

Frequently Asked Questions

THE SERVICE SPECIFICATION & SCOPE OF THE CONTRACT

- 1. Our organisation delivers day opportunities to individuals with Mental Health conditions, alongside those with Learning Disabilities and/or Physical Disabilities. Can we deliver a service under this contract?**

This framework contract is only for individuals with Learning Disabilities and/or Physical Disabilities who have been assessed as having eligible social care needs. This means that they will fall under the care of either the LD or PD Social Care Teams, and will be referred via that route.

This contract does not cover those who have a mental health condition in the absence of a learning and/or physical disability, or those who have not been assessed as having eligible social care needs.

Please see question 4 which may also apply.

- 2. Where do individuals with autism sit within Lots 1 and 2 of the contract? And those with multiple disabilities (both learning and physical disabilities)?**

Individuals with both a learning disability and autism would fall under Lots 1a and 2a; those individuals with autism who do not also have a learning disability would fall under Lots 1b and 2b.

The route of referral will be via the individual's Social Care Team. For those aged 18+, with multiple disabilities, the team that an individual comes under is currently dictated by their primary disability. In the majority of cases this will be the learning disability so those with complex/multiple disabilities are more likely to fall under Lot 1a.

- 3. We deliver day opportunities to individuals with both Learning Disabilities and sensory needs. This is split between the two parts of the Lots (e.g. both 2a and 2b). How would we apply for this?**

Individuals are supported through this contract based on their primary disability.

If a person lives with a learning disability and a sensory disability, their primary disability would be the learning disability so taking Lot 2 as an example they would receive a service as part of Lot 2a.

Where an individual has sensory needs but does not have a learning disability then they would receive a service as part of Lot 2b.

As a provider, you may therefore wish to apply to deliver both parts A and B of the Lot in order to be able to accommodate both scenarios.

- 4. We do not currently charge individuals to access our service. Would this have to change if we were part of the framework contract?**

All those attending your service as part of the framework contract will be financially assessed as to whether or not they should be charged a contribution towards the services that they receive. Although not directly, if the assessment showed that they should be making a contribution, those on the contract would be paying to attend your service.

It is possible for individuals to attend the day opportunities who are not accessing the service as part of the KCC framework contract – e.g. if they are self-funding or have a direct payment to access the service. Should you wish to continue allowing others to attend free of charge, then whilst the decision about how to manage the dynamic of having some clients paying to access the service alongside others who attend for free is an in house issue for your organisation to tackle as it sees fit, it would need to be clear that the contracted rate we were paying for KCC clients was not subsidising the service costs for others.

5. Should Providers include a cost for catering in our daily rate or should this be a separate cost in addition to our daily rate?

Providers should submit costings based on their current business service model and specify the items which are included in the individual's package.

6. Do Providers need to include the costs to access externally run activities (e.g. swimming, museum visits etc.) within their daily rate?

Yes – your unit cost should reflect your business model and include all costs associated with the core offer of activities that are associated with running your service. Where there are one-off costs for activities not covered by your service, prior agreement for the additional funding will need to be sought from the Social Care Team responsible for the individual affected.

7. What are the staffing ratios required to deliver the contract?

The staffing levels are not defined as it is recognised that staffing levels are determined by the activities being delivered and the dependency levels of the individuals accessing the service. The dependency matrix is detailed in clause 14.2, and a copy of the dependency matrix has been included at the end of Schedule 2 (Template 3).

8. If we are successful in our application to be on the framework, do we have to accept all referrals sent through to us?

Providers are under no obligation to accept referrals made to them. Providers should only accept referrals that they believe are appropriate and where they feel they can best meet the needs and outcomes identified by an individual.

9. We currently have individual (spot purchased) contracts with Kent County Council to deliver day services to individuals. If we are successful in our application to be on the framework, will our existing clients migrate over to the new contract?

No. The framework contracts are only for new referrals made to services from 10th April 2017 onwards. All those with individual contracts in place that started prior to this date remain on their existing contracts – both in terms of the contracted rate and the terms and conditions associated with the contract.

10. What termination rights apply to the provider?

To exit the framework agreement as a whole, 3 months' notice is required from either side. To end a Delivery Order for an individual the notice period is 5 working days. This information can be found within the service specification.

