

## CABINET

14 FEBRUARY 2012

<b>Title:</b> Framework Contract for the Provision of Short Break Activities for Disabled Children and their Families	
<b>Report of the Cabinet Member for Children and Adult Services</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
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<b>Accountable Divisional Director:</b> Meena Kishinani, Divisional Director, Strategic Commissioning and Safeguarding	
<b>Accountable Director:</b> Helen Jenner – Corporate Director of Children's Services	
<b>Summary:</b> <p>This report seeks the authority for the procurement of a Framework Agreement for the provision of short breaks and activities for disabled children. This tender, facilitated by East London Solutions and in collaboration with the London Boroughs of Waltham Forest (the lead borough), Havering, Redbridge and Tower Hamlets. The tender will result in a framework agreement in place for a range of Short Break providers from April 2012 for a period of four years.</p> <p>Efficiencies are anticipated by moving from a block contract towards a framework contract. Call off's will be based on a clear indication of need over a defined period of time. There will be efficiencies realised by promoting universal services to those children and young people who do not need a huge amount of support and are able to attend mainstream schools and activities. Efficiencies will also be made by a reduction in administrative effort and cost for the contracting authority; in addition the initial tendering process allows contracting authorities to identify competitive suppliers, who should offer more competitive prices on the basis of an expected volume of business.</p> <p>The resulting framework will also give Parents, Carers and Young People more choice and flexibility.</p>	
<b>Recommendation(s)</b> <p>The Cabinet is recommended to agree that:</p> <p>(i) The Council participates in the joint procurement with the London Boroughs of Waltham Forest (lead borough), Havering, Redbridge and Tower Hamlets and facilitated by East London Solutions, of a Framework Agreement for the provision of short break activities for disabled children and their families, on the terms detailed in</p>	

this report;

- (ii) Advise, in accordance with the Constitution (Contract Rules 3.6.4) whether Cabinet would wish to be further informed or consulted on the progress of the procurement and award of contracts, or would be content for the Corporate Director of Children's Services, in consultation with the Corporate Director of Finance and Resources, to enter into the framework agreement upon conclusion of the procurement process.

### **Reason(s)**

To assist the local authority in improving outcomes of children with disabilities and SEN across all five priority outcome areas specified in the children and young people's plan:

- 1 Ensure children and young people in the borough are safe
- 2 Narrowing the Gap - raise attainment and realise aspiration for every child
- 3 Improve Health and Wellbeing, with a particular focus on tackling obesity and poor sexual health
- 4 Improve support and fully integrate services for vulnerable children, young people and families
- 5 Challenging Child Poverty - preventing poor children becoming poor adults

The framework agreement will allow choice and flexibility for families to access short breaks that meet their individual needs.

## **1. Introduction and Background**

- 1.1 Short breaks provide invaluable support for disabled children, young people and their families. While children are given opportunities to become more independent, have fun, enjoy new experiences, and form friendships with their peers; their families are able to take time out to recharge their batteries. Short breaks can reduce the risk of family breakdown and prevent children needing to be placed in high cost placement away from their family and local environment.
- 1.2 There are many forms that short breaks can take, including daytime, evening, weekend and overnight activities. They can take place in the child's own home, a family based setting, a residential, educational or community setting, or in their local environment. A short break can last from just a few hours to a few days or longer. The activities can include sporting activities, play schemes, pre-school groups, youth clubs, overnight settings, nurseries, the arts or dance. Short breaks can also include activities where someone other than a parent or carer accompanies a disabled young person for informal leisure activities - for example to go swimming; to go to the cinema; to watch a football match; to play on his/her computer at home; to have a sleep over with a friend, or to spend time in town or the park.
- 1.3 In May 2007, HM Treasury published a report called 'Aiming High for Disabled Children (AHDC): Better Support for Families', based on the Government's review of services for disabled children.
- 1.4 The Government wants disabled children to be a priority both nationally and locally, and recognises that more needs to be done to improve the lives of disabled children and their families.

