

LONDON BOROUGH OF CROYDON

To: all Members of the Council (via e-mail)
Access Croydon, Town Hall Reception

PUBLIC NOTICE OF KEY DECISIONS MADE BY THE CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE & LEARNING ON 20 SEPTEMBER 2017

In accordance with the Scrutiny and Overview Procedure Rules, the following decisions may be implemented from **1300 hours on 28 September 2017** unless referred to the Scrutiny and Overview Committee:

The following apply to each decision listed below

Reasons for these decisions: are contained in the **attached** Part A report

Other options considered and rejected: are contained in the **attached** Part A report

Details of conflicts of Interest declared by the decision maker: none

KEY DECISION REFERENCE NO.: 3217CYPL

Decision Title: Direct award of the contract for children's social care occupational therapy

The Leader of the Council has delegated to the Cabinet Member for Children, Young People & Learning the power to make the decisions set out below.

Having carefully read and considered the Part A report, including the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the report, the Cabinet Member for Children, Young People & Learning in consultation with the Cabinet Member for Finance and Treasury has

RESOLVED to the use of a waiver in accordance with Regulation 18 of the Council's Tenders and Contracts Regulations for the reasons set out in the report, to directly award a contract to Croydon Health Services NHS Trust for the provision of children's social care occupational therapy (the OT Service) for a maximum term of one year to commence as soon as possible after approval for a total contract value of £202,000, pro-rata according to the contract period aggregate value from 2009 to 31st March 2019 £1.8m.

Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 28 September 2017** (5 working days after the decisions were made) unless referred to the Scrutiny and Overview Committee.
2. The Director of Law and Monitoring Officer shall refer the matter to the Scrutiny and Overview Committee if so requested by:-
 - i) the Chair or Deputy Chair of the Scrutiny and Overview Committee and 4 members of that Committee; or
 - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Jim Simpson by the deadline stated in this notice. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
 - i) The grounds for the referral
 - ii) The outcome desired
 - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
 - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Director of Law and Monitoring Officer, this would cause undue delay. In such cases the Director of Law and Monitoring Officer will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.
7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the decision taker for reconsideration, setting out in writing the nature of the concerns.
8. The Scrutiny and Overview Committee may refer the decision to Full Council if it considers that the decision is outside of the budget and policy framework of the Council.
9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.

10. The Full Council may decide to take no further action in which case the decision may be implemented.
11. If the Council objects to the decision it can nullify the decision if it is outside of the policy framework and/or inconsistent with the budget.
12. If the decision is within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision. The decision taker shall choose whether to either amend / withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
13. The response shall be notified to all Members of the Scrutiny and Overview Committee
14. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
15. URGENCY: The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process.

Signed: Director of Law and Monitoring Officer

Date: 21 September 2017

Contact Officers: jim.simpson@croydon.gov.uk;
james.haywood@croydon.gov.uk

PROFORMA

REFERRAL OF A KEY DECISION TO THE SCRUTINY AND OVERVIEW COMMITTEE

For the attention of: Jim Simpson, Democratic Services & Scrutiny
e-mail to jim.simpson@croydon.gov.uk
and james.haywood@croydon.gov.uk

Meeting:
Meeting Date:
Agenda Item No:

Reasons for referral:

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

The outcome desired:

Information required to assist the Scrutiny and Overview Committee to consider the referral:

Signed:

Date:

Member of _____ Committee

For general release

REPORT TO:	Councillor Alisa Flemming, Cabinet Member for Children, Young People & Learning
AGENDA ITEM:	n/a
SUBJECT:	Direct award of the contract for children’s social care occupational therapy
LEAD OFFICER:	Suzanne Toomer, Senior Commissioning Manager, Children’s Integrated Commissioning Team
CABINET MEMBER:	Councillor Alisa Flemming Cabinet Member for Children, Families and Learning and Councillor Simon Hall Cabinet Member for Finance and Treasury
WARDS:	All
<p>Relevant Corporate objectives:</p> <p>Independence</p> <p><i>To help people from all communities live longer, healthier lives through positive lifestyle choices</i></p> <p><i>To help families be healthy and resilient and able to maximise their life chances and independence</i></p> <p>Enabling –</p> <p><i>To be innovative and enterprising in using available resources to change lives for the better</i></p> <p><i>To drive fairness for all communities, people and places</i></p>	
<p>AMBITIOUS FOR CROYDON & WHY ARE WE DOING THIS:</p> <p>The recommendations in this contract award paper supports the achievement of the administration’s ambition to protect the most vulnerable and to enhance the life chances of children and families.</p>	
<p>FINANCIAL IMPACT:</p> <p>The annual value of the Children’s Social Care Occupational Therapy (the Service) contract is £202,000. The Service has been running since 2009, and the annual budget of £220,000 is within Children with Disabilities for 2017/18. The service is integrated at an operational level with the CCG, with an integrated service specification.</p>	

1. RECOMMENDATIONS

The Leader of the Council has delegated to the nominated Cabinet Member the power to make the decisions set out in the recommendations below:

The Cabinet Member for Children, Young People and Learning in consultation with the Cabinet Member for Finance and Treasury is recommended to approve :

- 1.1 The use of a waiver in accordance with Regulation 18 of the Council's Tenders and Contracts Regulations for the reasons set out in this report, to directly award a contract to Croydon Health Services NHS Trust for the provision of children's social care occupational therapy (the OT Service) for a maximum term of one year to commence as soon as possible after approval for a total contract value of £202,000, pro-rata according to the contract period aggregate value from 2009 to 31st March 2019 £1.8m.

2. EXECUTIVE SUMMARY

- 2.1 To approve a direct award of contract to the incumbent provider, Croydon Health Services NHS Trust (CHS), which is to commence as soon as possible after CCB approval to 31st July 2018 for a total annual contract value of £202,000, pro – rata according to the contract period. The reason is to maintain a consistent provision of the service during 2017/18, and for the reasons as more particularly detailed in this report. The aggregate value since 2009 to end March 2018 is £1.6m and if the extension is invoked the total value will be £1.8m
- 2.2. The OT Service is operating without a formal contract. A contract was issued but never signed by the provider however, the parties have acted in accordance with the terms of the unsigned contract and proceeded on that basis, i.e. an informal contract. Therefore there is a need to formalise the current service arrangements between the Council and CHS, whilst the future commissioning strategy for this service is developed and considered.
- 2.3 The new contract will replicate the current delivery model, service specification and KPIs.
- 2.4 A direct award is considered to be the most appropriate procedure for the Council to utilise because CHS are the only feasible contractor for this OT Service as initial market research has identified that the market lacks providers who could take on this scale of business within the timescales required. As the service is integrated with the CCG at an operational level (and through an integrated specification), it would make it difficult at this point in time for another provider to step in and have a connected service without there being any disruption to the current provision of service. A further market review will be undertaken and taken into consideration as part of the future commissioning strategy which will be presented to CCB in the winter of 2017. Opportunities for joint commissioning this service with the CCG will also be explored.

- 2.5 A strategy report outlining the future commissioning intentions for a more integrated SEN&D Service for children, which is intended to incorporate the budget for this service, will follow in the winter quarter of 2017-18.

