

# Public Document Pack



## Executive Board Sub Committee

Thursday, 1 December 2011 10.00 a.m.  
The Board Room - Municipal Building,  
Widnes

A handwritten signature in black ink, appearing to read 'David W R'.

**Chief Executive**

### ITEMS TO BE DEALT WITH IN THE PRESENCE OF THE PRESS AND PUBLIC

#### PART 1

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<b>1. MINUTES</b>	
<b>2. DECLARATION OF INTEREST</b>	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
<b>3. CHILDREN YOUNG PEOPLE AND FAMILIES PORTFOLIO</b>	
<b>(A) WAIVER OF PROCUREMENT STANDING ORDERS CONTRACTED SERVICES FOR SPEECH AND LANGUAGE THERAPY</b>	<b>1 - 4</b>

*Please contact Gill Ferguson on 0151 471 7395 or e-mail [gill.ferguson@halton.gov.uk](mailto:gill.ferguson@halton.gov.uk) for further information.  
The next meeting of the Committee is on Thursday, 15 December 2011*

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***In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.***

**REPORT TO:** Executive Board Sub Committee

**DATE:** 1<sup>st</sup> 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.

**REPORT TO:** Executive Board Sub Committee  
**DATE:** 1<sup>st</sup> December 2011  
**REPORTING OFFICER:** Strategic Director, Communities  
**SUBJECT:** Blue Badges  
**WARD(S)** Borough-wide

**1.0 PURPOSE OF THE REPORT**

1.1 To present to the Board a recommendation to increase the charge for Blue Badges based on new legislation.

**2.0 RECOMMENDATION: That**

- 1. the Board is requested to approve the increase in charge for Blue Badges from £2 to £10 effective from 1<sup>st</sup> January 2012; and**
- 2. the Board is requested to approve a charge of £10 for any lost or stolen badges.**

**3.0 BACKGROUND INFORMATION**

3.1 The Blue Badge Scheme provides a national arrangement of parking concessions for some people with disabilities who travel either as drivers or passengers. The scheme allows badge holders to park close to their destination. Department for Transport (DfT) Regulations govern the Scheme but Local Authorities are responsible for ensuring that the regulations are met and processing applications and arranging any assessments for those who do not automatically qualify for a Blue Badge.

3.2 Since the scheme began in 1971 a £2 charge has been levied for a Blue Badge valid for three years. This amount is insufficient to cover the cost of the purchase of the badge, its administration and associated assessment costs.

**3.3 Reform Strategy**

3.3.1 On 14<sup>th</sup> February 2011 the Government announced wide ranging reforms to improve the Blue Badge scheme. One of the most significant changes DfT are making is to the design of the Blue Badge itself so that it is harder to copy, forge and alter.

3.3.2 Following a competitive procurement process, the Department of

Transport's evaluation panel has selected Northgate Information Solutions (Northgate) to develop and introduce the new badge design.

3.3.3 Northgate will print and supply the new PVC badge. They will also provide a central database, an on-line applications system and a single secure print service for the Blue Badge.

3.3.4 The benefits of this system will be:

- fraud prevention: automated checks can be made at application stage to prevent multiple and fraudulent applications;
- automated checks can reduce the need for time-consuming, paper-based checks on applicants by Local Authorities (LAs);
- improved customer services: BBIS should mean quicker, easier renewals for people whose circumstances have not changed;
- reminders can be sent centrally; records can move to different LAs with the badge holder if they move house;
- use of sophisticated anti-fraud technologies on the new badge at the lowest cost; and more security in the supply, storage and distribution;
- quick and easy enforcement checks by officers from anywhere in the country on badges issued by any LA, either using a desktop PC or SMARTphone;
- Significant operational and other efficiencies for LAs.

3.3.5 Halton Council has already signed a returned and Access Agreement committing to the Department of Transport's Blue Badge Improvement Service (BBIS).

3.3.6 A summary of all the Governments reforms to the Blue Badge Scheme can be found in the letter to Local Authority Chief Executive dated 14<sup>th</sup> February 2011 (see Appendix A)

3.3.6 Local Authorities will be charged £4.60 plus VAT for each badge with an option to provide a fast track return by recorded delivery for £ 2.45. It is intended that we shall use this fast track postal option for people with a terminal condition for who we have a fast track application process.

3.4 Current Scheme

3.4.1 The charge for the Blue Badge has been held at £2 per badge since



the 1970's. This is the only charge made to receive a badge with three years validity.

3.4.2 The DfT is amending legislation to enable LAs to charge badge holders a maximum of £10 to cover the cost of BBIS, plus an amount towards the other admin costs incurred by LAs. It is intended that this increased charge will be used to pay for the new badge design and enable the improvements to the Blue Badge scheme. There are currently 8,129 badge holders in Halton Borough.

3.4.3 Within the unit price of £4.60, badge holders will also be sent the new design of the parking clock and the 'Your Rights and Responsibilities' leaflet. These two items are Crown Copyright and the DfT is responsible for agreeing the design and content of them. The leaflet tends to be updated at least once a year. For those LAs that sign up to BBIS, updates will automatically be updated via BBIS at no extra cost.

3.4.4 Badge holders in return should benefit from improved accessibility and fraud prevention benefits as abuse is reduced.