- 1.5 Following a review of the opportunities available to disabled children; the AHDC programme was launched in May 2007 to transform disabled children's services
- 1.6 The report recommended ways to improve services by:
- empowering disabled children, young people and their families;
  - promoting more responsive services and timely support;
  - boosting provision of vital public services.
- 1.7 One of the recommendations was to recognise the critical importance and significant benefits of short breaks for disabled children and their families.
- 1.8 A Central Government evaluation of the short breaks programme published in December 2010 showed the positive impact that short breaks can have on families with disabled children – with 88 per cent of families surveyed currently using some form of short breaks service. However it was recognised that there is more work to be done to better target services and make sure all families have access to a wide range of support.
- 1.9 Families with disabled children told the Government their number one priority is regular and reliable short breaks from caring. This Framework agreement will significantly increase the volume and range of short breaks for disabled children.
- 1.10 It is important to ensure that families can access the right breaks at the right time, and the short break menu through Direct Payments and Individual Budgets will enable Parents, Carers and Young People to select the services they want from all the short breaks on offer. There will be a wide range of breaks including play schemes, sports, group activities, and befriending services. By taking part in this joint commissioning exercise the Council will significantly increase the range and volume of services. In addition, the work is shared across the boroughs and the impact on resources for the individual boroughs is reduced.
- 1.11 The funding for short breaks is included in the Early Intervention Grant for local authorities and is protected which means that Government will monitor it's spending closely.

## **2. Proposal and Issues**

- 2.1 This will be a competitive tender exercise for the appointment of a number of provider's within a multi-supplier framework agreement in accordance with the Council's Contract Rules. The supplier's offer to provide services will be held open for the duration of the framework agreement, ready for acceptance by the ELS boroughs for what could be a single contract or a series of mini-contracts, each 'calling off' under the terms and conditions established.
- 2.2 The Framework agreement will allow for the smooth implementation of Direct Payments and Individual Budgets.
- 2.3 Direct payments and Individual Budgets are a central part of the personalisation agenda, the drive to give service users choice and control over the care services they receive.

- 2.4 Direct payments are made by the local council. They are for people who are assessed as needing help from social services, and prefer to arrange and pay for their own care and support services. This is instead of receiving them directly from the local council. Parents and carers who are in receipt of direct payments will have the option to purchase services directly from those organisations that are included in the framework secure in the knowledge that these organisations have been vetted extensively and have in place all the necessary safeguarding requirements.
- 2.5 The Framework agreement will consist of 5 lots:
- Lot A – School Holiday Play Scheme, After School Provision and Saturday Provision
  - Lot B - Buddying/befriending and enabling young people to access universal services
  - Lot C – Weekend/Overnight Breaks
  - Lot D – Transitions Support /Independence Skills
  - Lot E – Family based respite from registered foster carers
  - Lot F – Training programme for parents of children with Autistic Spectrum Disorder
- 2.6 The minimum standard documentation will specify clearly the need for the service to be of the highest quality and will be closely monitored by Children’s Services’ Officers with the lead borough ensuring quality and compliance.

### **3. Current Position**

- 3.1 Within Barking and Dagenham currently there are 6 local providers delivering a variety of services that range from simple befriending for children on the Autistic spectrum to Weekend respite for children and young people with more complex needs. The interim contracts are due to expire in March 2012.
- 3.2 Service Providers are aware of the intention to allow Parents/Carers and Young People to access direct payments and individual budgets and therefore have the ability to purchase services directly from them. This tender exercise will invite competition which should help to keep costs affordable for families and provide them with an approved list of local providers. This will allow them choice and flexibility to meet the Childs individual needs.

### **4. Consultation**

- 4.1 A number of detailed consultations with Parents, Children and Young People have taken place and most recently at the Barking and Dagenham 3rd Parents and Carers conference held on Saturday 22<sup>nd</sup> October 2011.
- 4.2 Consultation that took place during August 2011 showed that a large number of children and their families were not aware that there are services that they could access potentially for free within universal settings. Swimming can also be accessed free through the Street Base Connect or Splash Card by earning points. Reaching out to these families and raising awareness of universal services is critical for all those involved in providing short break services.

- 4.3 In April 2011 Firstcare was commissioned by London Borough of Barking and Dagenham Short Breaks Commissioners to provide a review that would maximise the effectiveness of their funding of the third sector and other providers in its delivery of Aiming High for Disabled Children Short Breaks services.
- 4.4 Its purpose was not only to support the council in ensuring that its commissioning arrangements continue to provide best value for money but to provide feedback to local voluntary organisations and other providers that will assist them to develop their services and internal structures in such a way as to ensure a long-term sustainable future for their service delivery in the light of the forthcoming move to Personalisation and Direct payments.
- 4.5 Firstcare conducted the review using a mix of research methodology. This included: a desk review and analysis of available documentation as provided by the client and local organisations involved in Short Breaks service delivery; field visits to service delivery organisations; mini-groups with parents; discussion groups with young people; and a web-based parental survey.
- 4.6 There is also still a large gap in knowledge on short break services, in both the range of services available and the number of parents that know what they are 'entitled' to access. Work has been undertaken to address the above issues via the Short Break Core Offer and Short Break Statement.
- 4.7 In addition a Market Warming Day was held on Tuesday 11<sup>th</sup> October 2011. Providers from Barking and Dagenham were invited to attend to discuss the forthcoming tender. Discussions are also being held with Barking and Dagenham CVS to hold workshops to ensure that local providers are confident and feel able to make an application.

