

WELCOME to City of York Council's Care Act Bulletins, which provide information about the Care Act and how we're working to implement it in York.

Market shaping and commissioning of adult care and support

This section of the Care Act sets out the principles which underpin market shaping and commissioning activity and the steps local authorities should take to develop and implement local approaches to market shaping and commissioning.

Market shaping involves collaboration between the local authority and relevant partners including, but not limited to, people using services and their carers, to secure a market for care, support and related services. Local authorities will need to do this taking into account requirements of people who fund their own care, as self-funders, via Direct Payments or other means and review how it commissions services. The aim is to maintain a diverse, high quality, sustainable market both in terms of types of providers and the range of services and support that people may want to access.

In shaping the market local authorities will engage with the market to gain an understanding of likely trends and demands and to share information which enables providers to diversify and innovate and also to secure investment. Local authorities will also gain views from existing users of services as well as those who do not require local authority support to identify what services they would want to access in future.

Commissioning practices will need to be reviewed and people, as consumers, will need information and support to be able to become effective commissioners. Providers will need to demonstrate

that they work in a personalised way and achieve outcomes for people, identified and influenced by the person themselves. The market will need to be able to cope with the demands of people purchasing care and support themselves and will need to consider practical aspects such as back office functions and mechanisms for receiving payment, which may need to be more flexible than they are at present.

In commissioning services local authorities will work with stakeholders, including people with care and support needs, their carers, family members, care providers, voluntary organisations and relevant others to develop shared and agreed solutions. This form of co-production will be used throughout adult social care. Engagement with wider stakeholders will be better embedded into local authorities to ensure that the views of all parties are heard and understood. There will need to be a range of engagement opportunities, not just formal engagement processes linked to the development of a strategy or a specific piece of work, to ensure that local authorities hear messages and ideas on an on going basis.

Local authorities are required to develop local strategies, which are evidence based and reflect local needs and local markets. Following the publication of these strategies implementation plans will be developed which will identify commissioning requirements and any potential for market shaping.

In order to support providers in understanding requirements of the strategies and implementation plans local authorities will publish a Market Position Statement (MPS). The Market Position Statement will provide an overview of the local area, links to a range of strategy documents and relevant statistics and future commissioning intentions. Within the MPS local authorities will outline their understanding of the current market and provider market data to support innovation and expansion of services in areas where they are needed. This will be a key tool for providers of care and support to understand changes in requirements and opportunities to position their organisation to offer relevant services in specific localities.

The MPS will be regularly updated, as information becomes available, and will be a web based document. The main document will be an overview and will allow readers to click on links to specific data or documents without the MPS becoming an unwieldy document.

A local authority can best commence its duties of market shaping and commissioning by developing a 'Market Position Statement' (MPS) with providers. 'Shaping Care for York' (add link) was published in April 2014 providing information and analysis about care and support services for adults, concentrating on older people. The MPS outlines current understanding of the market to support innovation and expansion of services in areas where they are needed. The MPS will be regularly updated as information becomes available and is a web based document.

Under the Care Act care and support is defined on the basis of outcomes agreed between the provider and the person accessing care and support, or a group of people purchasing together. Providers need to demonstrate how they identify and agree outcomes and ensure there is a robust measurement tool or process to evidence that

outcomes are being achieved to the person's, or groups, satisfaction. In working to outcomes the focus should be on prevention, enablement, personalisation and promoting independence.

Providers will need to consider how they will charge for services, via hours, sessions, etc. They should be able to demonstrate that legal requirements are being met, for example paying National Minimum Wage, where relevant, and that staff are working to reasonable terms and conditions, have access to appropriate training, etc.

Changes in contracting arrangements will be required to respond to the requirements of the Care Act. Local authorities may delegate some contracting functions to brokers and individuals, for example via Direct Payments. When commissioning services local authorities are required to assess the financial stability and effectiveness of potential providers to deliver services of an appropriate quality and satisfy themselves that any recent breaches of regulations or legislation have been satisfactorily addressed before awarding further business. Contracts should incentivise value for money, sustainability, innovation and continuous improvement in quality and actively reward improvement and added social value. Contracts and contract management must manage and eliminate poor performance and poor quality by providers and recognise excellence.

You can view the Department of Health Care Act Guidance by visiting:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf

The factsheet regarding general responsibilities is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366080/Factsheet_1_-_General_responsibilities.pdf