11. The Specification states:

"32.7.1. The Provider must ensure all support staff and volunteers hold a relevant occupational standard such as NVQ Level 2 Diploma in Health and Social Care or equivalent. Those who do not already hold a relevant standard should be supported to achieve the above qualification as a minimum within 1 year of commencement of employment.

32.7.2. As a minimum staff should have the following qualifications: Hold an NVQ2, or equivalent; Working towards an NVQ3, or equivalent."

If all staff under take the Care Certificate at induction, will they now also be required to complete an NVQ/QCF qualification?

The Care Certificate is the minimum standard that should be covered as part of the induction training for new care workers. KCC wishes to commission an enhanced service and increase the knowledge base of all social care workers working with individuals within the service. The requirement for an NVQ Level 2/3 qualification (or equivalent) aims to increase the knowledge base of social care workers and ensures understanding of personal development, diversity, equality, safeguarding, supporting communication, person centred approaches, health and safety and handling information.

12. Changes are being made to NVQs. How does this affect the staff training requirements as detailed in the specification?

The specification references NVQs as these are nationally recognised qualifications to promote professional standards within the health and social care setting, and day opportunities services. The wording in the specification is:

32.7.1. The Provider must ensure all support staff and volunteers hold a relevant national occupational standard such as NVQ Level 2 Diploma in Health and Social Care or equivalent. Those who do not already hold a relevant standard should be supported to achieve the above qualification as a minimum within 1 year of commencement of employment.

As the specification states that 'an NVQ Level 2....or equivalent' is required for all staff and volunteers, this means that if NVQs are replaced then your **new** staff will need to complete the equivalent level in the new qualification.

The changes come into effect in December 2017, but will not be implemented quickly; for more information you may wish to look at the following link to find out more information from Skills for Care:

<http://www.skillsforcare.org.uk/Learning-development/Qualifications/Qualifications.aspx>

For existing staff that do not hold an NVQ, it may be that they have the appropriate level of experience that would be considered equivalent to the formal qualification, in addition to other similar qualifications. You may wish to review the details of each of these qualifications to ensure you fully understand the equivalent requirements and can ensure your in-house training has comparable units. This would mean that they can demonstrate they can meet the requirements of the qualifications framework* - supervision notes, individual staff development plans and continuing professional development should support this and show the individual's development.

*Detail regarding the qualifications framework can be found at:
<http://www.skillsforcare.org.uk/Learning-development/Qualifications/New-qualifications-framework/New-qualifications-framework-specifications.aspx>

The expectation is that all those working with individuals on the new framework contract will meet the criteria detailed in 32.7.1 of the specification, as a minimum.

13. Are providers expected to deliver services countywide?

Providers will need to decide which geographical area they are able to deliver a service within and tailor their packages of care accordingly. Providers are not required to deliver a countywide service. Some providers may have several sites from which their day opportunities are delivered; others will have only one central base.

14. As part of looking to develop the provision of Day Opportunities across Kent, do you have any locations where you would like new services to be developed to meet local needs? Or have gaps in service choice and delivery been identified?

The new framework contract enables both existing and new providers to tender and be evaluated prior to coming onto the framework. The process ensures a high standard of providers are enabled to deliver high quality community day services across Kent. During the pre-tender engagement process we discussed gaps in service provision and development areas across Kent, the notes and presentations from these engagement events are published on www.Kent.gov.uk for you to review. We will continue to update providers on gaps in provision as part of the contract monitoring process.

15. We will be offering a wide range of activities and opportunities within our day centre - because of this is, is it requisite that day care clients access the local community and other agencies?

KCC will require all Providers to deliver a wide range of activities which have a combination of on-site activities and community based activities to support the outcomes detailed in the individual's Care & Support Plan.

Clause 8.2.2 (point 3) of the Service Specification details the Equality Act requirement and the need to support equality which involves "Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low". In addition, each Lot (Part 4) details a requirement for activities to reflect the individual's aspirations. Supporting individuals in this way ensures a high quality package of care supporting the requirements of Valuing People Now, and therefore ensures individuals have an enriched and balanced package of care.