CCB Approval Date	CCB ref. number
15/09/2017	CCB1268/17-18

3. DETAIL

- 3.1 The Children with Disabilities Team, within the 0-25 SEND Service, commission an essential OT Service to deliver the Council's duty under the Chronically Sick and Disabled Persons Act 1970, (Section 2 Welfare Services, to provide practical assistance for residents, in this case children, in his/her home. The service has been commissioned from CHS, and is integrated at an operational level, but not contractually, with the CCG commissioned OT services which meet the health needs of children. The benefit of this integration is that children, young people and families only see one therapist for one assessment for help in their usual environment including home and school.
- 3.2 The Council commissions CHS to deal with adaptations in the home, access, manual handling and equipment provision for children and young people at home. The CCG commission CHS to support diagnosis, treatment, splinting and with school inclusion and support.
- 3.3 CHS have been delivering the OT Services on behalf of the Council since 2009, an aggregate spend of £1.6m to March 2018. The contract was initially awarded without having gone through a competitive procurement process and there is no executed contract in place. However a draft contract exists and the parties have been working as if the contract was in place.
- 3.4 The Council pay CHS £202,000 per annum to provide the services.
- 3.5 Occupational Therapy will be incorporated into a wider commissioning review being undertaken jointly between the Council and the CCG. The review will consider opportunities for greater integration at an operational and contractual level to improve service user experience and increase efficiencies delivered. Opportunities for joint commissioning with the CCG will be further explored as part of this review.
- 3.6. In addition a further market place review will be undertaken and taken into consideration as part of the future commissioning strategy which will be presented to CCB in the winter of 2017.

4. CONSULTATION

- 4.1 Full market and service user consultation is planned as a part of the wider commissioning review taking place in late 2017.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 Children’s Social Care Occupational Therapy

1 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2017/18	2018/19	2019/20	2020/21
	£'000	£'000	£'000	£'000
Revenue Budget available				
Expenditure	147	73	0	0
Income	-	-	-	-
Effect of decision from report				
Expenditure	135	67	0	0
Income	-	-	-	-
Remaining budget	<u>12</u>	<u>6</u>	<u>-</u>	<u>-</u>
Capital Budget available	-	-	-	-
Expenditure	-	-	-	-
Effect of decision from report	None	None	None	None
Expenditure	-	-	-	-
Remaining budget	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

The annual budget is £220,000. Figures above are pro-rata, according to the contract period

2 **The effect of the decision** – The decision to award this contract at the rates detailed in this report can be funded from the existing service budgets. During the contract period, pro-rata underspends have been projected to be £12,000 in 2017/18 and £6,000 in 18/19.

3 **Risks** – None identified

4 **Options** – See item 12 below

5 **Future savings/efficiencies** - During the contract period (ending July 2018), pro-rata underspends have been projected to be £12,000 in 2017/18 and £6,000 in 18/19. The commissioning strategy to be presented at CCB in the winter quarter of 2017-18 will identify the efficiencies sought from August 2018 onwards.

4 **The effect of the decision** – The decision to award this contract at the rates detailed in this report can be funded from the existing service budgets.

5 **Risks** – None identified

4 **Options** – See item 12 below

6 **Future savings/efficiencies -**

7 The commissioning strategy to be presented at CCB in the winter quarter of 2017-18 will identify the efficiencies sought from August 2018 onwards.

Approved by: Josephine Lyseight – Head of Finance Peoples Department

6. **COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

6.1 The procurement process as detailed in this report seeks to secure best value as provided under the Local Government Act 1999.

Approved by: Scott Couzens Lawyer on behalf of the Director of Law and Monitoring Officer

7. **HUMAN RESOURCES IMPACT**

7.1 There are no immediate HR consideration that arise from the recommendations of this report for LBC staff

Approved by: Debbie Calliste, Head of HR – People Department Lead, on behalf of the Director of Human Resources

8. **EQUALITIES IMPACT**

8.1 The proposed award will contribute to the corporate equality objective of improving health and wellbeing by reducing health inequalities.

9. **ENVIRONMENTAL IMPACT**

9.1 N/A

10. **CRIME AND DISORDER REDUCTION IMPACT**

10.1 N/A

11. **REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

11.1 Directly awarding the contract to CHS for a further year (to 31st July 2018) will regularise the current arrangement with CHS under a signed contractual agreement and allow the Council time to develop a commissioning strategy and specification for integrated SEND services for children in line with total resources available.

12. OPTIONS CONSIDERED AND REJECTED

12.1 Removal of services was considered and rejected on the basis on the negative impact on children's outcomes.

CONTACT OFFICER:

Name:	Sally Wadsworth
Post title:	Category Manager
Telephone number:	0208 726 6000 x 61173

BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972: exempt

APPENDIX: none