Staff and develop trainees and apprenticeships

For further details click the link www.joinedupcarederbyshire.co.uk for further information and ways to get involved.

As part of this Service, Service Providers must create an account and provide their workforce data to the Skills for Care Adult Social Care – Workforce Data Set (ASC-WDS) formerly known as the National Minimum Data Set for Social Care. Access to the ASC-WDS will enable the Service Provider to access opportunities for funding for development from Skills for Care.

The Council's Workforce Learning and Development Section will provide support to set up an account if needed.

Service Providers must ensure that all Staff, including any agency, students, or voluntary staff, have access to and complete:

- training on all areas required by legislation, local policies, the Council and Care Quality Commission that is applicable to the Service
- person specific training requirements required to deliver the personalised support for Customers as specified in their My Self-Assessment, Support Plans and Contracts.

The Service Provider will ensure that all Staff will receive appropriate; regular, paid training and development, and refresher training to carry out all aspects of their role In relation to some areas to meet legal requirements, for example, Assisting and Moving, First Aid, this training must be competency based. The Service Provider will:

- a) ensure that Staff have the necessary training, skills, competencies, personal qualities and value base to enable them to relate well to Customers.

- b) conduct regular reviews of staffing capacity and capability to ensure they have sufficient number of suitably trained and experienced staff to deliver the service.
- c) ensure all managers of the Service are appropriately experienced and qualified in order to effectively run the service. It is expected that the manager responsible for overall day to day management of the service will hold a Level 5 qualification in care or another recognised equivalent qualification and an appropriate management qualification, e.g. Level 5 in Management or Certificate in Management or equivalent.
- d) ensure provision of a structured induction process for all new Staff, including completion of Skills for Care's, Care Certificate that is linked to National Standards, is completed by all new Staff, and a basic training programme for Staff or volunteers appropriate to the needs of the Customer group, before working unsupervised with Customer.
- e) carry out a training needs analysis for each new member of staff and this will be incorporated into the staff training and development plan.
- f) ensure that Staff are only working with Customers for whom they have been trained to provide care and support for.
- g) review the training needs of each Staff member at least annually to identify when refresher and training updates are required which will be incorporated in the staff development and training programme.

The Council's own Adult Workforce Learning and Development training courses are available to the Service Providers' staff, as a partner agency working with the Council and can be found at <http://www.derby.gov.uk/health-and-social-care/your-life-your-choice/support-from-adult-social-care/training-courses/>

This webpage also indicates that such courses are open to all Social Care staff whether they are employed within the Council or within the Private, Voluntary and Independent Sectors (PVI) with some of courses offered free of charge.

The Service Provider will report on their practices around Staff supervision, development, training and appraisal as part of the contract monitoring process.

The Service Provider will supply, on request:

- a copy of their current induction, training programme, and ongoing continuing professional development programme, including short courses and access to qualification programmes
- a copy of their current Staff training record that shows: what training all their staff have received, the dates they received this training, when this training needs to be renewed and detail of what the training comprised, e.g. was it classroom training, or on line, how long the training was, who provided the training and what the outcomes for the training are.

The Service Provider will additionally be required to have the following systems in place:

- a system for induction and equal opportunities training for all Staff.
- a health and safety policy and training plan inclusive of all areas deemed necessary to work safely within different settings.
- risk management policy and procedures.
- the Service Provider will ensure that all operational Staff have received adequate training in Safeguarding and fully understand and comply with the Derby City Adults and Children's Safeguarding policy and procedures as appropriate to the age of Customers (Derby City Adults Safeguarding Board and Children's safeguarding board provide training, which is free of charge).
- the Service Provider will ensure that all operational Staff have access professional supervision on at least a monthly basis to ensure quality and consistency of Service.
- each member of Staff will have a personal and professional development plan/portfolio that is assessed, implemented and evaluated on an annual basis. Documentary evidence of this may be requested by the Council.
- the Service Provider will allow Staff to have the opportunity to attend appropriate further training.

- the Service Provider will consider what support, supervision; training and progression opportunities are proportionate to volunteers and experts by experience within the service and demonstrate evidence of their organisational policy with regards to this.

The Service Provider will report on their practices around Staff training and appraisal as part of the contract monitoring process.

The Service Provider will work towards having support in place for their Staff in accordance to the ethical care standards for domiciliary care which are outlined in the ADASS document as accessed by this link [On-line-Catalogue220142.pdf \(unison.org.uk\)](#)

5.3 INTERFACE WITH OTHER SUPPLIERS / SERVICE PROVIDERS

Service Providers are expected to work in partnership with and alongside of a wide range of statutory and non-statutory partners in order to meet the needs of Customers. Service Providers are expected to build and develop relationships with partners based on the needs of their Customers. This will include:

- NHS Health Services,
- ICB
- Fire and rescue
- Police and other statutory agencies
- family members, informal carers, staff with other organisations and Service Providers that support the Customer's outcomes

Service Providers may also be required to work with and alongside accommodation providers and / or housing support providers in Extra Care and Supported Living settings. Where issues relating to accommodation may impact on a Customer's wellbeing, care or support needs – for example issues relating to security of the property, safety, privacy, discussions around adaptations required or access considerations.