16. It is stated that this contract will be to support individuals aged 16 and over – is there an upper age limit?

The service will support individuals over 16 years of age, there is no upper age limit as the service supports individuals throughout their lifespan. KCC understands some Providers may not have the provision to support children and may wish to submit a tender to support individuals over 18 years old. As part of the tender application process, Providers are therefore asked to specify whether they will deliver services to adults (those aged 18+) or if they are also able to deliver services to young people aged 16+.

17. The spec for Lot 3 states:

"The Provider must ensure regular access to an independent NVQ qualified Careers Guidance employee for each individual within this programme."

Does 'independent' mean this guidance must come from an external provider?

"Independent" means a qualified professional who is not associated with, affiliated with or has a service where the governance or funding is linked to the Provider hosting the Lot 3 service.

18. Lot 3 includes the following possible elements within the training package:

- **Volunteer work placement (25 weeks max)**
- **Work experience (6 weeks max)**
- **Work taster day/week**

Please can you clarify which, if any, of these will count as purchased full or half day units?

Volunteer work placements, work experience and work taster days will not qualify as purchased full or half day units as they would not be delivered by the provider. The Lot 3 service is to facilitate gaining one of the three work related placements detailed above. Lot 3: Employment Support Service details (in the opening paragraph). "This service will be expected to create a clear pathway to enable an individual to access and move into paid employment within an organisation". Please see Lot 3, Section on Employment skills development "...The Provider may work with the individual to attain a volunteer work placement, Supported Internship, work experience, or work placement taster day/week linked to the outcomes for the individual....placements may be used as a stepping stone towards paid employment...."

These unpaid placements will not require a person from the Lot 3 service to be with them throughout everyday of their placement; if additional support is required so that the individual can access these placements then this can be facilitated in a number of ways e.g. voluntary organisation accessing support, Care Management commissioning through Lot 4 Additional Support Service, and in a contracted placement, the DWP Access to Work Scheme.

Introduction days (to facilitate health and safety requirements and introduce the individual) to placements, follow-up appointments, facilitating workplace dynamics will be paid at the half day or full day rate depending of the length of time needed to support the individual. Providers will be required to keep records for all support and visits.

19. An individual may need 'in-work' job coaching in the early stages and possibly for the whole duration of a volunteer work placement or work experience. This may be eligible for an Access To Work grant, but if it isn't, is this support eligible for Lot 4 support?

The eligibility of long term 'in-work' job coaching will be assessed on an individual basis. There are multiple ways in which an individual can be supported within the specialist area of 'in-work' job coaching. This may include additional support through Lot 4. However, any 'in work' job coaching will be subject to understanding the outcomes for the individuals and must be arranged with the Care Support Team for the individual. It should be assessed at regular reviews and time must be given to plan any long term support needed.

TRANSPORT ELEMENT

- 1. Is the Transport Element for the transportation of clients between their homes and the day service, or is it for transport delivered as part of the day's activities?**

The transport element of the contract is for the transportation of individuals between their home address and the service. It is not for the transport to and from activities during the day, as this cost should be met through and incorporated within the unit cost for the service.

- 2. The new contracts require 4 passengers to be on the vehicle each day. What happens until we reach a point where we have received 4 referrals to the service?**

Providers who already hold individual contracts to deliver transport:

Where providers are looking to accommodate additional individuals on the vehicles that they already operate, the additional passengers on their vehicles will be charged at their existing (individual contract) rate. Should they look to take on additional vehicles then the new framework transport contract rates would apply as below.

Providers delivering transport under the new framework contract:

As it is unlikely that providers will have 4 new people requiring transport to start at the same time, we will pay 25% of the total vehicle cost per person, per day until the minimum number of passengers is reached – as below:

1 passenger	=	£33.75 per day
2 passengers	=	£67.50 per day
3 passengers	=	£101.25 per day
4+ passengers	=	£135.00 per day

- 3. Is there an expectation that the transportation cost would need to absorb staff costs for individuals who need to be accompanied?**

The daily rate for transport was calculated to support individuals with varying needs who will need transport to/from their community day service. The calculations include driver costs, vehicle running costs and all associated costs of running a vehicle purely for travel to and from the Provider's service. We understand the costs for employing drivers together with employment support costs (covering pensions, sick leave, annual leave, and training, etc.) are the highest percentage of the total cost of delivering transport whether this is using a small or larger vehicle. When an individual is assessed by their Social Care Team as having additional needs and requiring a passenger assistant on journeys, this will be commissioned separately through the Social Care Team.

