**ASC, INTEGRATED CARE & PUBLIC HEALTH**

John Morgan - Executive Director

**Adult Social Care Commissioning**

**London Borough of Merton**

**Merton Civic Centre**

**London Road**

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**Date: 6th April 2023**

Dear Provider,

**Future Homecare Arrangements for Merton Provider Market Engagement Meetings FAQ’s**

We at the ASC Commissioning team would like to thank you for your participation in the Homecare Market engagement meetings held week beginning 27th March 2023. As agreed, we have collated the questions that providers who attended asked or submitted in writing during these meetings. These questions are listed in no particular order and in some cases have been paraphrased to provide clarity and context.

We also attach the slides from the presentation for your information and links to the cost of care report and market sustainability plan.

**Question 1:**

Is it a requirement for a Provider’s office to be located in Merton or a neighbouring borough? Must the Provider’s Office or Satellite Office be CQC rated? If somebody bids with an intention of moving into the borough once winning the tender, must they have a branch in the borough or is it during the bid itself you need to have a presence of a branch?

**Answer**

For Prime Providers and Supplementary Providers (Lot 1, Lot 2 and Lot3): To meet service requirements, Providers will be required to operate from premises located within the borough or neighbouring local authorities that share borders with the Council. If at the time of bidding for this service, a Provider does not have an office within the borough or its neighbouring boroughs, the Provider shall be required to set up an Office within 6 months from the contract start date and should proceed to have it registered with CQC and arrange for it to be inspected within 24 months from the contract start date.

For Mental Health Providers, Specialist Providers and Personal Care Providers for Children and Young People [Lot 4, Lot 5(a) and Lot 5(b)]: There is no requirement for Providers to operate from premises located within the borough or neighbouring local authorities that share borders with the Council.

**Question 2:**

Does the care management system have to be CM2000 or can it be a similar software?

**Answer**

For Prime Providers and Supplementary Providers (Lot 1, Lot 2 and Lot3): All Providers will be required to use CM2000. The Council will support Providers to enrol onto CM2000 for free. But following that, providers will have to pay any additional training costs for their staff.

For Mental Health Providers, Specialist Providers and Personal Care Providers for Children and Young People [Lot 4, Lot 5(a) and Lot 5(b)]: Providers will not be required to use CM2000.

**Question 3:**

Could you please elaborate on what the requirements for an Occupational Sick Pay scheme are?

**Answer**

There is no requirement for providers to have enrolled onto an Occupational Sick Pay Scheme from the contract start date. The Council will work with providers to enrol onto an Occupational Sick Pay Scheme within 18 months of contract start date.

**Question 4:**

How many providers will there be for each of the lots?

**Answer**

The number of providers for both Lot 1 and Lot 2 will be two for each Lot, which makes a total of 4 Prime Providers.

The number of providers for Lot 3 is 6.

The number of providers for Lot 4, 5a and 5b is not restricted.

**Question 5:**

Regarding the two Prime Providers per zone (i.e. Zone 1 and Zone 2), is there a minimum amount of hours or percentage of care packages that these providers have to pick up without being disqualified?

**Answer**

There is no minimum number of hours or percentage of care packages to be offered to each Prime Provider.

Referrals will initially be made to the two Prime Providers in a zone where a customer resides on a first come first served basis and allowed a maximum of two hours to respond to the request.

Should none of the two Prime Providers respond within two hours, the referral would then be sent to the six Supplementary Providers at the same time and allowed 2 hours to respond. The first supplementary provider to respond would be awarded the care package.

**Question 6:**

We're interested in lot 5(a) only. Is this suitable for a live in care provider or is it just a Domiciliary care package provider that you are looking for?

**Answer**

Lot 5(a) is not for live in care packages, but for specialist providers supporting residents with specific diagnoses that cannot be met under standard home care, such as residents who have hearing/visual impairments or display challenging behaviours.

**Question 7:**

If the Prime Providers retain most of the care packages, they will certainly have a lot of work in comparison to Supplementary Providers. How can the Council ensure that they attend to each Customer’s needs for the full duration of the time allocated without rushing Care Workers to move on to the next Customer?

**Answer**

Prime Providers are required to be adequately staffed to ensure that they have capacity to accept most referrals from the Council’s Brokerage Team. Prime Providers are expected to allocate a group of care packages to each individual Care Worker within close proximity to minimise travel times. Prime Providers and Supplementary Providers are expected to enrol onto an electronic call monitoring system, CM2000, which will allow the Council to closely monitor service delivery to ensure that Care Workers attend to customers for the full duration of the time allocated per call in line with the Customer’s needs.

