

REPORT TO: Executive Board Sub Committee

DATE: 1st December 2011

REPORTING OFFICER: Strategic Director, Children & Enterprise

SUBJECT: Waiver of Procurement Standing Orders
Contracted Services for Speech and
Language Therapy

WARDS: Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To request the suspension of the relevant Procurement Standing Orders 3.1 to 3.7 (tendering/competitive requirements), under the exceptional circumstances set out in this report, which places a requirement on the Council to tender or obtain quotes for contracts set up with external providers.

2.0 RECOMMENDATION: That

- 1. in light of the exceptional circumstances set out below, for the purpose of Standing Order 1.8.2, Procurement Standing Orders 3.1 to 3.7 be waived on this occasion in order to extend existing contracts with Bridgewater Community Healthcare NHS Trust for the provision of Speech and Language Therapy services to children and young people aged 0-5 years and those who have Special Educational Needs, in order to ensure continuous care and support; and**
- 2. the Strategic Director, Children and Young People be authorised, in conjunction with the portfolio holder for Children Young People and Families, to enter into the above contracts for one year from April 2012 to the end of March 2013.**

3.0 SUPPORTING INFORMATION

3.1 For several years, the Council has commissioned Speech and Language Therapy services from Halton & St Helens Primary Care Trust's Paediatric Speech and Language Therapy Service, in order to fulfil its statutory duty to children and young people with special educational needs and to provide added value in addressing speech, language and communication needs in the 0-5 age group. Halton & St Helens Primary Care Trust has been the only practicable provider for this service due to clinical requirements and both previous and existing partnership arrangements.

- 3.2 In line with current Government policy regarding the restructure and reorganisation of Health services, the Paediatric Speech and Language Therapy Service is now sited within the Halton & St Helens Division of Bridgewater Community Healthcare NHS Trust. The Paediatric Speech and Language Therapy Service currently remains the only practicable provider for this service due to clinical requirements and present partnership arrangements.

4.0 BUSINESS CASE FOR WAIVING STANDING ORDERS

4.1 Value for money and Competition

- 4.1.1 The current contracted service provider of Speech and Language Therapy services is the sole provider of this service within the Halton & St Helens Division of Bridgewater Community Healthcare NHS Trust and is an integral element of local NHS service provision and infrastructure. There is currently no alternative service provider which could fulfil the necessary clinical requirements and function from within local NHS service provision.
- 4.1.2 Although alternative Speech and Language Therapy provision may potentially be available from within NHS provision in other local authority areas in the North West, contracting a service outside our existing arrangements would be inconsistent with the partnership currently in place. This would have a very significant negative impact from both a financial and operational perspective, as the Council and the NHS currently fund delivery of Paediatric Speech and Language Therapy in Halton on a shared costs basis that equates to approximately a 50% contribution from each partner. Withdrawal of Council funding at this stage of NHS transitional developments would not only be inconsistent with existing partnership arrangements but would also severely disrupt service delivery with anticipated increased costs related to the impact of this upon vulnerable children, young people and their families.
- 4.1.3 In accordance with Government policy, Bridgewater Community Healthcare NHS Trust is currently engaged in a process of significant re-organisation and restructuring: this may result in changes to their delivery of and costs for Speech and Language Therapy over the next 1 to 2 years. As a result of this and other Health service reforms, alternative service providers for Speech and Language Therapy and the development of different partnerships may be available in the future. By recommending that existing arrangements continue throughout this transition period, the Council will ensure continuous care and support for children and young people. However, officers will keep the situation under review, particularly in respect of emerging information regarding alternative provision and costings, to ensure that desired outcomes continue to be achieved and that the method of service delivery remains the most cost effective option for the Council.

4.2 Transparency

In order to ensure transparency, it is proposed that the services will continue to submit performance reports to named lead commissioning officers. The frequency and detail will be agreed by the relevant Commissioning Manager as part of the contract compliance process. Subject to issues of commercial confidentiality, information about the contracts would be accessible under the Freedom of Information Act and under the annual audit process.

4.3 Propriety And Security

The extension of these contracts complies with Halton Borough Council's standing orders and procurement processes. The contract specifications set out requirements in respect to minimum standards for the delivery of care and support and will include comprehensive standards relating to the safeguarding of children and young people. The cost of entering into these contracts will be contained within existing available budgetary provision.

4.4 Accountability

The Operational Director for Children and Families would be responsible for the award of the contracts. The contracts and the award process are open to PPB Scrutiny and the internal and external audit.

4.5 Position of the contract under the Public Contracts Regulations 2006

As these contracts are for educational and social care services, they are exempt from the 2006 Regulations so there is no need to advertise for expressions of interest in the official Journal.

5.0 POLICY ISSUES

The authority continues to have a statutory duty to provide Speech and Language Therapy Services for children and young people with special educational needs.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

The provider will ensure that children and young people with special educational needs are able to access appropriate Speech and Language Therapy provision. The provider will also enable the delivery of enhanced Speech and Language Therapy provision to children in the 0-5 age range who have an identified need. This supports Halton's focus upon Early Help and Support and the priorities within Halton's Children and Young People's Plan.

6.2 Employment, Learning and Skills In Halton

The provider will ensure that children and young people with additional Speech and Language needs are supported in their learning and future employment and skills development.

6.3 A Healthy Halton

Speech and Language Therapy services impact directly upon the health and well-being of children and young people with an identified language or communication need.

6.4 A Safer Halton

Contracts within this report provide support to vulnerable children, young people and parents/carers, and help them to access appropriate service provision within their local communities. This links to satisfaction with services and overall perception of the area in which people live.

6.5 Halton's Urban Renewal

None.

7.0 FINANCIAL IMPLICATIONS

Financial implications of these contracts will be met from existing budgetary provision.

8.0 RISK ANALYSIS

The current contracts for these services are due to end on 31 March 2012; should the waivers not be agreed, the services will cease delivery of the provision.

If contracts for Speech and Language Therapy Services are not in place, this may lead to the Council being unable to fulfil its statutory duty regarding children and young people with special educational needs. Failure to have this service in place will additionally lead to vulnerable families being placed under increased pressure.

9.0 EQUALITY AND DIVERSITY ISSUES

The contracts specified within this report relate to the needs of individuals and families with protected characteristics as defined within the Equality Act 2010.

10.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.