In this respect, Service Providers must alert the Council and any partner organisations of any change in circumstances that may affect the provision of Service for Customers at the earliest opportunity. Where there is a requirement to share personal data and information, Information Sharing Agreements are to be developed where applicable. See 3.11 Confidentiality, Information Sharing, Data Protection above.

5.4 ADULT SOCIAL CARE WORKFORCE DATA SET

Providers must register on the Adult Social Care Workforce Data Set (ASC-WDS), administered and supported by Skills for Care, and the following four criteria must be met:

- Providers will complete an ASC-WDS workplace record and must update its organisational data at least once every quarter. All providers will update both their workplace and worker records quarterly.
- Providers must fully complete individual ASC-WDS worker records for a minimum of 90% of its total workforce (this includes any staff who are not care-providing). This should be updated as soon as possible after April 1st each year to maximise eligibility to claim Workforce Development Funding. Individual worker records will include the following expected information (full staff details, Care Certificate progress, completed and ongoing mandatory training, completed or ongoing professional qualifications, completed non-accredited training)
- Individual records for workers which are included in the 90% calculation must be both fully completed and updated on an ongoing basis.

Providers must agree to share their data with the Council using the data sharing opt-in box. No personally identifiable information about staff will be shared. This data will be used for workforce intelligence analysis across the health and social care sector.

5.5 CAPACITY TRACKER

The Provider shall at all times during the contract, unless otherwise directed by the Council:

- Register and maintain registration of an account on Capacity Tracker,
- Where possible, try to ensure there are, two registered users able to use Capacity Tracker
- Make such submissions to Capacity Tracker as are required by Capacity Tracker to include staffing numbers, staff vacancy numbers, number of agency staff, number of service users (including People), information regarding Covid-19 infections and vaccinations, levels of PPE and ability to provide extra care hours
- Make monthly submissions to Capacity Tracker at such frequencies as are required by DHSC (or any other regulatory body) and/or the Council
- Ensure providers details and contact details are regularly updated/refreshed on Capacity Tracker
- Attend training sessions and/or receive capacity tracker communications, to ensure they remain updated/informed of changes

5.6 SUB-CONTRACTORS

No sub-contractors will provide any element of this Service unless agreed in writing by the Council prior to the sub-contractor starting work. All sub-contractors will be required to meet the minimum requirements of the specification and Suitability Questionnaire.

The Service Provider will notify the Council of any sub-contractor currently delivering any part of this Service on its behalf detailing individually the name of the subcontractor organisation, the percentage of service being delivered and its cost.

The Service Provider shall furnish a statement of how its staffing structure will be made up in relation to employees; agents or consultants; and volunteer staff if requested by the Council.

6 - MISCELLANEOUS REQUIREMENTS

6.1 BUSINESS CONTINUITY AND RISK MANAGEMENT

The Service Provider will have a service continuity plan. The service continuity plan shall refer to all elements required to perform the Service Specification and as a minimum cover the following:

- The plan shall have clearly identified points as to when the service continuity plan needs to be invoked.
- An obligation upon the Service Provider to liaise with the Council with respect to issues concerning service continuity, disaster recovery, insolvency and support Council initiatives to monitor and manage risks to service continuity,
- The Service Provider has contract and personal data backed-up on separate secure server and have disaster recovery availability.
- The Service Provider has all data is protected by appropriate firewalls and antivirus products that are updated as per the software supplier's recommendations.
- The Service Provider has mechanisms to identify any financial problems, that may affect service delivery, at the earliest possible stage. The Service Provider shall have a process in place that alerts the Council to this scenario. The Service Provider will have scenario planned this so that it has pre-planned mitigation strategies for financial issues such as reduced cash flow, decrease in profits or turnover, debt management, negative net asset position and reduction in liquidity ratio.
- The Service Provider has plans in place to ensure Staff cover is provided in the event of sickness, annual leave, strikes, absence, staff leaving and any other events that could lead to a staff shortage such as epidemic/pandemic/viral illnesses, restrictions on travel etc.
- The Service Provider has plans to relocate staff where the accommodation they work in is not fit for purpose or Staff are unable to travel to the accommodation they work.
- The Service Provider has plans for supply issues in its supply chain and ensure it has continual and alternative means of accessing the equipment and services it requires such as key services, PPE and medication to meet the Service requirements.
- The Service Provider has a multi-channel communication strategy to ensure all stakeholders are made aware of and kept up to date on any issues that may affect them, with an emphasis on an early warning alert to the Council in the situation where the provision of the Service could

be compromised or at any time where the service continuity plan is enacted in relation to the supply of this Service.

