

REPORT TO: Executive Board Sub Committee

DATE: 1st April 2011

REPORTING OFFICER: Strategic Director Children and Young People

SUBJECT: Contracted Services for Disabled Children and their Families – Waiver of Procurement Standing Orders

1.0 PURPOSE OF THE REPORT

1.1 To request the suspension of the relevant Procurement Standing Orders 3.1 to 3.7 and 4.1 to 4.3 (tendering/ competitive requirements), under the exceptional circumstances set out in this report, which places a requirement on the Council to tender or obtain quotes for contracts set up with external providers in the voluntary and independent sector.

2.0 RECOMMENDATION: That

- 1** In light of the exceptional circumstances set out below, for the purpose of standing order 1.8.2, Procurement Standing Orders 3.1 to 3.7 and 4.1 to 4.3 be waived on this occasion in order to extend existing voluntary sector contracts for the provision of services to disabled children, in order to ensure continuous care and support; and
- 2** the Strategic Director, Children and Young People be authorised, in conjunction with the portfolio holder for Children Young People and Families, to enter into contracts, listed in Table 1 for one year from April 2011 to the end of March 2012 to enable the necessary consultation and full participation from young people and carers; including their involvement in the decision making processes for the awarding of contracts as required by the Breaks for Carers of Disabled Children Regulations (Paragraph 6(1) (c) section 25 of the 2008 Act).

TABLE 1

Provider	Contract	Price for Extension Period
Crossroads	Short Breaks	£48,960
Barnardo's	Befriending Service	£49,051
Barnardo's	Brokerage Service	£20,000
HAFS	Family Breaks	£46,966
Halton Play Council	Runcorn After School Club	£25,304
Halton Play Council	Inclusive Play Schemes	£28,052
Halton Speak Out	Bright Sparks and Planning for Life	£56,000
		Total £274,333

3.0 SUPPORTING INFORMATION

3.1 The Aiming High for Disabled Children programme was launched by DCSF and DH in 2007 to transform and prioritise services for disabled children and their families. Most of the additional resources to implement AHDC were dedicated to increasing the provision of short breaks. Short Breaks have two main aims: to provide a break from caring to enable a carer to continue to care for their child in the long term; and to enable disabled children to participate in safe, fun and interesting activities.

3.2 The AHDC programme was supported with additional revenue and capital funding available in Halton for 3 years and this ceases in March 2011. The present Government have stated that funds to continue to deliver Short Breaks are provided within The Early Intervention Grant however there is less funding available than in previous years. Some of Halton's Short Breaks services have been provided through Core Funds and Carers Grant, which also ceases next month.

3.3 In 2008, Halton was providing short break services for 137 disabled children through core funding and Carers Grant. The target set to increase this by March 2011 was 360 and by end of December 2010 407 children and young people were accessing a service. This is still steadily increasing. In the first three quarters of this financial year we have delivered 21,998 hours and 1033 nights against 22,817 hours and 1151 nights of breaks in the full year of 2009/10. This does not include the support available through Direct Payments, Individual Budgets and some community sports and leisure events.

3.4 Halton has commissioned short breaks services from a number of local and national organisations in addition to the direct provision available from HBC, which is delivered from Inglefield Residential Centre, Outreach, Family Based scheme and Children Centres. As Halton was a Pathfinder for AHDC the contracts with the providers have been in place for 3 years. These are monitored on a quarterly basis to ensure that they meet their contractual requirements and deliver quality services.

4.0 BUSINESS CASE FOR WAIVING STANDING ORDERS

4.1 Value for money and Competition

4.1.1 The current contracted service providers have been delivering the services since 2007 and are well established voluntary sector organisations with an extensive knowledge and understanding of Halton and the needs of its local community. Officers will keep services under review to ensure desired outcomes continue to be achieved and that the method of service delivery remains the most cost effective option for the Council.

4.1.2 Although the report requests extensions for a 12 month period, it is intended that the newly reconfigured services be commissioned earlier and we would intend to go to market with a view to awarding new contract by the end of December 2011 (with a start date of April 1st 2012). This will then enable a sufficient lead in period in order to facilitate the appropriate support of children and families through the transition. This process will be carried out in conjunction with Adults & Community services to identify areas for joint commissioning.

4.2 Transparency

In order to ensure transparency it is proposed that all services will continue to submit performance reports to named lead commissioning officers. The frequency and detail will be agreed by the relevant Commissioning Manager as part of the contract compliance process. Subject to issues of commercial confidentiality information about the contracts would be accessible under the Freedom of Information Act and under the annual audit process.

4.3 Propriety And Security

The extension of these contracts complies with Halton Borough Council's standing orders and procurement processes. The contract specifications set out requirements in respect to minimum standards for the delivery of care and support and will include comprehensive standards relating to the safeguarding of children and young people. The cost of entering into these contracts will be contained within existing available budgetary provision.

4.4 Accountability

Operational Director for Children and Families would be responsible for the award of the contract. The contracts and the award process are open to PPB Scrutiny and the internal and external audit.

4.5 Position of the contract under the Public Contracts Regulations 2006

As these contracts are for educational and social care services, they are largely exempt from the 2006 Regulations so there is no need to advertise for expressions of interest in the official Journal.

5.0 POLICY ISSUES

The Breaks for Carers of Disabled Children Regulations (Paragraph 6(1) (c) section 25 of the 2008 Act) means that the authority now has a duty to ensure that we continue to provide the full range of short breaks

services including care in and out of the home, specialist and non specialist group sessions, emergency and overnight support.

- 5.1 In future the commissioning for short breaks must have full participation from young people and carers including their involvement in the decision making processes for the awarding of contracts.

6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children and Young People in Halton**

The providers will enable regular opportunities for disabled children and young people to have positive social and leisure experiences with their peers in their communities. They will also promote positive outcomes and independence.

6.2 **Employment, Learning and Skills In Halton**

A number of the providers help to support and enable vulnerable service users to access education, training and employment opportunities.

6.3 **A Healthy Halton**

Each of the services covered in this report is expected to clearly demonstrate the impact their service has on the health and well-being of service users in Halton. This includes performance towards healthier lifestyles, better access to services and improved outcomes.

6.4 **A Safer Halton**

Contracts within this report provide support to vulnerable children and their carers and help them to access a range of services. This supports targets set out in Halton's Prevention and Early Intervention Strategy and links to satisfaction with services and overall perception of the area in which people live.

6.5 **Halton's Urban Renewal**

None

FINANCIAL IMPLICATIONS

Financial implications of the contracts listed in Table 1 will be met from existing budgetary provision.

7.0 **RISK ANALYSIS**

The current contracts for Short Breaks services are due to end on 31st March. If the waivers are not agreed then the short breaks services will end and The Council may not be able to fulfil its legal duty under the new regulations

Failure to have services in place will additionally lead to families being placed under increased pressure and we will not meet our statutory duties.

In future the commissioning for short breaks must have full participation from young people and carers; including their involvement in the decision making processes for the awarding of contracts in granting the waiver the

Department will be able to fully implement the new provisions in a transparent and meaningful way.

8.0 EQUALITY AND DIVERSITY ISSUES

The Green Paper published on 9th March 2011: Support and Aspiration: A new approach to special educational needs and disability, highlights the fact that the life chances of disabled children and young people are disproportionately poor compared to their non disabled peers and the development of short break services has had a positive impact upon outcomes for disabled children and their families.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.