

Cabinet – 16 June 2021

Extension of the Complex Care (Children’s) Services Framework Agreement

Portfolio: Councillor Wilson Portfolio Holder for Children’s Services

Related portfolios: Councillor Towe Education and Skills

Service: Children’s Services

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

1.1 For the Council to remain compliant with the contractual arrangements that provide home care and community support for children with Special Educational Needs / Disabilities needs and that delivery is fit for purpose, supports the current Special Educational Needs / Disabilities review and remains in line the with Council’s strategic priorities.

2. Summary

2.1 This Framework provides access to home support (commonly known as domiciliary care) to Special Educational Needs / Disabilities children with complex medical, physical and social / emotional needs. The Executive Director of Children’s Services is requesting from Cabinet the authority to enter into extended contractual arrangements to ensure continuity of service for provision under the of Complex Care (Children’s Services) Framework, which said arrangements will otherwise expire on 31 July 2021.

Should this Framework not be extended our statutory provision will continue, however, this would change to spot purchasing and the existing costs could rise as providers would no longer be subject to their originally tendered price.

With this extension, support to many complex children will continue uninterrupted with known providers. Because of the Covid epidemic, many disabled children withdrew from this support as they shielded at home and some have experienced a period of separation or reduction in support from their regular carers. This extended Agreement will allow children to re-engage or continue with support from familiar providers after coming out of this long lockdown period.

2.2 Also, over the last two years, there has been a specific increase in demand to support children with complex learning disability and autism needs. Much of this

demand is joint funded by the Black Country Clinical Commissioning Group for those with autism and learning disabilities. This situation has resulted in an increase of spot purchasing of more skilled non-Framework agencies.

2.3 This extension will also support the implementation of the Children with Disabilities Action Plan following the recent service review. During this contract extension, the Council will be able to identify how future support services can be commissioned. There is now opportunity within the market to introduce a new Framework with a more varied and skilled membership of providers to meet the range of developing complex needs. The Council will be looking to invite the Black Country CCG to join this new framework making future joint funding and shared support for children more easily accessible.

2.4 This is a key decision as it exceeds the threshold for significant expenditure of £250,000 and impacts upon all wards.

3. Recommendations

3.1 That Cabinet approves the extension of the Complex Care (Children’s Services Framework Agreement from 1 August 2021 until July 31, 2022

3.2 That Cabinet delegates authority to the Executive Director for Children’s Services, in consultation with the portfolio holder for Children’s Services, to enter into a further extension, if deemed necessary, of contractual arrangements from 1 August 2022 until 31st July 2023, and subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents.

3.3 That Cabinet delegates authority to the Executive Director for Children’s Services, in consultation with the portfolio holder for Children’s Services, to authorise any variations to the contractual arrangements for services identified above, should this be required at any time during the term, in line with Public Contracts Regulations 2015 and the Council’s Contract Rules.

4. Report Detail

4.1 The Provision of Complex Care (Children’s Services) Framework Agreement was first awarded on 1st August 2017 for two years with the options to extend by two 12-month periods to 31st July 2021. The Complex Care (Children’s Services) Framework delivers a range of domiciliary and personal care services to an average of 30 – 40 children at any one time. Demand for this type of support can fluctuate for a variety of reasons.

These services meet the needs of our children and young people with Special Education Needs and/or Disabilities and/or complex care needs in Walsall. These children are eligible to access support from the care agencies that are on this Framework when recommended from a social work or community nursing assessment and provided that they are considered as a child in need as set out in the Children Act 1989, the Carers and Disabled Children Act 2001 and the Children and Families Act 2014.

TABLE 1

FRAMEWORK PROVIDERS
5 Care Services
Harmony Care Homes (2003) Limited
AMG Consultancy Services Ltd t/a AMG Nursing and Care Services
Care Avenues Limited
Primera Assisted Living Limited
Care XY limited
Just Call 4 Care Services Limited
Progress Adult Living Services LLP
Promises of Care
Staff Management Ltd t/a Active Assistance
Acorns Children's Hospice Trust

4.2 Framework Providers deliver personal and intimate care for children and young people to enable them to live ordinary lives, assist and relieve parent / carers and to enjoy life experiences as similar to any other child. Personal support is delivered both inside and outside of the family home and includes support to access:

- personal and intimate care
- leisure and community activities
- life skills experiences
- transition into adulthood support
- social and communication support
- accessing medical / school / community activities

4.3 The Framework provides personal care and daily routine to ensure that some children are ready for school and learning, preventing unnecessary absences. There may be an occasion where specific trained care staff are required to escort a child to school or education facility alongside school transport provision. The Framework also provides care in the evening to assist with meal times and preparing the children for bed, including bathing and toileting and may involve lifting and handling, support with meal times, medication regimes, washing and dressing and other personal care tasks.

4.4 The Children's Commissioning Service is undertaking a review of Short Break delivery including the future of this Framework Agreement in line with the wider review of the Children's with Disabilities Team and Special Educational Needs and Disability. In order to examine alternative commissioning and delivery models, children's commissioners will engage with a wide range of external and internal stakeholders.

The proposed extension to this Framework Agreement will allow sufficient time to undertake a further analysis of the benefits of a new Framework and run any appropriate strategic procurement processes prior to the Framework expiring on or before 31st July 2023.

This will allow opportunity if any joint venture with Adult Services and Black Country CCG can be considered as part of an All Age Disability Service. Extending this Framework will strengthen future young adult transition outcomes as Children's and Adult Services (All Age Disability provision at Goscote) work more in tandem. This extension will also allow further scoping to inform future joint commissioning models.