### 3.5 Options for charging for the Blue Badge Scheme

3.5.1 The legislation will commit the £10 (inc. VAT) fee to be charged for badges issued with start date on 1<sup>st</sup> January 2012 and beyond. However, the final decision on charging is down to the Local Authority. Halton Council therefore need to agree the charge – up to a maximum of £10 – for Blue Badges issued for a three year period.

3.5.2 As a minimum Halton Council would need to charge £4.60 + VAT which equals £5.52 so Halton should charge £6 per Blue Badge to cover the cost of the badge only. However this would only cover the basic costs. Any income over and above the cost of the Blue Badge could be used to cover administration and some of the costs of Occupational Therapy or GP assessments currently required and also cover the costs of people with a terminal illness to fast track their renewal or application by recorded delivery that would add £2.45. The proposal is to continue to charge these applicants the full cost of the Blue Badge. They are advised to apply for a Blue Badge to exempt them from hospital car park charges.

3.5.3 It is recommended that Halton Council charge the maximum of £10. The table below shows the annual income that would be achieved based on the current numbers of badges issued, taking out the cost of the Blue Badge +VAT. A survey of other local authorities shows that the majority are also considering a £10 charge (see Appendix B)

4.0 **POLICY IMPLICATIONS**

- 4.1 Approval of revised charges will ensure that Halton Borough Council complies with the legislation due to come into force on 1<sup>st</sup> January 2012 and it will enable the authority to notify people who will apply for renewals from January 2012.
- 4.2 The DfT is amending legislation to enable LAs to charge badge holders a maximum of £10 to cover the cost of BBIS, plus other admin costs incurred by LAs.
- 4.3 The legislation will commit the £10 (inc. VAT) fee to be charged for badges issued with start date on 1<sup>st</sup> January 2012 and beyond.
- 4.4 As a decision is reached on the amount to charge for the new Blue Badge, the policy will be updated to reflect this decision.
- 4.5 A copy of the proposals contained within this report has been publicised on the councils website for some weeks and at the time of writing this report no comments have been received.

5.0 **FINANCIAL IMPLICATIONS**

- 5.1 Approval of revised charges will ensure that Halton Borough Council recovers sufficient income to cover the cost of the new Blue Badge plus some additional costs to cover any fast track registered post charges and cost of some OT or GP assessments.
- 5.2 The charge of £10 for a Blue Badge issued for a three year period still represents good value for money as badge holders are exempt from parking charges in many areas plus they can qualify for other benefits such as support with travel costs.

6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children & Young People in Halton**

The scheme covers the needs of children with a disability.

6.2 **Employment, Learning & Skills in Halton**

None identified.

6.3 **A Healthy Halton**

An objective of the Blue Badge scheme is to enable disabled people to enjoy maximum mobility, access local facilities and play a full and active role in their communities. The Reform strategy aims to tackle fraud and abuse of the system and benefit those who need this service.

6.4 **A Safer Halton**

A robust approach to tackling fraud and abuse of the Blue Badge System will contribute to crime and disorder objectives.

6.5 **Halton's Urban Renewal**

None identified.

7.0 **RISK ANALYSIS**

7.1 The approval of the increased cost of Blue Badges presents an opportunity to significantly improve the administration and assessments for the Blue Badge Scheme in Halton.

7.2 The risks of not implementing the Reform Strategy are that Halton will not comply with DfT regulations and the latest good practice guidance, leading to inconsistent assessments and difficulties in tackling fraud and abuse.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 A key objective of the Blue Badge Scheme is that it promotes equal opportunities by enabling disabled people to enjoy maximum mobility, access local facilities and play a full and active role in their communities.

8.2 The measures outlined in this report should also promote fairness and equal opportunities.

8.3 A Community Impact Risk Assessment (CIRA) has been completed and is available upon request.

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

None.

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OUR REF: NB/035527/10

## **Local Authority Leaders**

### **Copied to: Local Authority Chief Executives**

14 February 2011

Dear Local Authority Leader,

### **The Government's Blue Badge Reform Programme**

You may have seen on 14 February that the Government has announced wide-ranging reforms to the Blue Badge scheme. I am writing to you to let you know the details of the reforms, likely implementation dates and actions that you or your colleagues may need to take. Please share this information with all colleagues involved in the administration or enforcement of the scheme.

The aims of the reform programme are to help local authorities and badge holders deal with and reduce the current challenges, and to ensure the scheme is able to deal with future pressures and demands. We estimate, for example, that demand for badges may grow by 27% over the next 10 years as a result of the ageing population.

The programme consists of a number of complementary projects that, when implemented together, should help you to improve operational efficiency, reduce costs and improve customer services. They will also prevent abuse of the scheme and ensure that the concession is targeted fairly and sustainably.

I encourage you to become fully aware of the changes that are being made and to adopt them as far as you are able. Adoption of many of the measures we propose will be voluntary rather than mandatory, in line with the Government's localism agenda. However, the maximum benefits for all those involved in the scheme will only be gained if everyone engages with the reform programme and fully

implements the changes. I should therefore appreciate your support in delivering a more effective and much improved scheme.

A summary of the changes is detailed below. If you would like to discuss any of these reforms, please contact [bbes@dft.gsi.gov.uk](mailto:bbes@dft.gsi.gov.uk). Further information is also available on the DfT's website at <http://www.dft.gov.uk/transportforyou/access/bluebadge/>.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Norman Baker', is positioned above the printed name.

