

Decision Maker: CARE SERVICES PORTFOLIO HOLDER

Date: For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Wednesday 22 January 2014

Decision Type: Non Urgent Non Executive Non Key

Title: FRAMEWORK AGREEMENT FOR CHILDREN WITH DISABILITIES SERVICES

Contact Officer: Hilary Rogers, Service Manager (Joint Commissioning)
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Chief Officer: Executive Director of Education, Care & Health Services

Ward: All Wards

1. Reason for report

- 1.1 Bromley Council has had arrangements in place for a number of years with a limited number of agency providers who can deliver short breaks and personalised care services for disabled children and young people.
 - 1.2 Officers across 4 neighbouring boroughs, led by London Borough of Lewisham, have worked to procure a new provider framework of 22 agencies, ensuring good quality and pre contracted charging rates which will provide better value for money than the existing arrangements.
 - 1.3 Formal agreement is now required by way of an Access Agreement with Lewisham which enables Bromley Council to use the agencies on the framework from January 2014.
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2. **RECOMMENDATION(S)**

- 2.1 The Care Services PDS Committee are asked to comment on the content of this report;
- 2.2 The Portfolio Holder is requested to approve the establishment of an Access Agreement with London Borough of Lewisham which will permit Bromley Council to use agencies under the terms and conditions and rates agreed within the new Provider Framework from January 2014 to December 2016.

Corporate Policy

1. Policy Status : Existing Policy Education and Care Services Plan 2013/14:
 2. BBB Priority: Children and Young People - Enjoy learning and achieve their full potential; ensuring the health and wellbeing of children and young people and their families, promoting independence
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Financial

1. Cost of proposal:: Contained within current resources of £2,570,000 which represents the total current budget for all Short Breaks (including staff costs) and which provides Short Breaks to approximately 390 disabled children and young people.
 2. Ongoing costs: Annual recurring costs:
 3. Budget head/performance centre: Children & Young People Care Services Disabled Children & Young People
 4. Total current budget for this head: Total spend on Short Breaks for 2012/13 was £2,569,280 (including staff costs)
 5. Source of funding: Revenue Support Grant
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Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement:: Children Act 1989 requiring local authorities to provide services designed to give breaks for carers of disabled children.
Regulations relating to this duty enforced April 2011 (Short Breaks Duty).
 2. Call-in: Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Currently approximately 15 per annum, projected to increase to 30 + p.a.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 Bromley Council has had arrangements in place for a number of years with a limited number of agency providers who can deliver short breaks and personalised care services for disabled children and young people.
- 3.2 In November 2012, ECH Commissioning Division entered into a Participation Agreement with the London Borough of Lewisham which agreed that commissioners from Lewisham Council, Lewisham Clinical Commissioning Group (CCG), Southwark Council and Southwark CCG, Greenwich Council and Bromley Council and Bromley CCG would work together to procure a more extensive supply of agency providers who could deliver good quality and competitively priced short breaks and personalised care services by way of a provider framework.
- 3.3 The above proposal was tendered in summer 2013. Lewisham Council took the lead on the procurement process and a final list of acceptable providers was drawn up which makes up the list of providers on the framework.
- 3.4 Lewisham Council has established the framework and Bromley Council is now formally being asked to enter into an 'Access Agreement' with Lewisham Council to enable Bromley to use the framework.
- 3.5 The Access Agreement will allow Bromley Council to contract with a provider on the same terms and conditions as are set out in the Framework Agreement.
- 3.6 There are a total of 22 providers accepted onto the framework, all of which are registered with the Care Quality Commission (CQC).
- 3.7 The contracted charging rates of the 22 providers are lower than those currently obtained through existing arrangements.
- 3.8 Arrangements for approximately 15 parents/carers were organised with agency providers during 2012/13, with a similar number anticipated for 2013/14. This number is likely to increase once the efficiencies afforded by the framework agreement can be put into operation.
- 3.9 The contractual arrangement with the providers is for an initial period of two years from January 2014, with the possibility of a two year extension thereafter.
- 3.10 This proposal provides a good model of effective cross borough working which ensures a robust competitive market and which ensures that best value for money is obtained. Use of the framework also minimises the level of procurement staffing input and therefore is more efficient than the current arrangement.
- 3.11 In the event that parents/carers of disabled children wish to access agency provision directly using a direct payment or their own funds, they will be provided with details of the framework and the providers have undertaken to provide these services at the same rates as those charged to the Council.

4. POLICY IMPLICATIONS

- 4.1 This proposal provides greater scope to ensure that the needs of disabled children and young people can be addressed in terms of greater choice and personalisation.

5. FINANCIAL IMPLICATIONS

5.2 The average hourly rate of provision commissioned through the framework is £12.50 per hour compared to spot purchase costs of £16 per hour. Costs will be contained with the current budget resource.

6. LEGAL IMPLICATIONS

6.1 The Children's Act 1989 requires local authorities to provide services designed to give breaks for carers of disabled children and regulations relating to this duty were brought into force in 2011, requiring each local authority to offer a relevant range of short break services for disabled children and young people who have a disability that has a substantial and long term adverse effect on their ability to carry out normal day to day activities. This duty has not been tested in the courts.

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| Non-Applicable Sections: | Personnel Implications |
| Background Documents: (Access via Contact Officer) | Framework for the assessment of children in need and their families http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DH-4014430 Framework for the assessment of children in need and their families http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DH-4014430 |