

DELEGATED POWERS REPORT NO.**SUBJECT: EXTENSION OF SHORT BREAKS CONTRACTS 2013 / 2014****Control sheet**

All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to the Governance Service for publishing

All reports		
1. Governance Service receive draft report	Name of GSO Date	DPR 21.02.13
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Paul Frost 28.02.13
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Fin. officer Date	Collette Sutton 28.02.13
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Res. officer Date	Lesley Meeks 22.02.13
5. Strategic Procurement clearance obtained (<i>report author to complete</i>)	Name of SPO Date	Lesley Meeks 22.02.13
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Sheila Saunders 05.03.13
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 21.02.13
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Andrew Nathan 21.02.13
9. The above process has been checked and verified by Director, Head of Service or Deputy	Name Date	Sue Reeve 05.03.13
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of GSO Date	DPR 08.03.13
11. Report published by Governance Service to website	Name of GSO Date	Andrew Charlwood 02.04.13
12. Head of Service informed report is published	Name of GSO Date	Andrew Charlwood 02.04.13
Key decisions only:		
13. Expiry of call-in period	Date	N/A
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet Members & Head of Service	Name of GSO Date	

ACTION TAKEN BY CABINET MEMBER (EXECUTIVE FUNCTION)

Subject	Extension of Short Breaks Contracts 2013/14
Cabinet Member	Cabinet Member for Education, Children and Families
Date of Decision	7 March 2013

Summary	This report seeks authorisation to extend the Short break Block Contracts with various providers for a six month period to the value of £341,350. This value includes the spot purchase of additional provision by the Disabled Children's Team.
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Officer Contributors	Sue Reeve, Interim Divisional Manager, Complex needs, Children's Services
Status (public or exempt)	Public
Wards affected	All
Enclosures	None
Reason for exemption from call-in (if appropriate)	Not applicable
Key decision	No

Contact for further information: Sue Reeve, Interim Divisional Manager, Complex needs, Children's Services. Tel 020 8359 7721.

Serial No. 1985

1. RELEVANT PREVIOUS DECISIONS

- 1.1 Cabinet Resources Committee, 7 November 2011 approved the award of contracts to 10 organisations for the provision of short breaks for the period January 2012 to the end of March 2013; with the option to extend contracts by a further year, subject to funding being available and providers meeting performance requirements.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The Short Breaks contribute to the priorities of the Council's Corporate Plan by delivering 'Better services with less money' through efficient procurement and contract management. 'Sharing opportunities, sharing responsibilities' by supporting families to continue caring for their children within their community and 'A successful London suburb' by providing a range of quality services which enhance the council's reputation with families, schools and the local community.
- 2.2 Short Breaks provide support to disabled children, young people and their families which increase their capacity to achieve their potential, reduce the risk of family breakdown and the need for more expensive interventions including out of family and specialist placements. This contributes to the corporate priorities of reducing the gap in achievement and the early intervention and prevention strategy.

3. RISK MANAGEMENT ISSUES

- 3.1 If the contracts for the Short Break providers are not extended for commencement from 1 April 2013 there will be disruption to the delivery of these services to families. This would have the dual effect of families not receiving the support they require and reputational damage to the Council.
- 3.2 This risk will be mitigated by the extension of the contracts and efficient monitoring of the provider's performance throughout the duration of the contract.

4. EQUALITIES AND DIVERSITY ISSUES

- 4.1 The Equality Act 2010 requires that a public body in the exercise of their functions must have "due regard" to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act; (b) advance equality of opportunity between different groups; and (c) foster good relations between different groups. The Council in extending the contracts has considered the potential impact on the protected groups, pursuant to the Equality Act 2010

- 4.2 Short Break services support a diverse population of disabled children and young people with a wide range of physical and learning disabilities sensory impairments, Autistic spectrum conditions and complex health needs including life limiting conditions. Children and young people with the highest levels of need and the most vulnerable have been targeted to benefit from Short break services.

5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

Finance

- 5.1 The funding of the Short Break contracts is held within the Complex needs budget and the budget allocation for 2013/2014 is £1.217m. The value of the original short breaks contract was £775,175 for 2012-13, additional spot purchasing expenditure was made by Disabled Children's Team (DCT) within agreed budgets. The value of the short break contracts to be extended by this DPR is £341,350 for the period 1 April 2013 – 30 September 2013. The funding for the contract extension has been identified within the Complex needs budget and the Disabled Children's Team budget.
- 5.2 The extension of the contracts will contain any inflationary pressure while maintaining consistent service provision.
- 5.3 A further report will be taken to Cabinet Resources Committee on 18 April 2013 to seek future authority for the continued provision of these services.

Procurement

- 5.3 Contracts were awarded in January 2012 following full adherence to the required procurement processes as set out in the Council's Contract procedure Rules.
- 5.4 Cabinet Resources Committee on 7 November 2011 approved the option to extend the contracts by a further year subject to funding being available and satisfactory performance.

Performance & Value for Money

- 5.5 Under the Terms and Conditions of their current contracts the ten providers have been subject to quarterly monitoring of their performance, reporting on both qualitative and quantitative information related to service delivery. Additionally, the Short Break Co-ordinator is in regular contact with providers to review performance and the outcomes for the children and young people referred to their service.