**NORMAN BAKER**

**Summary of the Government's reforms to the Blue Badge scheme<sup>1</sup>****Ensuring fair allocation of badges**

1. The following measures will be implemented to help ensure that badges are issued fairly against a background of rising demand:

<b>Reform measure</b>	<b>Earliest delivery</b>	<b>Notes</b>
Transfer control to local authorities of current NHS spend on Blue Badge eligibility assessments	April 2011	Announced on 13 December
Publication of non statutory guidance on administration, eligibility assessments (and enforcement), informed by an independent review of current practices and input from mobility experts	May/June 2011	Subject to completion of research
New legislation to require the wider use of independent mobility assessments to determine eligibility, including where previously that assessment was carried out by a GP	2012	Subject to secondary legislation

2. Local authorities are responsible for ensuring that badges are only issued to applicants who meet one of the eligibility criteria that are set out in legislation. Disabled people rightly expect badges to be issued on a fair and consistent basis. Issuing badges to people who are not genuinely eligible has a cost not only to public finances but also to genuine badge holders whose accessibility will be reduced.
3. To encourage more authorities to adopt robust practices, and to help ensure a fairer allocation of badges, we have agreed with the Department for Health that control of the existing budget for eligibility assessments be transferred to badge issuing local authorities to support use of independent mobility assessments when an applicant's eligibility is in doubt. The transfer will be part of the new Department for Health Learning Disability and Health Reform Grant, and will be equal to the current NHS spend on badge eligibility assessments. (This includes the costs of all reports and assessments, whether performed by GPs or other PCT employees, along with any direct and associated costs and along with any payments made directly to local authorities for the purpose of badge eligibility assessments). Details of the grant can be found in the DH letter issued to local authority social services departments on 13 December 2010, which can be viewed at: [http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/documents/digitalasset/dh\\_122961.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_122961.pdf). The DfT intends to publish updated non statutory guidance to help support the implementation of this policy. This web-based guidance will be updated as the different elements of the reform programme are implemented. Any policy queries related to the transfer of funding control can be sent to DfT at [bbes@dft.gsi.gov.uk](mailto:bbes@dft.gsi.gov.uk). However any questions specifically about the grant, its distribution or allocation should be directed to the Department of Health ([Damon.Palmer@dh.gsi.gov.uk](mailto:Damon.Palmer@dh.gsi.gov.uk)).
4. Although considered to be good practice, the use of independent mobility assessments is not currently required by legislation. Local authorities should be aware, however, that PCTs will not provide funding for eligibility assessments once the transfer happens, so any use of

<sup>1</sup> Delivery of many of the measures are subject to primary or secondary legislation and may change as a result of factors such as the availability of Parliamentary time.

GPs after that point would need to be funded by the local authority. The DfT plans to amend regulations in 2012 to require an applicant's eligibility to be confirmed through wider use of independent mobility assessments, including where previously an assessment was carried out by a GP. The DfT will provide local authorities with further guidance on this change before it comes into force.

5. The Government recognises that there are some disabled people who are currently ineligible who would like access to the preferential parking provided by the Blue Badge scheme. However, we need to balance the benefit gained by potential new badge holders with the impact on existing holders and the cost to local authorities of extending the scheme further. Our main concern must be to ensure that the scheme remains sustainable in the long term for those disabled people who most rely on it in order to participate in society. To address this concern, the following measures will be implemented:

Reform measure	Earliest delivery	Notes
Extend eligibility to more disabled children under the age of 3 with specific medical conditions	May 2011	Subject to secondary legislation
Provide continuous automatic entitlement to severely disabled service personnel and veterans	May 2011	Subject to secondary legislation
Amend residency requirements for disabled Armed Forces personnel and their families posted overseas on UK bases	2013/14	Subject to primary legislation
Further research to inform a decision on whether or not eligibility should be extended to people with a severe temporary disability lasting at least one year	Decision to be taken later in 2011	

6. These changes are mainly about fairness. The first extends to children between the ages of 2 and 3 the provision that currently exists for children under the age of 2 who need to be accompanied by medical equipment which cannot easily be transported, or who are affected by unstable medical conditions and may require emergency treatment. Once these children reach the age of 3, they should then be able to apply under the other existing eligibility criteria. Based on current issue rates, we estimate that this extension will result in only 100-200 new applicants per year.
7. It may be necessary to make transitional arrangements for children under the age of 2 who have been issued with a Blue Badge before the new Regulations enter into force. This also applies to children between the ages of 2 and 3 who held a badge that has already expired. Provided that they continue to meet the eligibility criteria on account of their condition, they will become eligible for a Blue Badge until their third birthday under the new Regulations.
8. We do not think this can be addressed by legislation, because Blue Badges must be issued with an expiry date. Instead it will be necessary for the local authority to re-issue a Blue Badge on application to an eligible child to cover the period between the new Regulations entering into force and their third birthday. This may in some cases lead to badges being issued for very short periods of time. It will be for local authorities to decide whether or not to make a charge for the issue of this badge, in line with the regulations that govern the

scheme. The Department will issue guidance to local authorities on this change before it enters into force.