- 4. Is the KCC approved minibus provider assessment sufficient for the provision of transport for this contract?**

We will require all Providers delivering transport to ensure their drivers have successfully attained the nationally approved MiDAS (Minibus Driver Awareness Scheme) administered nationally by CTAUK; which is designed to improve minibus driving standards and enhance safer driving.

THE PROCUREMENT PROCESS

- 1. Where can I find clarification of the timetable for the Invitation to Tender (ITT), e.g. clarification deadline, appraisal time scales, contract award information etc.?**

Please refer to the *Invitation to Tender* document for details around the timescales for the tender.

- 2. We are a large organisation with day services operating in a number of different areas across the county. Do we need to submit an application for each site?**

No. For the purpose of this tender, Providers are asked to submit one application on behalf of their organisation as a whole. At this stage there is no need to specify each of the individual services you will add to the framework; this application is not assessed based on the geographical location of your service(s).

- 3. Should I include attachments and appendices to support my application?**

Schedule 4(i) - Tender Questionnaire Selection Criteria document:

Providers should only submit additional documentation when requested to do so, e.g. specific policies may be requested.

Schedule 4(ii) - Tender Questionnaire - Award Criteria document:

No appendices should be included. Where appendices are submitted they will not be read and evaluated as part of the tender submission.

- 4. Are we able to include diagrams and images to support our responses?**

Yes – within the *Schedule 4(ii) - Tender Questionnaire - Award Criteria* document tenderers can include relevant diagrams and images, but they will work towards the word count.

- 5. What prices do we need to include on Schedule 3? Is this an hourly rate? Session rate?**

This detail is contained within *Appendix C - Pricing Criteria*. Prices for Lots 1a, 1b, 2a, 2b and 3 should be submitted as daily rates and Lot 4 as an hourly rate. Further information around the units of delivery can be found in the *Service Specification (Schedule 2)*.

- 6. Within the unit cost tool we are being asked for our current costs. We anticipate that our costs will increase during the lifetime of the contract so how do we allow for this?**

The unit cost tool has been included as an aid that providers can use (if required) to help establish the current costs associated with running their service. It is not a requirement to submit this tool with your tender submission. However, it can be used to help you understand current costs and therefore establish your most commercial cost for delivery

of the service to new clients from the date that you are looking to join the framework contract.

Any changes made to legislation during the lifetime of the contract, and any likely financial impact on services we commission through the framework contract, would be reviewed on a case by case basis.

7. How is the price I submit evaluated?

The contract price awarded is directly linked to the quality score a provider achieves during the tender process. Providers should submit their most commercial offering in terms of price, in addition to their best offering in terms of quality. When these factors are evaluated providers must pass on both quality and price in order to fall within the requisite award zone and be successful in making it onto the framework. Where providers pass on quality but the price submitted requires a higher quality score than that achieved, the Council reserves the right to offer providers the opportunity to join the framework contract at the unit cost that corresponds to the quality score achieved. Providers who decide not to accept the proposed rates may choose to reapply at a later date.

8. Will any organisation be penalised for delivering as a prime contractor? Would KCC prefer consortium bids?

Organisations should make their own judgement regarding the business model they submit. Detail regarding the requirement is given within the various documents issued as part of this tender. Tenderers should note that KCC does not anticipate the use of subcontracting arrangements.

9. How many times can I apply to be on the framework contract?

A provider can apply for each Lot twice. Where a provider is unsuccessful in applying to be on the framework twice for the same Lot, then they are unable to reapply for that Lot for the remainder of the contract period.

10. My organisation has already been accepted onto the framework contract:

a. How do we apply to deliver additional Lots to those already awarded?

Providers already on the framework are able to apply for additional Lots, should they wish, at each opportunity when the tender is opened during the life of the framework contract. These points shall be at 6, 12, 24 and 36 months from the contract start date of 10 April 2017.

