

APPENDIX 1

Considerations by officers about the implementation of the Residential Care Charter within the care home sector

1. Unison has developed an ethical home care charter and a residential care charter; a link has been provided in the background papers to Unison's residential care charter.
2. Care home staff played an important role in continuity of service for its residents during the pandemic, when there was very little known about covid-19. As part of developing Southwark's Residential Care Charter, officers could not find a Charter or commitment from any other local authorities.
3. Homes that sign up to the proposed charter is a commitment to the principles of good person-centred care that recognise and celebrate the contribution of the workforce and the care home's place within the wider community in Southwark. This will complement and not duplicate Care Quality Commission (CQC) standards. On approval, officers will seek sign up to the charter from all residential and nursing homes in Southwark and across all care groups.
4. In developing the charter, officers considered:
 - Impact for, and experiences of, residents and families connected to residential and nursing care in Southwark;
 - Quality assurance in relation to standards of care and the skill of the workforce providing nursing and personal care; and
 - Value for money for all parties involved in provision of good quality, well led services.
5. CQC is a regulatory body for care and health services in England and Wales. CQC registers homes as being with or without nursing care, alongside other specialisms (such as Dementia care). The types of care home within Southwark varies across client groups, from large facilities primarily for older people and those living with long term and complex medical conditions to smaller group home settings for children and adults with learning disabilities and/or mental health need, albeit increasingly the service model for younger adults is moving towards supported living arrangements. The majority of homes tend to be provided by national and sub-regional private sector or charitable organisations.
6. Currently there are 16 registered care homes for adults in Southwark, supporting a range of different support needs, with a third nursing home opening in 2022:

Care Home registration	Total number of homes in the borough	Total number of rooms in the homes
Older People Care Homes - Nursing	2	211
Older People Care Homes – Residential only	5	249
Care Homes for Working Age Adults with Physical Disabilities	2	52
Care Home for Adults of Working Age -Substance misuse	1	26
Care Homes for Adults of Working Age - Learning Disabilities	4	18
Care Homes for Adults of Working Age - Mental Health	2	13

7. The charter is intended to apply across all ages and care groups. The charter has been developed to respond to local engagement, including the ‘I statements’ that were co-produced with older and working age residents with physical and sensory disabilities of care homes, with support from their families and local voluntary organisations such as Healthwatch and Age UK.
8. In June 2014, the council agreed the Southwark Ethical Care Charter for care at home services. This committed the council to ensure amongst other things that, by the end of October 2014, home care workers are paid as a minimum, the London Living Wage, travel time, and are offered a guaranteed level of working hours each week as an alternative to zero hours contracts. Full details of the ethical care charter can be found in the link at the end of this report. Southwark’s ethical care charter has been successfully implemented and all home care providers with council contracts have fully signed up to the charter.
9. There are numerous examples of local authorities across London and indeed the country have applied principles of the ethical care charter to homecare contracts, however it has proved difficult for officers to find similar examples regarding local authorities contracting with care homes. This reflects the fact that a provider who is awarded a contract for homecare can ensure that the staff working on the contract are working for residents whose care is paid at a rate which reflects payment of the LLW.

10. Care homes are different. The staff working in a care home may be supporting residents in the home whose care is funded by different funders/purchasers - commissioning organisations (local authorities or CCG) or self-funders (those who pay for their own care). Care homes will negotiate different rates with different purchasers to reflect volume and certainty of timely payment and therefore although an individual purchaser may wish to pay a rate that reflects the LLW for the people they are funding there is a scalability issue which this report seeks to set out and address in terms of ensuring that care homes are attracted to signing up to the Charter and the council secures value for money.
11. It should also be noted that there are self-funders who purchase their own care in registered homes within the borough. Although not responsible for funding these placements, the council has a market shaping duty under 2014 Care Act (<https://www.gov.uk/government/publications/adult-social-care-market-shaping/adult-social-care-market-shaping>) to ensure that there is sufficient supply of places. The Charter could assist self-funders in making their choices of local homes.
12. Unison launched a residential care charter in 2018 which has been promoted by the union to local authorities and care operators across the country. The Unison Residential Care Charter focuses upon pay and conditions for the workforce, training and the quality of care delivered. A link to the Union's charter can be found at the end of this report.
13. Currently only one local authority in England has agreed a residential care charter – Hartlepool Borough Council. However, the charter applies only to their in-house residential services.
14. The Fairer Futures Procurement Framework means that for commissioning exercises, officers publish tenders that include a requirement to pay the London Living Wage. In relation to the proposed nursing care contracts, officers have included a clause that requires the provider to adopt the Residential Care Charter.
15. Given the challenges set out in this briefing paper to implement the Charter, officers have identified a mechanism, as set out in the next paragraph, that allows care homes to sign up to the residential care charter without a high volume of residents being placed by the council. The proposed approach means that the reach of the Charter will not be limited to homes with block contracts and therefore makes this opportunity practically available to all care homes in the borough.
16. Officers propose paying a Southwark Supplement to care home staff, to ensure that all staff in a care home are paid at least the London Living Wage (LLW). It will only apply to staff paid below or up to 20% above the LLW. The Southwark Supplement will require a separate agreement between council and the care home provider (as employer of the care home workers). The funding will be ring-fenced with an annual uplift and regular monitoring to ensure compliance. By investing a supplement for specific staff rather than renegotiating fees, there is transparency about value for money. The council can also have increased

confidence that this investment in the workforce is being directly received by the staff for whom the money is intended. The council will seek assurances from providers on the number of staff the LLW will apply to each in each home. The council will also regularly monitor and audit its implementation in the home.

17. Officers will work with all care home providers in Southwark, regardless of whether they have a contract with the council or not, to adopt the charter. Working with commissioned providers, we will change contract terms and conditions with Southwark providers of residential, or nursing, care homes. We will also work with providers we don't currently have contracts with to adopt the principles of the charter too. This proposed approach is different from implementing Southwark's Ethical Care Charter for home care because the council is not necessarily a high volume purchaser of in care homes.
18. Officers will initially pilot the charter with care home providers who are committed to delivering the core aims of the charter. The application process for interested providers will commence from January 2022 and the criteria will include:
 - a. homes based in the borough;
 - b. At least 30% of residents in the care home are funded by the council