9. The second measure will ensure that severely disabled service personnel and veterans who are compensated under the new Armed Forces Compensation Scheme (AFCS) and meet certain qualifying criteria receive the same continuous automatic entitlement to a badge as those veterans who were compensated under the War Pensioner's Mobility Supplement. We have therefore agreed with the Ministry of Defence (MoD) that eligibility should be automatically extended to service personnel and veterans who have been both:

- awarded a lump sum at AFCS tariffs 1-8; and
- assessed by the Service Personnel and Veterans Agency (SPVA) as having a permanent and substantial disability that causes inability to walk or very considerable difficulty in walking.

Based on figures supplied by the MoD, we estimate that there would be fewer than 50 badge applicants per year under AFCS tariffs 1-8.

10. The SPVA will issue an applicant who meets these conditions with a letter confirming both their level of award under the AFCS and that they have been assessed as having a substantial and permanent disability that causes inability to walk or very considerable difficulty in walking. The applicant will then need to present that letter to their local authority when applying for a Blue Badge. Local authorities will need to verify this letter with the SPVA on receipt. The Department will issue guidance to local authorities on this change prior to its entry into force.

11. The third measure will address the problem that, in some circumstances, disabled Armed Forces personnel and their families who have been posted overseas on UK bases are unable to prove residency within an issuing local authority in England and are therefore unable to apply for a Blue Badge. The DfT therefore proposes to amend primary legislation to remove the residency requirement for this specific group of people. Early estimates suggest that this change will affect a small number of people. We aim to make this change in 2013/14, but this is subject to the availability of Parliamentary time.

12. In addition to the above changes, we are undertaking further research to inform a decision on whether or not to extend eligibility to people with a severe temporary mobility impairment that lasts at least one year. A decision on this will be taken later in 2011.

13. The DfT has no plans to extend eligibility further than outlined above. However, we have been made aware that some local authorities appear to be issuing badges to people who do not meet the eligibility criteria, e.g. on the sole basis of age, for people with temporary disabilities (who do not receive the Higher Rate Mobility Component of Disability Living Allowance or War Pensioner's Mobility Supplement), to visitors to the UK or for disabilities and conditions that are not covered in the legislation. Local authorities should remember that they only have legal power to issue Blue Badges to disabled people who meet the specific descriptions prescribed in legislation and **must** continue to adhere to the current statutory criteria until eligibility extensions come into force.

All staff involved in advising applicants or determining eligibility should ensure that they have up to date information on the eligibility criteria. Local authorities should also strive to provide their residents with up to date Blue Badge information on their websites to reflect changes as and when they come into force. We have noticed, for example, that many local authority sites have not been updated in line with changes made in 2007.



Delivering efficiency savings and improving customer services

14. The following measures will be implemented to help local authorities improve service delivery and achieve efficiency savings, and to improve customer services for badge holders:

Reform measure	Earliest delivery	Notes
Establish with local authorities a common service improvement project (BBIS) that will deliver operational efficiency savings. This project will be self-funding and should deliver efficiency savings of between £6.5 and £20 million per year.	System go live end 2011	Subject to contract arrangements
This project will improve customer services and establish an on-line application facility. It should result in faster, more automatic renewals for people whose circumstances do not change between renewal periods	Early 2012	Subject to contract arrangements

15. The common service improvement project has been entitled the “Blue Badge Improvement Service (BBIS)” and it is aimed at improving both the administrative and enforcement elements of the scheme. The DfT has been working closely with a number of local authorities to develop the requirements for a system that will:

- provide a way of securely printing, personalising, supplying and distributing badges;
- be able to store key information on badges and badge holders issued anywhere in England, and enable verification checks to be made quickly and easily by local authority authorised personnel (we also hope that the system will include badges issued in Wales and in Scotland);
- provide a web-based management information system for local authorities (for those who do not have this already);
- provide an on-line application facility for badge holders via directgov; and
- potentially, offer a range of ‘opt-in’ additional services, ranging from providing call centre functions to sending out application forms for those local authorities who would like to adopt these services.

16. The DfT has explored a number of delivery options for the BBIS, and a ‘transactional self-funding’ model has been identified as the most appropriate solution. This means that a private sector company will invest the initial capital to develop the Service in return for a cost per badge issued. Issuing local authorities will pay only for the number of badges issued, and enforcing local authorities will be able to query the data held on the system for free. The DfT will let a framework contract for the Service for an initial period of five-years. Each issuing local authority will need to sign up for the service via standard access agreements with the supplier. The price per badge will be fixed so that all local authorities will pay the same cost per badge regardless of size or geographical location. Service levels will also be fixed so that local authorities and badge holders will receive the same service standards. In establishing this contract, it is important to note that the DfT is acting as a facilitator. Local authorities will continue to assess applications from local residents and make decisions on applying the eligibility criteria, including those received via the on-line system. Local authorities will also manage the day-to-day operations in liaison with the supplier, including via a network of local authority system administrators. BBIS will be accessed via

Government Connect and will be a secure system that will be compliant with the Data Protection Act and other HMG security standards.

17. The benefits offered by BBIS could be substantial if you all take this opportunity to join forces and share economies of scale. As well as the efficiency savings that we have identified, using this system will avoid the need for your own investment in systems to manage the Blue Badge scheme more effectively. And it will also help to prevent and reduce abuse of the scheme (see below).

