

**Decision Maker:** EXECUTIVE

**Date:** 7<sup>th</sup> September 2011

**Decision Type:** Non-Urgent Executive Key

**Title:** CONTRACTUAL ARRANGEMENTS FOR SERVICES FOR PEOPLE WITH LEARNING DISABILITIES

**Contact Officer:** Carol Fletcher, Procurement Officer  
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**Chief Officer:** Terry Rich, Director of Adult and Community Services

**Ward:** Bromley Common and Beckenham Wards

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1. Reason for report

In April 2008 the ACS Portfolio Holder approved the setting up of a framework agreement for the provision of support services to people with a learning disability. The care contract for residents at Kings Hall Road (now transferred to Brosse Way) and The Elms was awarded to Avenues Trust under the framework from 1<sup>st</sup> October 2008. The contract was for a period of 3 years with the option to extend for a further period not exceeding 2 years. This report seeks approval to extend the said care contract with Avenues Trust for 2 years under the terms of the contract, expiring on 30<sup>th</sup> September 2013.

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2. **RECOMMENDATION(S)**

The Executive is requested to agree to extend the care contract with Avenues Trust for services to people with a learning disability at The Elms and Brosse Way for 2 years until 30<sup>th</sup> September 2013 in line with the option in the contract.

## Corporate Policy

1. Policy Status: Existing policy.
  2. BBB Priority: Supporting Independence.
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## Financial

1. Cost of proposal: Estimated cost £169,640 per annum for The Elms and £251,680 per annum for Brosse Way
  2. Ongoing costs: Recurring cost.
  3. Budget head/performance centre: 819 201 3618
  4. Total current budget for this head: £4,913,120 for 2011/12 (includes other service users not resident at these two schemes)
  5. Source of funding: The Learning Disabilities and Health Reform Grant of £8.37m transferred to the Council from the Primary Care Trust in 2010/11
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## Staff

1. Number of staff (current and additional): N/A - all staff are employed by Avenues Trust
  2. If from existing staff resources, number of staff hours: Approximately 20 hours per annum of Contract Compliance Officer time to monitor the Contract.
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## Legal

1. Legal Requirement: Statutory requirement. Services originally provided under Section 75 of the National Health Service Act 2006
  2. Call-in: Call-in is applicable
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 10
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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

### **3. COMMENTARY**

- 3.1 This contract arose from the requirements set out by the Department of Health to enable people with a learning disability who lived within Bromley Primary Care Trust (PCT) residential accommodation to move into their own homes within the community with individualised support packages tailored to meet their needs.
- 3.2 A consortium arrangement was tendered in August 2007 to identify providers to create a framework agreement to supply care support services for the PCT Re-provision Programme. A report was presented to ACS Portfolio Holder in April 2008 (ACS08063) detailing the providers selected for the consortium. The contract to support clients with learning disabilities resident at Kings Hall Road and the Elms was awarded to Avenues Trust, who were members of the consortium panel of approved providers, from 1<sup>st</sup> October 2009. The contract price was based on the assessed need of each individual service user using a mix of core and one to one support hours and included a variation clause to cover any amendments in price resulting from changes in service users and/or their assessed need. The Executive later endorsed the contract period of 3 years with the Council having the option to extend the service for an additional 2 years (ACS09028).
- 3.3 The property at Kings Hall Road was assessed for long term use within the PCT Re-Provision programme but did not meet the needs of the residents. Refurbishment costs were prohibitively expensive and alternative accommodation for residents was sought. As a result the service at Kings Hall Road moved to 15 Brosse Way in July 2010. This was a new build property on the Bromley Common site. A variation to the care contract with Avenues Trust was put in place to cover the change of service from Kings Hall Road to Brosse Way.
- 3.4 Avenues Trust is currently providing the care and support services to a satisfactory standard within both The Elms and Brosse Way. It is proposed to invoke the extension to the contract with Avenues Trust for two years from 1<sup>st</sup> October 2011 to 30<sup>th</sup> September 2013, which will align the end date of this agreement with other supported living contracts awarded under the Re-provision programme.

### **4 POLICY IMPLICATIONS**

The services are consistent with the objective in Building a Better Bromley to support vulnerable people to live independently and in accordance with national policy as set out in Valuing People Now, and to ensure compliance with the requirement by the Department of Health to re-provide services for everyone with a learning disability living in NHS Campus accommodation.

### **5 FINANCIAL IMPLICATIONS**

- 5.1 Funding for Learning Disabilities and Health Reform Grant of £8.37m transferred to the Council from the Bromley Primary Care Trust in April 2011/12. The £8.37m transfer figure was based on 2010/11 prices and no provision was made for inflationary increases.
- 5.2 The £8.37m funding included services at Brosse Way and The Elms totalling £251,680 and £190,640 respectively. The budget for The Elms covered 6 service users but at present there are only 5 service users living there resulting in an under spend of £21,000 at The Elms for 2011/12 .
- 5.3 The budget of £21,000 at The Elms is being used to fund a service user at an alternative placement and therefore the 2011/12 budget for The Elms has now been reduced to £169,640.
- 5.4 Extending the contracts for 2 years has no additional financial implications as cost can be contained within the overall budget available.

## 6 LEGAL IMPLICATIONS

- 6.1 Contract Procedure Rule 23.7.3 states that subject to any requirements of Financial Regulations, statutory restrictions and compliance with any provisions of the EU Procurement Regulations, a Chief Officer may authorise the exercise of a contractual option to extend an existing contract provided the contractor has performed satisfactorily.
- 6.2 Whilst the value of this contract extension would normally fall to be dealt with by the Portfolio Holder, in view of the need to finalise the extension by the end of September and the fact that the matter has previously been considered by the Executive, it was considered appropriate to report the matter to it again. It should be noted that the value for formal reporting to the Executive would normally be in excess of £1M and although it is unlikely the extension would reach this it will nevertheless be around £0.8M.
- 6.3 Officers can confirm in accordance with Contract Procedure Rules that the contractor has met the required contract performance standards.

## 7 PERSONNEL IMPLICATIONS

- 7.1 As staff transferred from the Primary Care Trust to Avenues Trust under TUPE arrangements when the contract was awarded, there are no direct personnel implications for the Council.

<b>Non-Applicable Sections:</b>	N/A
Background Documents: (Access via Contact Officer)	Report to ACS Portfolio Holder April 2008. ACS08063.  Report to Executive 30 <sup>th</sup> March 2011. ACS 09028. Contractual Arrangements for the Re-provision of Bromley Primary Care Trust Residential Services for People with a Learning Disability.