- The Service Provider has named Staff with designated roles and responsibilities for carrying out assigned task and actions in the service continuity plan.
- The Service Provider has implemented a training plan to ensure all Staff are aware of the service continuity plan and understand their roles and responsibilities in different scenario's.
- The Service Provider has scenario planning for known issues and identified risks.
- The Service Provider ha clearly identified points as to when Service returns to 'normal', whilst understanding what may need to be completed to 'catch-up' in terms of Service delivery.
- The Service Provider has a review process after any implementation of the service continuity plan to understand what was successful and what needs further development.
- The plan demonstrates an understanding that at all times the priority shall be the care, support and safety of the Customers identified as receiving a Service from the Service Provider

The Service Provider shall upon the Council's request provide the service continuity plan and any other risk management strategies documents relating to the performance of this Service, at an agreed interval as part of the Framework initiation period.

The Service Provider shall review the service continuity plan on an annual basis during the term of the contract, to ensure it is addressing all know issues and risks.

The Service Provider accepts that the Council has to meet its obligations under the Civil Contingencies Act 2004. Under this agreement the Service Provider agrees to assist the Council in meeting its obligation under this legislation.

6.2 RISK MANAGEMENT AND CAPACITY – CUSTOMERS

The Service Provider shall ensure that full and comprehensive risk assessments take place where required or needed and that a system is in place to review all such assessments in a planned way.

The Service Provider's Staff shall be trained in order to recognise situations where a risk assessment or a capacity assessment is required or may need to be reviewed. Significant changes in an individual's circumstances shall be reported to the Council (and the Social Worker) involved by the Service Provider to ensure that safe support arrangements are reviewed and maintained.

The Service Provider shall work with professionals and experts as required including giving full consideration of risk assessment information provided by the Council for Customer.

6.3 EXIT STRATEGY, TERMINATION AND MOVING

Whether the Council funds a customer or not, under the 2014 Care Act the Council has a duty to support to all customers. The Service Provider must alert the Customer and the Council of any reason for the end of the Support being delivered, providing clear information about timescales in a way that support a safe transition, contingency planning and compliance with notice periods within tenancy or licence agreements.

Service Providers are also expected to engage with the Council's Provider Failure Policy and Procedures, as and when these are relevant and appropriate.

Failure to deliver this Service in full or in part presents a risk that Customer eligible Support needs are not met resulting in risks to the Customer, their social networks, the Service Provider's Staff, and potentially the public.

The Service Provider will work alongside alternative Service Providers and support transfer arrangements to future Service Providers where it is in the Customer's best interests. The Service Provider will ensure that any transfer arrangements are conducted in a manner which is Customer-focussed and are supported by appropriate information sharing or other agreements/ protocols.

Examples of exits include (but not limited to):

Planned

- Outcomes have been achieved and the individual no longer requires support.
- Reassessment takes place and individuals needs require different Service or Setting.
- Individual chooses to move away.

Unplanned

- Individual is no longer present to receive Support.
- Admission to another service (examples include but not limited to, Hospital admission, Respite Care, Rehabilitation Care, and or Prison).
- Individual passes away.

For unplanned exits from a service, the Service Provider would need to make the social work team and commissioning team aware of this within one working day.

The majority of exits from Support packages will trigger another Service Request through the Council's Brokerage Team, in the interest of fairness, equality and Customer choice. Service Providers must not, circumvent this process and make suggestions of alternative Settings within their portfolio to Social Work Teams directly. Should an internal move within a Service Provider's portfolio of Settings be deemed appropriate in exceptional circumstances, then the Social Work Teams, in agreement with Brokerage and Commissioning colleagues will approve this approach and award the Support Package via a Direct Award.

6.4 TERMINATION GROUND

If a Service Provider's Quality assessment is deemed to be 'Inadequate', this will be deemed as a breach of contract and may result in immediate termination of contract. (see Quality & Performance Standards - Appendix Four).

6.5 NOTICE PERIODS

In the event that the Service Provider gives notice to the Council in accordance with the term of an Individual Agreement, and does so for multiple Individual Agreement in 30 calendar day period, the notice provision in those Individual Agreements shall be amended to be the following Notice Period, dependant on the number of Individual Agreements on which notice is served;

- a) Individual Agreements with a cumulative total of 1 – 2 Customers, the Notice Period is no less than 30 calendar days;
- b) Individual Agreements with a cumulative total of 3 to 5 Customers, the Notice Period is no less than 90 calendar days;
- c) Individual Agreements with a cumulative total of greater than 6 Customers, the Notice Period is no less than 180 calendar days or
- d) As agreed between the Council and Service Provider in writing.