18. The DfT will begin procurement of BBIS in February 2011 and it is anticipated that the system will go live at the end of 2011. Please see below for more information on what this means for the supply of the badge itself.

19. The DfT and the supplier would like to work closely with local authorities during the development and implementation stages to ensure that BBIS meets local authority business requirements. Anyone wishing to be involved in taking the project forward and who would like to become members of a local authority user group should email the team at [blue.badge@dft.gsi.gov.uk](mailto:blue.badge@dft.gsi.gov.uk). Further detailed information will be sent to local authorities in April 2011 or once the supplier has been engaged.

Improved and effective prevention of abuse and enforcement

20. The following measures will be implemented to help prevent abuse from happening in the first place and to deal with rising levels of fraud and abuse:

Reform measure	Earliest delivery	Notes
Introduce a new badge design that is harder to copy, forge and alter. Implement via the common service improvement project (BBIS) new arrangements for printing and distribution to prevent fraud and to effectively monitor cancelled, lost and stolen badges	End 2011	Subject to contract and secondary legislation
The common service improvement project (BBIS) will enable more effective detection of abuse by local authorities. Officers will be able to check details of new badges issued anywhere in England.	Early 2012	Subject to contract arrangements
Introduce new or amended powers for local authorities to tackle abuse and fraud. In particular to: <ul style="list-style-type: none"> <li>• extend the grounds available to local authorities to refuse to issue and to withdraw badges</li> <li>• provide local authorities with a power to cancel badges that have been lost, stolen, have expired, or have been withdrawn for mis-use</li> <li>• provide local authority authorised officers with a power to recover, on-the-spot, badges that have been cancelled or misused</li> <li>• amend existing legislation to clarify wrongful use of a badge and the powers to inspect badges</li> </ul>	End 2011  2013/14  2013/14  2013/14	Subject to secondary legislation   Subject to primary legislation

21. The current design of the Blue Badge is set out in regulations and it is very easy to copy and to forge. The DfT currently has a contract with The Stationery Office to supply blank Blue Badges to local authorities. **This contract comes to an end towards the end of 2011** and so you will not be able to receive the current design of blank badges from TSO after this date. In thinking about a replacement contract, the DfT has been looking at ways of improving the resilience and security of the badge, and to improve security in the distribution, storage and supply of badges to prevent abuse from happening in the first place. The DfT will therefore introduce secondary legislation later in 2011 that will implement a new-style badge from, we estimate, the end of 2011. The badge will be made of PVC and will include a number of overt and covert security features. These features will help to prevent the badge being fraudulently copied and scanned.
22. The DfT also intends to contract a single supplier who will supply, personalise, print and distribute the badge (see BBIS above). This will therefore mean that local authorities will no longer have to make up badges themselves or keep a stock of blank badges. Instead, key information on badge holders can be sent to the supplier (a variety of routes will be made available) and badges ordered from BBIS. As well as improving security, this change should also significantly reduce production costs through economies of scale and help local authorities to realise efficiency savings. A single badge supplier enables significant improvements to be made to the design of badges, a common badge numbering system with effective version control, the use of sophisticated anti-copy and anti-fraud technologies at the lowest cost, use of digitally scanned photographs, and more effective monitoring of lost and stolen badges. Local authorities will either be able to request badges be sent directly to the applicants or back to the local authority for onward distribution or, preferably, personal collection.
23. We are aiming to roll-out the new badge design from the end of 2011. From that date, you will only be able, legally, to issue new applicants, those renewing badges or those asking for replacements for lost or stolen badges with the new badge design. You will, therefore, also need to consider your stock levels of the old-style badges in the run up to this date, and arrangements for securely disposing of any remaining old stock after this date. We do not propose a full scale replacement of the old stock that would mean existing badge holders exchanging old for new badges. Badge holders can continue to use existing badges until they expire, which might in some cases not be until 2014.
24. To help local authorities enforce the scheme, the DfT plans to amend secondary legislation to extend the grounds available to local authorities to refuse to issue and to withdraw badges, and primary legislation to provide the new powers mentioned in the above table. The primary legislation will be subject to the availability of Parliamentary time.
25. The amendments will introduce powers, rather than any duties, for local authorities and are aimed at improving operational efficiency and at bringing the legislation up to date. It will, therefore, be for local authorities to decide whether or not to adopt the powers being proposed. But the changes have been requested by local authorities during consultation on the reform programme.

The badge fee

26. The following measure will be implemented to enable local authorities to cover costs more appropriately and to enable the delivery of the new badge design:

Reform measure	Earliest delivery	Notes
Change legislation to raise the maximum fee that local authorities can charge for a badge from £2 to £10. The increased fee will pay for the new badge design and it will enable the common service improvement project (BBIS). Badge holders should, in return, benefit from improved accessibility as abuse is reduced.	End 2011	Subject to secondary legislation

27. It will be for local authorities to decide whether or not to raise the badge fee in their area, or indeed to begin charging in those areas that do not currently do so. It should be noted, however, that the new badge design will cost more to produce and it is estimated that the cost per badge issued via BBIS will be around £5 per badge. The actual cost will be finalised when the contract for BBIS has been agreed. Those local authorities who do not choose to raise the fee will need to cover any costs associated with the new badge design themselves.

Implementation

28. As noted above, the changes will be implemented between April 2011 and 2013/14. The changes needed to primary legislation will be dependent on the availability of Parliamentary time and may therefore be implemented at a later date.