**Question 8:**

Will the Council be setting the charge rates?

**Answer**

Yes, the Council will be setting the charge rates and has factored in a requirement to pay Care Workers at least a London Living wage rate. The Council also considered travel costs and travel time when determining the hourly rate.

The hourly rate will be £23.30 per hour and will be prorated for 45 minutes and 30 minutes’ calls. There will also be a mechanism for uplifting the rates every year based on percentage increases in London Living Wage rate.

**Question 9:**

Will TUPE apply for transferred packages?

**Answer**

The services within the scope of this contract are currently provided by a number of third party providers and as such the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) may apply to those staff currently delivering the services. Bidders should take their own legal advice as to applicability of TUPE.

The Council was not planning to collect TUPE information due to the complexity of existing home care service delivery arrangements whereby there is constant movement of care workers between home care agencies. Majority of care workers under home care are temporary and registered with several providers and on zero-hour contracts. Most of them are SMEs where the Business owners are the carers themselves, which implies that transferring to another organisation would mean closing their businesses.

However, following the second Homecare Provider Market Engagement Event, it was agreed to collect as much TUPE information as possible prior to publishing the tender documents. We can not guarantee that all existing Providers will provide TUPE information, but we will share any data we shall have collected by the time we publish, with Providers who may specifically request for it after signing the Confidentiality Agreement during the clarification stage. Please note that a lot may have changed with the TUPE information by the time the Council awards contracts.

**Question 10:**

Assuming a new provider is successful in obtaining either Lot 1 or Lot 2, will there be any support in the transferring of Customers from existing Providers?

**Answer**

Yes, during mobilisation period, Council officers will liaise with Customers, existing Providers that will not have succeeded to join the new framework and the new Prime Providers to ensure a smooth transfer of care packages.

Customers that will have opted to continue receiving services from existing providers will be supported by Council Officers liaising with existing providers to arrange continuing to receive services via our Direct Payment scheme.

**Question 11:**

What is the criteria for being a Prime Provider?

**Answer**

Prime Providers must be rated at least “Good” by CQC.

Prime Providers will be required to operate from premises located in Merton or a neighbouring borough that shares borders with Merton borough.

Their annual turnover threshold requirements will be significantly higher compared with Supplementary Providers or Providers for Lot 4, Lot 5(a) and Lot 5(b). The figures are yet to be agreed by the Council but will be declared in the procurement documents to be published when we invite providers to bid.

Prime Providers must have decent capacity to accept at least 70% of the referrals

Prime Providers must be able to contribute to Social Value objectives such as supporting apprenticeships and skills development amongst other requirements that will be made clear in the procurement documentation.

**Question 12:**

What is the criteria for being a Supplementary Provider?

**Answer**

Supplementary Providers must be rated at least “Good” by CQC.

Supplementary Providers will be required to operate from premises located in Merton or a neighbouring borough that shares borders with Merton borough.

Their annual turnover threshold requirements will be significantly lower compared to Prime Providers. The figures are yet to be agreed by the Council but will be declared in the procurement documentation to be published when we invite providers to bid.

Other requirements will be made clear in the procurement documentation.

**Question 13:**

We are based in Merton. We have one private client. Unfortunately, we have not got a CQC rating yet, as they require at least 4 clients in order to arrange an inspection. Our staff are ready to work. Is there a way around that to secure some work from the Council?

**Answer**

New Providers who have not yet been inspected may have an opportunity to work with willing customers under our Direct Payment Scheme. At the end of the Reablement Pathway, some customers may opt for Direct Payment, and this would provide an opportunity to secure some care packages directly with the customers. Please note that work is not guaranteed it all depends on the willingness of the Customers to engage with the new provider.

Please feel free to contact our Commissioning team ([Godfrey.luggya@merton.gov.uk](mailto:Godfrey.luggya@merton.gov.uk) or Chima.Amiaka@merton.gov.uk) to discuss options above in detail.

**Question 14:**

You said that the Council has signed up to the Unison Ethical Care Charter. Is that something that providers have to sign up to?

**Answer**

No, Providers are not required to arrange signing up to the Unison Ethical Charter for this contract. The key requirements of the Charter will be covered under the Council’s home care contract documentation for Providers to comply and implement.

**Question 15:**

The Real London living wage is something that the Council wishes for all employees to be paid. If a Provider is not yet accredited, would that hinder an organisation to qualify for this contract?

**Answer**

No, a Provider does not have to be accredited by Real London Living Wage in order to bid for this service.

A provider who successfully bids for this contract, will be required to pay their employees supporting on this contract, at least a London Living Wage rate.

Compiled by:

ASC Commissioning Team