## **5. Financial Implications**

Implications verified by: Dawn Calvert

- 5.1 There is budget provision for funding short breaks within the Children's Services budget. This budget is a Children's Social Care budget and is therefore currently out of scope for Elevate procurement coordination
- 5.2 The indirect cost of the tender process and monitoring and managing of the contract throughout the contract term will be met through the existing staffing costs/resources within Children's Services. The tender exercise will assist in assessing the financial stability of any prospective provider. One of the tender evaluation criteria will be based on the financial viability of the providers to ensure the sustainability of the provision.
- 5.3 All prospective providers will have their financial viability assessed. Providers will also be requested to submit a copy of their accounts for the last two years and credit checks will be requested for those providers who progress through to the second stage of the tender.

## **6. Legal Implications**

- 6.1 In this report Cabinet's approval is being sought for the Council to enter into a tendering exercise for the setting up a framework agreement. The procurement of the Framework Agreement will be in partnership with other boroughs, namely Havering, Redbridge, Tower Hamlets and Waltham Forest, for the provision of the short break activities for disabled children and their families.
- 6.2 The Public Contracts Regulations allows local authorities to enter into framework agreements with service providers, following a competitive tendering process, and to select service providers to provide particular services, as and when required, from the established framework agreements.
- 6.3 This report states that the framework agreement is intended to run for a period of four years. This complies with the provisions of Regulation 19 (10) of the Public Contracts Regulations 2006, which stipulates that a Framework Agreement should not run beyond four years unless in exceptional circumstances.
- 6.4 The particular service to be procured in this report is classified as a Part B service and therefore not subject to the strict tendering rules in the Public Contract Regulations. However in conducting the procurement, the Council still has a legal obligation to comply with the relevant provisions of Rule 3 of the Council's Contract Rules and with the EU Treaty principles of equal treatment of bidders, non-discrimination and transparency in procuring the contracts.
- 6.5 The report explains in paragraph 7.2.4, that a two-stage tendering process is to be undertaken, commencing with expressions of interest being invited from potential bidders. The report also states that the tender is to be advertised on a few websites, including the Council's website. This complies with the EU Treaty principles noted above which generally encourage the advertisement of contracts in a manner that would allow any providers likely to be interested in bidding for the contracts identify the opportunity and bid for the contracts, should they wish to do so.
- 6.6 In deciding whether or not to approve the proposed procurement of the framework agreement, Cabinet must satisfy itself that the procurement will represent value for money for the Council.
- 6.7 In accordance with Rule 3.6.4, the report additionally requests that Cabinet indicate whether it wishes to be further informed or consulted on the progress of the procurement and appointment of successful bidders onto the framework agreement, or whether it is content for the Corporate Director of Children's Services, in consultation with the Corporate Director of Finance and Resources to monitor progress of the procurement and approve appointment of the successful bidders onto the framework agreement upon conclusion of the procurement exercise.
- 6.8 Contract Rule 13.3 provides delegated authority to the commissioning Corporate Director, in consultation with the Section 151 Officer (the currently the Corporate Director of Finance and Resources), to appoint successful bidders onto a framework agreement upon conclusion of a duly conducted procurement exercise, in the absence of direction to the contrary from Cabinet.

6.9 The Legal Practice confirms that there are no legal reasons preventing Cabinet from approving the recommendations of this report.

## **7. Other Implications**

### **7.1 Risk Management**

7.1.1 The tender exercise will assist in assessing the financial stability of any prospective providers.

7.1.2 Once financial stability has been established the main risk involved will be the quality of the service delivered. Technical ability will be assessed during the tender stages. Providers will be expected to demonstrate:

- five years relevant experience;
- a commitment to quality and continuous improvement;
- evidence of commitment to enhancing the lives of disabled children
- a commitment to engaging children and young people in service delivery design
- evidence of commitment to staff development and training

7.1.3 To ensure that the families are able to access local provision, we will work collaboratively with Barking and Dagenham CVS to assist and encourage local Voluntary and Community providers to submit tenders. A commissioning workshop took place on 1st September 2011 and a Market Warming event took place on the 11th October. Additional workshops delivered in partnership are planned for early December/January.

7.1.4 Once a provider has been chosen by a call off process, written contractual arrangements will contribute to ensuring a quality service. The contract will have a dedicated contract manager. Quality assurance will be assed jointly as Boroughs will share monitoring and evaluation information. Individual boroughs will monitor those services that they have contracted through Call Off by requesting written evidence and reports showing performance against the Performance Targets to the Authorised Officer for each borough on a quarterly basis. Where services have been contracted jointly; the Provider will be required to submit information to all authorities and an agreement will be made between contracting authorities on who will be the Lead.

