

5. **FEE LEVELS**

- 5.1 The rates payable in Year One of the Agreement are as detailed in Appendix A.
- 5.2 The Council shall pay variable rates as set out in Appendix A, the rate applicable per Care Home is dependent upon the Grading awarded regarding the Care Home’s compliance with the Environmental Standards and Quality Standards as detailed in Clauses 5.5 and 5.6.
- 5.3 Subsequent years will then be reviewed in accordance with the relevant Inflation Formulae as detailed in Appendix B.
- 5.4 Should the Agreement be extended as per Clause 3, the rates will be reviewed using the same Inflation Formulae for the period of the extension.

5.5 **ENVIRONMENTAL STANDARDS**

- 5.5.1 The Environmental standards applicable will be the grade awarded to the Care Home in the previous Agreement dated Should the Care Home wish to have their environmental grading re-evaluated, at any time during the term of the Agreement, the cost of this exercise will be borne by the Contractor. The Contractor may request a re-evaluation by writing to the Service Manager, Contracts and Quality.
- 5.5.2 The Environmental Grading awarded is based on the Care Home’s compliance with the National Minimum Standards Environmental Standards set out in the Care Standards Act 2000 as outlined in the table below.

<u>GRADING</u>	<u>ENVIRONMENTAL COMPLIANCE LEVEL</u>
Grade 1	100% compliance
Grade 2	75% – 99% compliance
Grade 3	55% - 74% compliance
Grade 4	Less than 55% compliance

5.6 **QUALITY STANDARDS**

- 5.6.1 The Care Home will also be monitored against a set of agreed Quality Standards, and the combination of results from the Environmental Standards and Quality Standards will determine which fee level will be paid to the Care Home.
- 5.6.2 Appendix C details the Quality Standards, and the means by which Contractors must demonstrate, or Contracts Officers evidence that they are being met.
- 5.6.3 The level of quality compliance achieved by the Care Home will be graded A – C as outlined in the table below.

	2013 – 2016 (and any extension period)
GRADING	QUALITY STANDARDS COMPLIANCE LEVEL
Grade A	All Standards fully met
Grade B	9 standards fully met
Grade C	8 standards fully met

- 5.6.4 In order to determine the level of compliance with the Quality Standards, 2 (two) Contracts Officers will visit the Care Home between April and June of each year to monitor compliance and report to the Director of Peoples Services at a meeting in June of each year with regards to the compliance with the Standards. Following the meeting the Contractor will be forwarded a Notification Letter which sets out the level of compliance achieved.
- 5.6.5 Whilst the monitoring visits and decision making process are being undertaken the Contractor will be paid the previous year's rate until a decision has been reached and agreed with the Contractor regarding their current compliance level.
- 5.6.6 The grade determined within the Quality Standards process will remain in place for the duration of the financial year unless the Contractor is found to be in breach of the Agreement and a suspension of new placements is placed upon the Care Home.
- 5.6.7 Where a Contractor is in breach of the Agreement and a suspension of new placements has been placed upon the Care Home during the year the rate payable will be reduced to a Grade C from the date of the Breach of Agreement letter, and this rate will remain until the breach of Agreement is resolved, and the Contractor has no restrictions on taking new admissions into the Care Home.
- 5.7 **APPEALS PROCESS**
- 5.7.1 If the Contractor disagrees with the Quality Standard decision the Contractor shall give written details within fourteen (14) days of the date of service the Notification Letter, the reasons why they feel the decision is incorrect. This Appeal Letter should be sent to the Service Manager, Contracts and Quality via recorded delivery
- 5.7.2 The Service Manager will review the appeal, and the evidence provided by the Contractor, and will respond in writing within fourteen (14) days of service on the Appeal Letter via recorded delivery.
- 5.7.3 If the Contractor is still not satisfied with the response, they may document in writing within seven (7) days of service of the letter from the Service Manager the reasons why they feel the decision is incorrect to the Director of People Services, who along with the Assistant Director of Adult Services will meet with both parties to ascertain if the decision is to be upheld.

- 5.7.4 During the Appeals Process the Contractor will continue to be paid the previous year's rate until the Appeals Process is completed.
- 5.7.5 The Operational Finance Section will be notified in writing of the rates applicable to the Care Home, once the fourteen (14) day period in Clause 5.7.1 has passed. Any fluctuations in fee levels will be backdated to 1st April
- 5.7.6 Notices shall be served in accordance with the terms and conditions of this Agreement.

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