**Local authorities are reminded that changes to the scheme outlines above should not be made until they come into force. The Department will provide local authorities with further details of the reforms as and when they take place. If you haven't already please register your correct contact details at:**  
[bbes@dft.gsi.gov.uk](mailto:bbes@dft.gsi.gov.uk)

Other issues

29. Please see Annex A for additional information on other changes that may affect you. We have also provided information at Annex B on other reforms that were considered as part of the recent review of the Blue Badge scheme, but that will not be taken forward. Annex A provides details of a Blue Badge Community of Practice site that has been set up for use by local authorities.

**Annex A: Other changes which may affect you**

DLA Consultation

At present, about 40% of Blue Badges are issued automatically to people in receipt of the Higher Rate Mobility Component of Disability Living Allowance. As you know, the Government believes that Disability Living Allowance (DLA) in its current form has become unworkable and the assessment procedures on the current eligibility criteria inconsistent. The Department for Works and Pensions (DWP) published a consultation document on 6 December 2010 on the Government's proposals to reform DLA and introduce a new objective assessment. Officials from the DfT and DWP will continue to work together during this time of policy development and DLA reform. We will keep local authorities informed on the DLA reforms through our newsletters.

Blue Badge local authority data

The DfT publishes the annual Blue Badge data collected from local authorities online at the local authority level. It is intended that its publication will invite openness and transparency and allow members of the public access to their local authority's data. The latest publication can be viewed at <http://www.dft.gov.uk/pgr/statistics/datatablespublications/public/parkingbadges/>.

Printing and marketing

'Can I get a Blue Badge' leaflets are no longer available to order from The Stationary Office (TSO). They are available to download from the DfT's website at: <http://www.dft.gov.uk/transportforyou/access/bluebadge/>. The 'Rights and Responsibilities' leaflet will continue to be provided by the new badge supplier on a one per badge basis. Any additional copies can also be downloaded and printed from the DfT's website at the above web address.

Advice line

The Blue Badge Advice Line will be closing on 30 March 2011. After this date, local authorities will need to deal with enquiries about the scheme from their local residents. General information will be available on the DfT's web-site and on directgov.

Community of Practice

A Blue Badge Online Community (BBOC) has been set up on the Improvement and Development Agency's (IDeA) Communities website. The BBOC is a forum for local authority teams involved in administering and enforcing the Blue Badge scheme to share good practices, ideas and practical tips. The community also contains links to documentation that local authorities in England may find useful to effectively deliver the Blue Badge scheme and up to date information on DfT's reforms.

If you would like to discuss the issues raised in this letter, or anything to do with the Blue Badge scheme, with other local authority officers working in this area then follow the link below to sign up to the BBOC:

<http://www.communities.idea.gov.uk/c/1957428/home.do>

### Other publications:

As part of the announcement on the Blue Badge reform programme, the Department has published the press notice, written Ministerial statement and factual Q & A. This can be found at: <http://www.dft.gov.uk/transportforyou/access/bluebadge/reform/>

The Blue Badge consultation, which was published on 22 March and closed on 2 July, received 225 responses; thank you to all those who sent a reply. The responses have been analysed and the Department has published a 'Consultation Response Report', which can be found on the Blue Badge pages of the DfT website at: <http://www.dft.gov.uk/transportforyou/access/bluebadge/reform/>

If you would like to see the Department's latest newsletter on the Blue Badge reform programme, it is published online at: <http://www.dft.gov.uk/transportforyou/access/bluebadge/reform/>

### The DfT's role

The DfT's role is to set the overarching legislative framework for the Blue Badge scheme. Within this framework, it is for local authorities to determine administrative and enforcement processes for their areas and to make decisions about issues like an individual applicant's eligibility or the specific enforcement action to take against someone who might be abusing the scheme. DfT is not able to provide legal advice to local authorities on how they should administer or enforce the scheme. Where any such advice is needed, local authorities should contact their own legal teams. The DfT has no power to intervene in individual cases where a local authority decides to refuse to issue a Blue Badge on the grounds that the applicant does not meet the eligibility criteria. The DfT would be happy to discuss any general matters or questions about Departmental policy and the reform programme and to hear from local authorities who wish to become actively involved in implementing the reforms. We have also established a Community of Practice site to enable peer-to-peer learning and encourage the exchange of ideas between local authorities.

### Annex B: Other options that will not be implemented

Some options for reform have been considered but have been rejected. The main ones are as follows:

- increasing or decreasing the length of time that badge holders are permitted to park on yellow lines (from the current 3 hours); or changing it so that badge holders, for example, could not park on double-yellow lines; or extending the scheme so that it includes off-street parking. During consultation, disabled people wanted to be able to park for longer but there were concerns about road safety issues and obstructions to traffic, causing traffic congestion. Town centre managers wanted the concession to be shorter but this would reduce the benefits of the scheme to disabled people. No changes are being made to the concession itself.
- extending eligibility further, for example, to those with cognitive or behavioural impairments, those with colitis, Crohn's disease or similar conditions, or those with temporary disabilities of less than one year. Further extensions of the scheme would reduce the accessibility benefits to those with severe mobility impairments who are currently eligible and increase costs to local authorities. The decision was taken that the primary objective of the scheme should be to provide direct help to those individuals with severe mobility problems who would otherwise be physically unable to access the places they need to go to.
- introducing a national application processing system operated by central rather than local government. This has been rejected as it does not support the localism agenda. Local authorities are also best placed to assess local needs and deliver local services.
- other options in relation to the badge fee. A maximum fee that local authorities are able to charge has been set in legislation since the scheme was established to ensure fairness. Consideration was given to raising the maximum fee to £20, as is the case in Scotland. It was felt, based on consultation, that £10 would be the most appropriate fee. The second involved amending primary legislation to make it mandatory for all local authorities to charge the same fee. This was rejected as it does not support the localism agenda. The third involved charging the fee on application for rather than on issue of a badge, so that unsuccessful applicants would also have to pay the fee. This was rejected as it was felt to be unfair.
- other options in relation to new or amended enforcement powers. The first involved providing local authorities with a power to issue Fixed Penalty Notices to third parties using someone else's badge for their own benefit. The DfT was not convinced that there were strong enough arguments for such a power as other action can be taken in these circumstances, and after bearing in mind the potential costs and benefits and the availability of other offences and penalties. The second involved creating a new fraud offence and a higher penalty in Blue Badge legislation for fraudulent use of a badge. Powers are, however, available under the Fraud Act 2006 that could be used to deal with these offences. The third involved decriminalising the whole Blue Badge enforcement regime. At present, an enforcement hierarchy is in place whereby local authorities are able to issue Fixed Penalty Notices or Penalty Charge Notices for minor parking contraventions using Blue Badges. They can then use the current criminal offences available in Blue Badge legislation to deal with more serious offences and powers are also available under the Theft and Fraud Acts to deal with offences such as mass producing and selling fake badges. The DfT believes it is important to retain options for enforcement officers and the current criminal offences.



**Appendix B – Proposed charge by other local authorities****All responses subject to member/committee consultation/decision**

<b>Authority</b>	<b>Current Charge</b>	<b>Proposed charge</b>	<b>Notes</b>
Bristol City	£0	£10	
BaNES	£	£10	
North Somerset	£0	£10	
Wiltshire	£0	£8	
East Sussex	£2	£10	
Peterborough	£0	£10	
Cheshire East	£2	£10	
Thurrock	£2	£10	
Central Bedfordshire	£0	£10	
Cheshire west and Cheshire	£2	£10	
North Yorkshire	£2	£10	
Leeds	£0	£10	
Trafford	£2	£10	
Wokingham	£2	£10	
Herefordshire	£2	£10	
Tameside	£2	£10	
Cumbria	£2	£10	
Dorset	£2	£10	Only charge £5 for stolen badges if crime reference number provided.
Blackpool	£0	£10	
Sheffield	£2	£10	
Salford	£0	£10	
Southend	£0	£10	
Warrington	£2	£10	
Hull	£2	£10	
Medway	£0	£10	
Cambridgeshire	£2	£10	
Rochdale	£2	£10	
Surrey	£2	£10	
Derby	£0	£10	
Norfolk	£2	£10	
Sefton	£2	£10	



**REPORT TO:** Executive Board Sub-Committee

**DATE:** 1<sup>st</sup> December 2011

**REPORTING OFFICER:** Strategic Director Policy & Resources

**SUBJECT:** Procurement of Corporate Print Contract Framework Agreement – Preliminary Estimates Report

**WARDS:** Borough-wide

### **1.0 PURPOSE OF THE REPORT**

**1.1** To inform the board that the existing contract for externalised print services expires on 20<sup>th</sup> June 2012. Tenderers are to be invited under a formal process to apply for contracts for specified lots under the new Corporate Print Contract Framework Agreement. This is a report for information purposes, to comply and give details of the estimated preliminary costs in accordance with Procurement Standing Order 2.1.

### **2.0 RECOMMENDATION: It is recommended that the Board note:**

- (1) that in accordance with Procurement Standing Orders and current EU Procurement Regulations 2006, a formal restricted tender procedure for the provision of Corporate Print Contract Framework Agreement is to be undertaken and a contract implemented to maximise procurement opportunities for the Council; and**
- (2) that the tender will be a Framework Agreement, for which Halton (in collaboration with Knowsley and Merseyside Fire & Rescue) will be performing the restricted tender process on behalf of the Merseyside Procurement Partnership.**

### **3.0 SUPPORTING INFORMATION**

#### **3.1 Outline of the current service**

Print and copying requirements are currently fulfilled in a number of ways:

- a) By accessing the in-house services offered by the print unit. The unit in effect provides a 'copying' service, producing committee papers; stationery (including pay slips); plus low quantity runs of leaflets, posters etc, where artwork is supplied.

b) Where the requirement cannot be accommodated in-house, the Account Officers within Communications and Marketing manage the work procured through the existing externalised print contract.

Analysis in this last area shows that prior to the existing contract, spend on externalised print services was in excess of £500,000 but has reduced to £241,000 per annum.

This spend is currently spread over 8 contracted external suppliers.

Since the contracts were established, staff are now required to follow a process for ordering these goods. This has reduced the inconsistent pricing throughout the council for similar products, diluted purchase spend from lack of aggregation and increased administration costs from the high volume of transaction activity, which has made a saving of £130,000 over 9 months.

