

X Council

And

X Provider

Minute of Variation 2019 / 2020

in relation to the National Care Home Contract 2013-14

dated [INSERT DATE(S) OF ORIGINAL CONTRACT]

This Minute of Variation 2019-20 is made between

(1) X Council

Whose principal office is at XXX

("the Council")

And

(2) X

Whose principal and/or registered office address is at XXX

("the Provider")

WHEREAS:

- (a) The Council and the Provider entered into the National Care Home Contract 2013-14 dated XX extended, variously, in accordance with its terms ("the Contract").
- (b) The Council and the Provider now wish to extend the Contract for another year from 8 April 2019 until 7 April 2020 in accordance with Clause A.2 (Duration of Contract) and to reflect the terms set out in the National Care Home Contract settlement letter dated March 2019 issued by the Convention of Scottish Local Authorities (COSLA).
- (c) The Council and the Provider hereby agree to implement the new Council's Approved Rate of £714.90 per resident per week for nursing care and £614.07 per resident per week for residential care.
- (d) The Council and the Provider also wish to vary the Contract so as to give effect to a minimum rate of remuneration and provide for monitoring of the same within the period of this Minute of Variation.
- (e) Clause A.27 of the Contract (Variations and Court's Power to Modify the Contract) permits variations by way of a formally executed Minute of Variation.
- (f) Unless otherwise agreed, this Minute of Variation is intended to supersede and replace that previously agreed with you relative to the above matters. Accordingly, the variations apply to the extent detailed in clause 3 herein.
- (g) In consideration of their mutual obligations under the Contract, the Council and the Provider have therefore agreed to vary the Contract on the terms set out in this Minute of Variation.

IT IS HEREBY AGREED:

1. Clause A.9.31 which was inserted into the Contract by way of a previous Minute of Variation is hereby deleted and replaced in its entirety with the following new Clause A.9.31 to read as follows:-

“A.9.31 Remuneration

A.9.31.1 Providers shall ensure the following rates of remuneration apply:-

a) Staff involved in the provision of Care and who are either registered with the Scottish Social Services Council, or required to be so registered, shall receive remuneration at a rate no less than £8.75 per hour regardless of age, experience or time in employment. The rate of remuneration aforementioned shall increase from 1 May 2019 to £9.00 per hour; and

b) Where there is provision of nursing care in the Care Home by the Provider, qualified nursing staff shall be paid at Agenda for Change band 5, (the cost model benchmarks against the top point), from the effective date of this Minute of Variation (set at out paragraph 3 below).

A.9.31.2 Failure to comply with the obligations set out in A.9.31.1 will mean the Council's Approved Rate will be reduced by £25.17 for nursing care and £20.18 for residential care.

The said reduction shall be applied retrospectively from the commencement of the remuneration period or from such later date as the Council deems appropriate.

A.9.31.3 Providers hereby agree that, subject to applicable law and guidance, the rates of remuneration set out in Clause A.9.31.1 may be periodically monitored by the Council, including direct verification with Staff and those involved in the provision of the Service, and that there will be no displacement of other costs (such as for uniforms, for example) onto Staff or those involved in the provision of the Service by the Provider.

2. COUNCIL'S APPROVED RATE AND PROVIDER'S PRICE

The Council and the Provider hereby agree to implement increases to the Council's Approved Rate for nursing care and residential care as follows:-

£714.90 per resident per week for nursing care and £ 614.07 per resident per week for residential care to apply from 8 April 2019.

To reflect the variations set out herein, the Council's Approved Rate and the Provider's Price have changed as detailed in the attached Schedule, which replaces the existing Appendix 1 to the Contract in its entirety.

3. Effective Date of Variations

The variations set out herein apply with effect from 8 April 2019 until 7 April 2020, subject to any further extensions or variations that may be agreed in accordance with Clause A.2 (Duration) of the Contract unless the Contract is otherwise terminated in accordance with its terms.

IN WITNESS WHEREOF the parties have signed this Minute of Variation on the date(s) shown below

Signed for and on behalf of the Council:

SIGNATURE:.....

NAME:.....

TITLE:

PLACE OF SIGNING:.....

DATE:.....

Signed for and on behalf of the Provider:

SIGNATURE:.....

NAME:.....

TITLE:.....

PLACE OF SIGNING:.....

DATE:.....

Witnessed by:

SIGNATURE:.....

FULL NAME:.....

ADDRESS:.....

.....

Witnessed by:

SIGNATURE:.....

FULL NAME:.....

ADDRESS:.....

.....

This is the attached Schedule referred to in the foregoing Minute of Variation agreed between the Council and the Provider.

Appendix 1 – COUNCIL’S APPROVED RATE AND PROVIDER’S PRICE

[INSERT new Appendix 1 further to foregoing Minute of Variation, clause 3].