

Report of Commissioning & Market Management Service

Report to Director of Children & Families

Date: November 2017



Subject: To implement a call-off arrangement with one provider on an existing ISW framework. The call-off implementation period will begin on 01/01/18 and run for a period of up to twelve months to 31/12/18.

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. The report seeks the approval of the Director of Children and Families to utilize an existing framework (LCC28381) to implement a call-off period with a single provider (Reed Specialist Recruitment Ltd) for up to twelve months from 1st January 2018 to 31st December 2018.
2. A separate decision will be taken to extend a second framework contract (9MWE-SMNB7Y) to 31st December 2018 enabling both frameworks to continue to run concurrently.
3. This request seeks to invoke a utilization of a call-off period in order to maintain the continuation of an existing service. An options appraisal for specialist short breaks support for children and young people with SEND is currently in the process of being finalised and approved following the completion of a short breaks commissioning review.
4. The existing framework is due to come to end on 31/12/17 and no further extensions are available. There are four providers on the Individual Support Workers (ISW) framework however only one is willing to continue this type of support from 2018 due to individual business decisions. The framework operates on a call-off system for packages of support and we want to utilize a call-off

period with the one remaining provider to cover any placements made with them over the next twelve months whilst the options appraisal is finalised.

5. The expenditure on this framework in the financial year 2016/17 was just over £302 thousand pounds and the value of this agreement is expected to be similar. A notional budget is available for this provision. This is a call-off framework contract and all expenditure is approved via a resource and allocation decision-making panel (RADAR).

Recommendations

6. The Director of Children and Families is recommended to agree the implementation of a call-off period with Reed Specialist Recruitment Ltd for a period of up to 12 months from 1st January 2018 to 31st December 2018. This will ensure continuity of current support whilst an options appraisal is completed informing future commissioning plans for this type of support. The indicative spend against this contract is £302k over the full 12 months period.

1 Purpose of this report

- 1.1 The report seeks the approval of the Director of Children and Families to implement a call-off period with a single provider for a period of up to twelve months from 1st January 2018 to 31st December 2018.

2 Background information

- 2.1 Children and Family Services (Complex Needs) currently have in place a framework contract for delivery of Independent Support Work (ISW). The current framework contract runs in conjunction with a second framework for ISW support and together, 6 providers work with just under 40 children and young people. The Complex Needs Service would like to continue with both arrangements for a period of up to 12 months to 31st December 2018 whilst an options appraisal for specialist provision for children and young people with SEND is completed as part of the commissioning review of short breaks.
- 2.2 The current framework was issued in January 2014 to 4 providers, one of whom subsequently made a business decision to cease undertaking work with children. Two providers have recently informed Commissioning & Complex Needs officers of their intention to cease this work after 31st December 2017 therefore the call-off period will be issued to a single provider, Reed Specialist Recruitment Ltd.
- 2.3 The purpose of this provision is to enable disabled children, young people and their parent/carers who require specialist short breaks services to access personalised day-time and evening short break activities in a variety of settings both within the community and the family home. Disabled children and young people who have needs that are met by specialist service provision can be described as having complex needs and life limiting illness.
- 2.4 Paragraph 6(1) (c) of the Children Act 1989 requires Local Authorities to provide services designed to assist carers of disabled children by giving them breaks from caring. This Duty came into force on 1st April 2011 and requires each Local Authority to:
- Offer short breaks as a preventative early intervention strategy;
 - Offer a range of short breaks services to parents/carers;
 - Publish a statement of those services to parents/carers and to regularly review the statement.

3 Main issues

Reason for Contracts Procedure Rules Waiver

- 3.1 This service ensures Leeds City Council meets a statutory duty to provide a specialist short break to those children/young people with an assessed need. A

short breaks commissioning review has recently concluded with the remit of reviewing all short breaks services, from universal provision, targeted support and specialist short breaks (of which the ISW service forms a part of). The Project Team included representation from parent/carer group EPIC and undertook a significant amount of consultation with all stakeholders including families, providers, and professionals. Data analysis so far supports anecdotal opinion within the Complex Needs Service that ISW packages are reducing in number - there are currently around 36 active packages.