The extended period is to enable the Council and the Service Provider to together to ensure the safe and timely transition of the Customers.

The Service Provider will work alongside alternative Service Providers and support transfer arrangements to future Service Providers where it is in the Customer's best interests. The Service Provider will ensure that any transfer arrangements are conducted in a manner which is Customer-focussed and are supported by appropriate information sharing or other agreements/ protocols.

6.6 RETENDERING AND HANDOVER

Towards the end of the Framework Agreement or a new agreement is let with another organisation the Service Provider will assist as appropriate and in a reasonable, positive and timely manner that offers maximum support and positive outcomes for Customers using the Service.

Where TUPE is likely to apply on the termination or expiration of the framework (and therefore individual contracts), the information to be provided by the Service Provider on request from the Council, to the Council, shall include, as applicable, accurate information relating to the Staff/Employees who would be transferred under the same terms of employment under TUPE, including in particular (but not limited to):

- The number of Staff/Employees who would be transferred,
- In respect of each of those Staff/Employees, their dates of birth, sex, salary, pensions, length of service, hours of work and rates, and any other factors affecting redundancy entitlement, any specific terms applicable to those Staff/Employees individually and any outstanding claims arising from their employment; and
- The general terms and conditions applicable to those Staff/Employees, including provisions, probationary periods, periods of notice, current pay agreements and structures, special pay allowances, working hours, entitlement to annual leave, sick leave, maternity, paternity and special leave, injury benefit, redundancy rights, terms of mobility, any loan or leasing agreements and any other collective agreements, facility time arrangements and additional employment benefits.
- Sponsorship status and information in regard to any sponsorship employees.

If another replacement Service Provider is successful winning the Individual Agreements or replaces the Service Provider or the Framework in the future, the Service Provider will provide the new Service Provider with the details of Customers to ensure a smooth transfer of the Service. The Service Provider shall ensure that when collecting the personal data of Customers for' they inform the data subjects that the transfer of information may happen.

6.7 THE TRANSFER OF UNDERTAKINGS REGULATIONS 2006 (TUPE)

The re-procurement of this contract may give rise to a possible presumption that the Transfer of Undertakings (Protection of Employment) 2006 regulations may apply in the event of this contract being awarded to a new provider.

The base data of staff that may transfer is available by completing and returning the "TD2269 TUPE Confidentiality Agreement" at Appendix Two to this document. Please return to us via the messaging function within the tender opportunity on the tendering portal at www.eastmidstenders.org. Once this has been checked, the base data will be provided to you by return.

However, the Council provides no warranty about the accuracy of this information or the actual legal position and therefore makes no representations about the applications of TUPE. Bidders are advised to make their own enquiries by seeking independent professional legal advice on the consequences for them if they are the successful Bidder and the TUPE regulations do apply.

6.8 IR35 (Intermediaries Legislation) Amendment for off-payroll working in the public sector

The law now requires public sector bodies to decide the employment status of persons they engage to provide services, or predominantly services, through an intermediary such as a personal service company or agency. The Council will decide the employment status prior to engagement using HM Revenue and Customs employment status tool, which can be found here -

<https://www.tax.service.gov.uk/check-employment-status-for-tax/setup>

If the Council decides the engagement is 'employment' Tax and Employees National Insurance will be deducted from the Service Providers invoice under PAYE.

The Council believes that IR35 is not applicable to this requirement. However, if it becomes apparent that there needs to be a review of the employment status of this requirement, then the Service Providers shall co-operate with and assist the Council in reaching a decision if IR35 is applicable, which shall rest with the Council.

6.9 ADDITIONAL (SOCIAL) VALUE, COMMUNITY BENEFITS AND LOCAL ECONOMY

Across all Lots, Service Providers will be expected to consider how best to maximise additional value for the community and local Derby economy in their service delivery through mechanisms which may include:

- Considering how peer support and citizen engagement can be developed as part of the Service where applicable and appropriate.
- Considering seeking external funding as appropriate to further the aims and objectives of the Service.
- Considering ways that the local economic benefits including the development of employment opportunities, apprenticeships, volunteers, work experience and through wider learning and development opportunities for the community.
- Considering how you can generate value to the local supply chain.
- Considering how you can promote fairness and equality.
- Considering how you can minimise the environmental impact to the local community when delivering these services.
- Considering how you can improve the capacity and sustainability in the voluntary and community sector.
- Considering other ways that the Service can offer additional value in the delivery of the Service.
- The Service Provider will be required to record and report on additional value gained on request