- 5.6 The value of the Short Break contracts is fixed with no uplift included throughout the contract period 2013/14.

Staff, IT and property

- 5.7 There are no implications arising from this request.

6. LEGAL ISSUES

- 6.1 Section 17 of the Children Act 1989 imposes a general duty upon the Council to make provision of services for children in need, their families and others. For the purpose of discharging this general duty, the Council must comply with the specific duties and powers set out in Part 1 of Schedule 2 to the Act. Part 1 of Schedule 2 to the Act imposes a specific duty upon the Council to provide services designed to minimise the effect on disabled children within their area of their disabilities and to give such children the opportunity to lead lives which are as normal as possible. Schedule 2 further provides that this specific duty must be performed in accordance with regulations made by the appropriate national authority.

- 6.2 The Breaks for Carers of Disabled Children Regulations 2011 (SI 2011/707), require that the Council, in performing the above-mentioned duty, must: (a) have regard to the needs of those carers who would be unable to continue to provide care unless breaks from caring were given to them; and (b) have regard to the needs of those carers who would be able to provide care for their disabled child more effectively if breaks from caring were given to them to allow them to

- a. Undertake education, training or any regular leisure activity;
- b. meet the needs of other children in the family more effectively; or
- c. carry out day to day tasks which they must perform in order to run their household.

- 6.3 Under Section 17 Children's Act 1989, the local authority has a duty to provide services to children deemed to be 'in need' as defined by that Act. The spot purchase of short break services by Disabled Children's Team is required where the level of the child's individual need exceeds the level of service ordinarily allocated through short breaks provision.

- 6.4 The provision of a short breaks service falls within Part B of Schedule 3 to the Public Contracts Act 2006 (as amended). As such, the application of the full European procurement regime is not triggered but the Council must act transparently and fairly and in a non discriminatory way in securing the continued provision of the service.

7. CONSTITUTIONAL POWERS

7.1 Constitution, Part 3 – Responsibility for Functions, Section 3.2 states a Cabinet Member can discharge functions within their portfolio.

7.2 Contract extensions are permitted, subject to compliance with the provisions of Council Constitution, Contract Procedure Rule 5.6.1 - The Acceptance thresholds for contract additions, extensions and variations, provide that:

5.6.1 In the case of an extension to a contract:

5.6.1.1 The initial contract was based on a competitive tender or quotations;

5.6.1.2 The initial contract has not been extended before;
and

5.6.1.3 The value of the extension is less than half the cost of the existing contract without the extension and has a budget allocation having had regard to the following:

i. If initial contract was subject to EU tender procedure that the extension option was declared within the OJEU notice; acceptance report (Delegated Powers Report/Cabinet Resources Committee Report) and the contract includes extension clauses

ii. If initial contract value was subject to sub EU threshold procedure (Barnet tender/ quotation process) the extension does not take the value past EU threshold.

7.3 The above criteria are met.

8. BACKGROUND INFORMATION

8.1 In November 2011, Cabinet Resources Committee gave approval to award contracts to ten providers for the period January 2012 to the end of March 2013, with the option to extend contracts by a further year, subject to funding being available and the provider meeting performance requirements.

8.2 As outlined in section 6.2 above, Disabled Children's Team spot purchase provision, to meet the requirements of Section 17 of Children's Act 1989, with some of the providers of the Short Breaks contracts. Disabled Children's Team manage this spot purchase expenditure within pre-agreed budget parameters. The contractual relationship with the providers will fall within the terms of the contracts with the relevant service providers.

8.3 In addition to the regular performance management of the contracts, review meetings have taken place during November and December 2012 with the providers. All the providers have provided satisfactory

performance in terms of their service delivery to families and their management of resources.

- 8.4 As the providers have met the requirements for contract extension approved by Cabinet Resources Committee it is recommended that the contracts are extended for 6 months based on the annual values as follows:

Organisation	Current Contract Values 1 Jan 2012 – 31 March 2013	Recommended Contract Extension Values 1 April 2013 – 30 September 2013 (Additional DCT spot purchase value)
Action for Kids	£32,824	£15,050
Barnet Carers Centre	£10,494	£4,250
Barnet Mencap	£50860	£20,400 (£6,500)
Community Focus	£40563	£16,100
IPOP/Fair Play Barnet	£396,796	£171,500
Kisharon	£23,420	£9,400
Noah's Ark	£11,109	£4,450
Norwood	£44,278	£17,750
Resources for Autism	£145,311	£63,400 (£5,000)
SNAAP	£19,520	£7,550
TOTAL	£775,175	£329,850 (£11,500) = total £341,350

9. LIST OF BACKGROUND PAPERS

- 9.1 None.

10. DECISION OF THE CABINET MEMBER FOR EDUCATION, CHILDREN AND FAMILIES

I authorise the following action:

- 10.1 to extend each of the Short break Contracts, with the Providers listed in paragraph 8.4 (above) for a six month period, the value of each, individual extension being below £173,934, whilst the value of all of the extensions will total £341,350.

Signed

Councillor Andrew Harper

**Cabinet Member for Education, Children
and Families**

Date

7 March 2013