In terms of the tender submission:

- *Schedule 4(i) - Tender Questionnaire Selection Criteria*
Providers should check the guidance at the top of the document to establish what needs to be completed.

- *Schedule 4(ii) - Tender Questionnaire - Award Criteria*
Providers should only complete the Lot specific questions for the Lot(s) being applied for (i.e. sections B-F). Do not complete section A.
- *Schedule 3 – Pricing Schedule*
Providers should only submit prices for the new Lots being applied for.

b. We initially applied to deliver a service under Lot 1 and/or Lot 2 to one client group but not the other. We are now able to accommodate both LD and PD clients. Do we need to reapply to be able to deliver to the other client group?

As there are no separate evaluation criteria, if a provider has already successfully applied to deliver a service and is now looking to take on the other half of the same Lot, then they are not required to reapply in order to do so.

Providers should contact the Contract Manager (as detailed in the Contract) to advise of this change so that the required changes can be made to the contract, and the social care teams advised of the changes.

The price awarded for the new Lot will be that associated with the quality score achieved for the Lot in the tender process when the successful application was made.

e.g. If a provider applied to deliver Lot 1a and achieved a quality score of 55%, a maximum daily rate of £40.50 would have been agreed. If they then wished to take on individuals under Lot 1b the associated maximum unit cost for a score of 55% would be £43.00.

c. We initially applied to deliver a service to adults but are now able to accommodate young people aged 16+. Are we able to amend our contract to reflect this?

Yes. Please contact the Contract Manager (as detailed in the Contract) so that the required changes can be made to the contract and the social care teams advised of the changes.

11. What registration number do you require i.e. HMRC UTR or, if applicable, Companies house registration? What is the process for self-employed sole traders?

Providers should enter the registration numbers as applicable to their organisations. Sole Traders should identify themselves as this within 1.1.8 of the *Schedule 4(i) - Tender Questionnaire Selection Criteria* document.

- 12. A number of clauses within the terms and conditions appear to relate to Council owned premises i.e. 10, 15, 17, 28.1, 28.2, 33. Are these clauses applicable where providers are delivering services within their own properties?**

These clauses are standard terms and conditions from the Council and are included in the event that they become necessary. For those clauses that only relate to Council owned buildings, if a provider is not occupying a Council owned buildings then they would not apply. If however, the provider were to transfer / move to a Council owned building during the term of the contract then they would come into effect.

- 13. Does TUPE apply to this contract?**

Please refer to *Schedule 9 of the Terms and Conditions of Contract*, in addition to the relevant information within the ITT document. It is Kent County Council's consideration that the Transfer of Undertakings for the Protection of Employment (TUPE) may not apply and so has not collected any relevant information. It is however for organisations to satisfy themselves in this regard.

- 14. Clause 23 states "Unless otherwise indicated in the Contract Particulars, the Contract Price shall apply for the Contract Period without adjustment." The Contract Particulars state that Clause 23 does not apply - why is this?**

Kent County Council shall be under no obligation to offer a price uplift throughout the life of the contract, however will undertake a price review on an annual basis. This therefore means that as per the contract particulars, clause 23 does not apply. Providers must note however, that this shall be a review which may result in no uplift being available.

- 15. Clause 18.5 of the Service Specification lists a number of policies and procedures that must be in place, and are required to be reviewed annually. Our policy review system includes policies that require annual, bi-annual or 3 yearly review cycles, depending upon the nature of the policy/procedure. All policies are reviewed in line with legislative changes. Are annual reviews required in all cases?**

As detailed in the Specification, it is our expectation that all policies and procedures be reviewed annually. Where no changes or amendments are required the policies and procedures should still be dated to show that they have been read and reviewed in line with this requirement. Any legislative changes may result in more frequent review.

- 16. Schedule 4(i) Question 4.5 - What form should the confirmation from Directors, Partners or equivalent take? Should it be a signed letter to be uploaded as an attachment, or is a statement of clarification within the answer box sufficient?**

If the information can be completed within the box provided in *Schedule 4(i) - Tender Questionnaire*, then you may enter it there. If a separate sheet is required, you may upload it with your financial documentation. Please make sure it is clearly marked as to what question section you are answering.