7.1.5 Council Officers will conduct unannounced monitoring visits focusing on the quality of the provision. Quality surveys will be conducted by the Provider and the Council and will be aimed at Parents / Carers and Children. The Provider will have to report any complaints made to the Council.

7.1.6 Providers delivering services for children and young people under 8 will be subject to external inspection from Ofsted. For Providers of services for children and young people over 8 we will encourage voluntary registration with Ofsted. Applicants will need to supply personal information, sign a declaration that they can meet the requirements and give evidence of a valid first aid certificate. After that they will be asked to submit a number of documents, including their completed Criminal Records Bureau (CRB) and application form.

7.1.7 All Providers will be expected to comply with both local and national safeguarding policies and this will be monitored by Council Officers. These checks will assist Parents and Carers when purchasing services via direct payments and individual budgets to feel confident that the Service Providers has had vigorous checks completed.

7.1.8 The Provider shall, at its own expense, attend all Performance Review Meetings. The purpose of Performance Review Meetings shall be to discuss and examine:

- performance and Performance Targets;
- payment;
- Contract terms;
- service-related issues, particularly where suggestions for improvements in the Services are proposed;
- continuance and/or extension of the Contract;
- any relevant areas of concern; and
- any other relevant matters.

7.1.9 The Authorised Officers may assess the Provider's performance in other manners including (without limitation):

- Service User surveys and feedback;
- Complaints and compliments;
- Visits and inspections by Council Officers;
- Case studies which demonstrate achievement of the above Outcomes;
- Ad hoc requests for information; and
- Performance Review Meetings.

## 7.2 **Contractual Issues**

7.2.1 The tender process will be conducted in compliance with European Union rules and principles and Council Rules. The tendering of Short Breaks will be advertised on the Council's website and on The London Tenders Portal. The London Tenders Portal is the public sector procurement portal for all London Boroughs.

7.2.2 This portal will support the procurement process and help local authorities and other organisations in the public sector to achieve better value from their buying, whilst providing suppliers with easier access to new business opportunities and contracts.

7.2.3 There is no requirement for this tender to be advertised in the OJEU as this is a Part B service and this tender is, therefore, not subject to full EU regulations. However it will be advertised on other appropriate websites. Interested parties will be invited to tender on the basis of an open tender.

7.2.4 This is a two-stage process. The first stage will be to invite expressions of interest requiring the completion of a pre-qualification questionnaire (PQQ) which will be assessed against the responses given. This will result in a shortlist progressing to the next stage.

7.2.5 All Providers invited to tender will be advised of the detailed price/quality criteria and weightings in the tender documentation. The price weighting will be 40% and quality will be 60%.

The following scoring will be used:

- 38 points on service delivery model;
- 10 points on performance management;
- 15 points on quality assurance
- 10 points on staffing policy and structure
- 7 points on training policy and procedures
- 7 points on health and safety
- 3 points on added value
- 10 points on equality and diversity

These processes will result in a shortlist of preferred providers.

#### 7.2.6 Expected Tender Outline

Cabinet Approval	14th February 2012
Tender evaluation	28 <sup>th</sup> February 2012 - 15 <sup>th</sup> March 2012
Approval and award	March 2012
Contract delivery	1 <sup>st</sup> May 2012

7.2.7 There is no obligation for Barking and Dagenham to purchase services from this framework; however; if we were to go out to tender alone for the range of services covered within the framework, the procurement exercise would take one (1) officer a period of six (6) months to complete

7.2.8 One practical effect of a framework agreement is the freedom to award contracts without the need to re-advertise and re-apply the selection and award criteria. This alone will lead to all parties saving the substantial time and cost of repeat bidding. More importantly, frame working is about having a long-term partnership between the supplier, client and other stakeholders that creates the working environment needed to support continuous improvement.

7.2.9 Continuous improvement requires a system for establishing objectives and targets and monitoring performance. Frameworks offer the structure needed to measure and improve performance during a project and to compare successive projects to see that lessons are transferred from project to project.

### **7.3 Customer Impact**

7.3.1 Children's Services will be responsible for supporting the providers to deliver high quality services. The call-off contract will specify expectations in this respect. Regular equality impact assessments will be made.

### **7.4 Safeguarding Children**

7.4.1 As this is a service for one of our most vulnerable groups the chosen providers will be required to conform to all our local and national safeguarding procedures. This will be checked at the tender stage and post appointment by regular and unannounced monitoring

### **Background Papers Used in the Preparation of the Report:**

None

### **List of appendices:**

None