4.5 **Council Corporate Plan priorities**

The Complex Care (Children's) Services Framework Agreement supports the following priorities set out in the Council's Corporate Plan 2018-2021:

- People have increased independence, improved health and can positively contribute to their communities.
- All Council services are efficient and effective.
- Children have the best possible start and are safe from harm, happy, healthy and learning well.
- Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion.

4.6 **Risk management**

The extension of the Framework Agreement will ensure the Council purchase of care services for children in need continues to be compliant with its Contract Rules and is able to respond safely to local demand and meet all statutory duties and requirements of service delivery.

4.7 **Financial implications**

Any spend commitment against the Framework Agreement will be within the Council's approved budget.

The spend to date under the Framework Agreement is detailed in table 1 below:

TABLE 2	2020/21	2019/20	2018/19	2017/18
	£	£	£	£
Total Framework Spend	208,589	134,193	285,387	223,385

Any 1-year extension period is estimated to be £215k per annum, giving a potential 2-year extension value of £430k. This has been calculated based on the average cost spent on these providers over the past four years. Costs can fluctuate depending on the level of care required by the children using the service. There is sufficient ongoing budget to cover the expected costs of the proposed extension of the Framework.

Any potential for savings and efficiencies will be realised through increased joint funding with the Black Country CCG, where appropriate, and efficient operational oversight of assessment of need outcomes. The subsequent implementation of a future framework would look to secure better value spend with a range of new providers / framework members.

4.8 **Legal implications**

Children's Services will liaise with Legal Services to ensure an extension of the current contractual arrangement is carried out compliantly and using legally

binding methods and in accordance with any relevant requirements of the existing Framework Agreement.

4.9 Procurement Implications/Social Value

4.10 All procurement activity will need to be undertaken in compliance with Public Contract Regulations 2015 (the Regulations) and the Council's Contract Rules. Procurement and legal services will coordinate to ensure that there is a consistency of advice and approach.

4.11 As the contract extension options which were originally available in the contract have now been used, in order to extend this contract further this contract must be modified in line with Regulation 72 of the Regulations. This regulation sets out the scenarios under which contracts which are subject to the Regulations can be modified.

4.12 Procurement advice has been sought as to whether or not this modification falls under the range of modifications which are permitted by Regulation 72. The main considerations under Regulations 72 (c), are in relation ,to whether or not the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen (i), whether or the modification alters the overall nature of the Contract (ii) and the value of any modification (iii)

4.13 Procurement has considered these factors and advice relating to these is summarised below:

- i. Could this need for a modification have been foreseen by a diligent contracting authority – the reason that this modification is required and that a competitive procurement process has not commenced is due to the impact of the COVID-19 pandemic, which is a situation which could not have been predicted.
- ii. Value – the proposed modification is for £430,000, which is within the limit of 50% of the original contract value (£890,000)
- iii. Overall nature of the contract – this modification is to extend the services for a period of up to 24 months, rather than to materially change the subject matter of the contract.

4.14 On this basis Procurement has advised that this contract modification would be compliant with Regulation 72 of the Regulations, and the Council's Contract Rules.

4.15 Procurement will ensure that all notices which need to be published in order to carry out in line with the Regulations and guidance published by the Cabinet Office.

4.16 During the scoping of any benefits, which can be realised through any future commissioning activity, there might be opportunities to implement initiatives that enable benefits to be realised prior to any recommissioning of these services. In these instances, procurement will provide specific advice in relation as to how any additional changes could be implemented in compliance with the Regulations.

4.10 *Property implications*

There are no property implications arising from this report.

4.11 *Health and Well-Being implications*

This Framework enables the Council to meet its statutory requirements to support the more vulnerable children in our area and ensure they have access to suitable and safe care-giving agencies, greater access to inclusive experiences, the best start in life and an easing of the demand upon parent / carers. This type of care support gives children and young people opportunity to maximise their capabilities and have the same control over their lives as those who are non-disabled.

4.12 *Staffing implications*

There are no staffing implications arising from this report.

4.13 *Reducing Inequalities*

This Complex Need Framework specifically aims to reduce further impact of inequality experienced by children and young people who potentially can miss out on social and inclusive entitlement by reducing parent / carer fatigue and stimulating healthy family and lifestyle experiences. An Equality Impact Assessment will later form part of any consultation and engagement process when considering the commissioning of a new and more diverse Complex Needs Framework.

4.14 *Consultation*

A public consultation has not been required as there is no change to the current Framework delivery.

Internal consultation has been undertaken with Procurement, Property Services, Public Health, Human Resources, Communications Team, Finance, Legal Services, Access and Inclusion, Adult Social Care, Children's Services Director of Social Work, Director of Commissioning and Early Help, Director of Access and Inclusion. Any comments received have been embedding in this report and a record of consultation is attached.

5. *Decide*

5.1 Cabinet is requested to decide upon the proposal of entering into extended contractual arrangements for the continued provision of Complex Care (Children's) Services Framework as set out in this report and to agree the recommendations as outlined in section 3.

6. *Respond*

6.1 Subject to Cabinet approval of the recommendations, Children's Services will:

- (a) Extend the current Framework agreement from 1st August 2021 to 31st July 2022 with the option to extend by up to 12 months to 31st July 2023 and

make any variations, therefore ensuring that appropriate contractual Arrangements are in place.

- (b) Return to Cabinet in future for authority to award any new Complex Care (Children's) Services Framework after completing a compliant tendering and procurement exercise that will better meet the diverse and complex needs of our children with Special Educational Needs / Disabilities.

7. Review

- 7.1 Once extended this Framework Agreement will be reviewed in line with the Children's Services contract management review process.

Background papers None

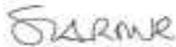
Attached papers Internal Council Consultation

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08.06.2021