

**SUPPORTING PEOPLE: EXEMPTION FROM CONTRACT REGULATIONS
FOR CONTRACTS BEING LET UNDER NEW FRAMEWORK AGREEMENTS**

To: **Cabinet**

Date: **24th November 2009**

From: **Service Director: Adult Support Services**

Electoral division(s): **All**

Forward Plan ref: **Not applicable** *Key decision:* **No**

Purpose: **To enable the contracts affected by the delivery of the
Cambridgeshire Supporting People Modernisation
Programme to be exempt from Contract Regulations**

Recommendation: **That Cabinet**

- i) **Endorse the need to exempt the Supporting People contracts summarised in Appendix 1 by invoking the following clause of CCC Contract Regulations:**

Paragraph 3.7: In exceptional circumstances, the County Council and its *Cabinet* have power to dispense with any provision of these Contract Regulations.

- ii) **To note that the ending of these contracts and services will cause significant disruption and jeopardise the successful completion of the Modernisation Programme for the Supporting People Programme**

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1.0 BACKGROUND

1.1 This report is being presented to Cabinet to conform to the following clause of the Cambridgeshire County Council (CCC) Contract Regulations:

3.7 In **exceptional circumstances**, the County Council and its *Cabinet* have power to dispense with any provision of these Contract Regulations. Any such decision may be a Key Decision. (There is no Exemption available for *Priority Services* above the European Union (EU) *Thresholds*.)

1.2 Cambridgeshire's Supporting People Programme has been working on a Modernisation Programme that will deliver efficiencies and enable changes to be made to achieve more effective models of provision for vulnerable adults in Cambridgeshire.

1.3 The aim is to deliver equity across Accommodation Based and Floating Support Services in Cambridgeshire and to ensure that services meet the maximum level of need possible, within available resources.

1.4 The Supporting People Programme has embarked on a commissioning process that will enable the changes to the existing models of provision to be achieved through the use of Framework Agreements (similar to a preferred provider list). This includes a tendering process against specified standards and value for money.

1.5 The Framework Agreement approach is being used following advice from Corporate Procurement. An EU Directive from Jan 31st 2006 states what a Framework Agreement/Contract is:
'an agreement with suppliers, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and quantity.'

In brief the Framework Agreement/Contract works in the following way:

- One tender process is undertaken setting out service types, client groups, what future services might be, how pilots/development of services will work and how services will be allocated to a provider. The tender at this stage focuses on providers evidencing their ability to provide services at a required standard
- Providers submit a tender application on, for example, evidence around their ability to provide the service at the required quality, their experience of service development and how they might work in a consortium with local providers
- Through evaluations a list of providers will be put together that will become a 'family' of providers

1.6 For Floating Support Services there is a Tender process underway and it is anticipated that it could take up to 3 years to regroup these contracts into more meaningful services and to then re-let as new contracts under the Framework

Agreement. A period of up to 3 years is anticipated due to a number of factors, including: the number of contracts/services involved and a realistic approach needing to be taken to how many contracts can be issued and supported at any one time by the team; the amount of time required to identify services that need to be disaggregated from existing contracts; the need to remodel and support some services during the process; and the need recognise what is manageable by providers, as some may wish to bid for a number of contracts/services and will therefore require sufficient time to do so. Cabinet is asked to note that it is a period of **up to 3 years**, and many services will have been transferred in the first 2 years.

- 1.7 The Supporting People Commissioning Body has agreed to release funding from Accommodation Based Services, mainly through remodelling, to increase the Floating Support Services – this will achieve the equity required.
- 1.8 The Supporting People (SP) Programme is working on a tender for Accommodation Based Services. This will be initiated in 2010/11 and will need to align with the activity associated with the Framework Agreement for Floating Support Services.
- 1.9 The Programme is also working with Adult Social Care commissioners to ensure that future commissioning supports the delivery of Self-Directed Support where possible.

2.0 **RATIONALE FOR REQUESTING EXEMPTION**

- 2.1 The Framework Agreement with identified providers, chosen through a formal tendering process, is expected to be in place by April 2010. This will allow the review of existing floating support and accommodation services, in accordance with the modernisation programme. As the reviews are carried out the following decisions will be made:

- **For Floating Support**

A provider within the Framework Agreement will be identified to provide the service and where this is a different provider from the current one, notice will be served on the current provider. Work will be undertaken to ensure a smooth transfer from one provider to another.

- **For Accommodation based services**

- EITHER – the service will be redesigned as floating support, with notice served on the current provider, and a provider chosen from within the Framework Agreement. Again, work will be undertaken to ensure a smooth transfer from one provider to another.
- OR – the service will continue to be designated as an accommodation based service.

- 2.2 This work will begin in 2010/11 once the tendering process to establish the providers within the Framework Agreement for floating support has been completed
- 2.3 To allow the continuation of services while this work is taking place, SP is

seeking to extend existing contracts arrangements ending March 2010, for a period of up to three years. Appendix 1 provides a summary of floating support contracts and appendix 2, a summary of accommodation services.

- 2.4 Supporting People will build 'Break Clauses' in to any extensions to ensure all services can be retendered as part of the overarching programme within the 3 year timetable.
- 2.5 There are other contracts that end in March 2011, and it is anticipated that to ensure a fit with the modernisation programme, further exemptions may be presented for consideration by Cabinet during 2010/11.

3.0 **SIGNIFICANT IMPLICATIONS**

- 3.1 **Resources and Performance:** There is a significant risk that if an exemption is not granted:

- services that are meeting a demonstrated need will need to end leaving vulnerable service users without the preventative support they require;
- The Programme will not be able to deliver the Framework Agreement for Floating Support Services as planned;
- A delay in developing the Accommodation Based Service Framework Agreement will impact significantly on the ability to deliver the Modernisation Programme as a whole.

- 3.2 **Statutory Requirements and Partnership Working:** As stated in 1.1. this report is being presented to Cabinet to conform to the following clause of the CCC Contract Regulations:

3.7 In **exceptional circumstances**, the County Council and its *Cabinet* have power to dispense with any provision of these Contract Regulations. Any such decision may be a Key Decision. (There is no Exemption available for *Priority Services* above the *EU Thresholds*.)

- 3.3 This exemption from Contract Regulations does not remove the ability to market test, it actually ensures sufficient time is given to the commissioning/ tender process and the re-letting of new contracts. The Supporting People Team is linked in to a Regional Benchmarking approach that will ensure Value for Money is achieved.
- 3.4 In terms of Partnership working, the Supporting People Commissioning Body has endorsed the Modernisation Programme referred to in section 1 of this report. As the membership of the SP Commissioning Body includes a representative from each District Council; health, Probation and the County Council, this has ensured all key partners involved in the SP Programme are fully engaged. In addition service providers and service users have been consulted with as part of the process.

- 3.5 **Climate Change:** There are no significant implications for any of the areas in this category.
- 3.6 **Access & Inclusion:** There are no significant implications for any of the areas within this category but the SP Programme focuses on access and inclusion into mainstream activity.
- 3.7 **Engagement and Consultation:** There are no significant implications for any of the areas within this category, but on-going engagement with providers is being used to keep them briefed on the modernisation programme.

Source Documents	Location
SP Needs Analysis	Stanton House, Huntingdon