- 3.2 An options appraisal for the ISW service (alongside other short breaks services) is due to be discussed at The Children and Families Commissioning Board. Until a final option has been approved, there remains a need to provide ongoing support to children and young people currently receiving a service from framework providers plus any newly approved packages. This framework supports children and young people with the most complex levels of additional need and helps avoid family breakdown – assisting with the Councils' key ambition of ensuring children remain with families and numbers of children looked-after reduce appropriately.
- 3.3 Due to the small numbers of packages being approved, the Head of Commissioning and the Short Breaks Review Project Team believes it makes sense to continue with the current arrangements whilst commissioning recommendations are finalised and implemented.
- 3.4 Any commissioning activity arising from the options appraisal of ISW will be undertaken in line with Contract Procedure Rules.
- 3.5 This is a demand-led service and referrals will continue to be agreed on an individual basis by the Radar panel.
- 3.6 Providers under this framework are subject to ongoing contract management and there are no performance concerns currently.

Consequences if the proposed action is not approved

- 3.7 If this waiver is not approved, LCC are in danger of failing to meet their statutory duty and support to children and young people with complex care needs could break down.

Advertising

- 3.8 The value of the contract will not exceed the OJEU threshold of £589,148. However giving the work to this provider without competition could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, that it has not been wholly transparent. This risk is mitigated to an extent as this is a 12 month interim arrangement.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Stakeholder consultation formed a significant part of the short breaks commissioning review. Children and young people, parents and carers, parents' participation groups and a wide range of professionals were consulted both face to face, online or during short breaks sessions and data is in the final stages of being analysed. This data is being used to inform the options appraisal and subsequently the future commissioning plans for ISW support hence the need to put an interim arrangement in place.
- 4.1.2 Service providers have been informed of the intention to continue with current arrangements via the call off process described in this report.
- 4.1.3 Discussions have taken place with the Head of Service and Service Lead to confirm proposed contract arrangements for service delivery.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The issuing of a call-off period to an existing provider means that the current service delivery model will continue delivering to the same clients plus any new referrals. This decision will not have any adverse impact on any equality group. An equality impact assessment screening has been undertaken.

4.3 Council policies and Best Council Plan

- 4.3.1 This fits with the Children and Young People's Plan 2015-2019 priorities to;
 - Ensure that the most vulnerable are protected
 - Improve outcomes for CYP with special educational needs and disability
 - Help children to be in safe, supportive families

4.4 Resources and value for money

- 4.4.1 This call-off period represents value for money and reduces disruption to the existing services by ensuring continuity from 1st January 2018 to 31st December 2018.
- 4.4.2 There is a budget in place to cover the value of this decision.
- 4.4.3 This is a call-off framework contract and all expenditure is approved via a resource and allocation decision-making panel (RADAR).

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This report requests approval to call of an existing framework for a period of 12 months with Reed Specialist Recruitment Ltd. The other providers currently listed on framework have made a business decision not to deliver this type of support under this framework arrangement in future.
- 4.5.2 There is no legal obstacle preventing approval of this call off from the existing framework and the Director of Children and Families should be satisfied that the course of action chosen represents Best Value for the Council.
- 4.5.3 During this 12 month call off arrangement an option appraisal will be completed to identify the best option for this type of support in future and appropriate actions taken. Any procurement activity resulting from this will be undertaken in line with Contracts' Procedure Rules and European Procurement Regulations.

4.6 Risk Management

- 4.6.1 There is minimal risk of challenge as this is a continuation of an existing service. Stakeholders have been involved with the short breaks review and so are aware of the need for interim arrangements.
- 4.6.2 If the call-off period is not approved, there is a significant risk to families of disruption to the service their child or young person currently receives. There is also a significant risk to future children and young people assessed with a need for a specialist short break.
- 4.6.3 All short breaks aim to prevent family breakdown and in particular those at the specialist end of the spectrum for those children and young people with the highest level of additional need. Without this contract in place there is a risk of increased family breakdown.

5. Conclusions

- 5.1 The Director of Children & Families is recommended to note the contents of this report and approve the implementation of a call-off period for up to twelve months with Reed Specialist Recruitment Ltd as detailed in this report.

6. Recommendations

- 6.1 The Director of Children and Families is recommended to agree the implementation of a call-off period from the Individual Support Workers framework contract without competition to a single current provider for a period of up to 2 months from 1st January 2018 to 31st December 2018. This will ensure continuity of current support whilst an options appraisal is completed informing future commissioning plans for this type of support. The indicative spend against this contract is £302k over the full 12 months period.

7. Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.