### **3.2 Change in context**

It is intended to establish a new formal contract for the procurement of Corporate Print services, split across a series of lots to ensure fair competition and transparency for our whole supply community:

Lot 1	Corporate print
Lot 2	Marketing material
Lot 3	Commercial
Lot 4	Newsletters & E-Books
Lot 5	Promotional items
Lot 6	Corporate Imaging
Lot 7	Pre-Printed Envelopes

The contract will be held by the Account Officers based within the Communications and Marketing Division. They will be responsible for the sourcing of all print requirements. The in-house printing services will decide if work can be accommodated in-house and where not, the Account Officers will use their expertise to procure relevant services through the new contracts.

All print requirements will have a council Purchase Order placed with the relevant supplier, which will be raised via the Council's financial system, Agresso. Further efficiency gains will be made from utilising Agresso and E-Procurement which will reduce duplication within a paper based administration process and allow for invoices to be scanned.

### **3.3 Links to corporate objectives**

The new arrangements seek to support the current aims of the efficiency review, establishing a corporate-wide contract and creating a centre of excellence for print services to deliver efficiency and value for money.

### **3.4 Costs of service**

The annual cost of the print unit is £304,000. In addition, as stated above, the cost of externalised print is in excess of £241,000. With a contract period of four years and working in collaboration with our Merseyside Partners, the overall contract value would be in excess of £1m.

Costs of establishing the day-to-day provision of the contract will be accommodated within current staffing costs.

### **3.5 Project risks and controls**

With the existing contract about to expire there would be no formal arrangements in place. There is now more control and monthly monitoring of expenditure in relation to externalised print. With spend spread across 8 suppliers this gives us opportunity to seek discounts and to build relationships with suppliers.

We have managed to establish quality procedures and monitor the application of our corporate identity. This has helped to decrease the risk that materials are being produced that do not adhere to the brand, and/or fall short of our quality standards.

It is important that the new arrangements reflect the diverse requirements of Halton and the Merseyside Procurement Partnership. To ensure this happens, a working group (with representatives from procurement, print unit and communications) is in place to develop the contracts with the support of a cross-department officer forum. The officers have provided detailed information on products purchased and a valuable insight into their requirements for the contract.

In addition, a supplier forum will take place to outline our intentions.

Once the arrangements are in place, a Contract Manager based within the procurement division will take responsibility for the contract management and work closely with Communications and Marketing to monitor performance and compliance with the contract from both suppliers and internal officers. Support from a Contract Officer who will assess the activity by means of Contract Monitoring, which will be stated in the tender documents. Contract Management will be ongoing for the life of the contract to ensure continuous improvement and value for money opportunities are achieved.

### **3.6 Method of procurement**

Halton is a member of the Merseyside Procurement Partnership and intends to let this contract as an open framework agreement in

collaboration with Knowsley and Merseyside Fire & Rescue, the contract will also be available to the other members of the group

Liverpool CC  
Wirral  
St. Helens  
Sefton  
Cheshire West & Chester  
Mersey Travel

EU Procurement Regulations 2006 will need to be followed as the value threshold exceeds £1million.

The contractor will be selected by the council following the Restricted Procedure for the Tender, which will include the following elements of procedure:

- Advertise for expressions of interest on the OJEU (Official Journal of the European Union).
- PQQ (Pre Qualification Questionnaire) will be issued to those suppliers expressing an interest.
- Evaluation of PQQ and shortlist
- Issue ITT (Invitation to Tenders) to shortlist
- Evaluation ITT (to include Presentations and samples)
- 10 day standstill period will take place prior to award and signing of the contract.

### **3.7 How the proposed method of procurement fits with the Authority's procurement policy**

The method of procurement will follow the Best Practice principles of the councils procurement policy and maximise opportunities to deliver best value and efficiency savings from continuous improvement and contract management once the contract has been embedded within the council. The contract will award on the Most Economically Advantageous Tender (MEAT) and include procurement principles of sustainability and Equality within the supply chain.

### **4.0 POLICY IMPLICATIONS**

In accordance with Procurement Standing Orders 2.1 this report is laid before Executive Board Sub Committee.

With spend in excess of £241k per annum (and a total contract period spend in excess of £1m) to ensure compliance there must be a formal OJEU tender procedure and contract awarded.

A Print Policy has been created that gives officers clear direction of procurement requirements to comply with when they have a need to print. This has been approved by the Council's Management Team.

**5.0 OTHER IMPLICATIONS**

5.1 N/A.

**6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

**6.1 Children and Young People in Halton**

None Identified

**6.2 Employment, Learning and Skills in Halton**

None Identified

**6.3 A Healthy Halton**

None Identified

**6.4 A Safer Halton**

None Identified

**6.5 Halton's Urban Renewal**

None Identified

**7.0 RISK ANALYSIS**

The award of the contract to a number of suppliers across a series of lots as opposed to a sole supplier will provide officers with greater choice, flexibility, and access to specialist services, while offering the authority greater value for money than currently exists.

The establishment of the Print Policy and process will enable greater control and performance monitoring as well as enable suitably skilled officers to source from the most appropriate supplier.

**8.0 EQUALITY AND DIVERSITY ISSUES**

By awarding the contract as a series of smaller lots, accessibility to a wider number of potential suppliers including SME's is possible.

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

None under the meaning of the Act.

**REPORT TO:** Executive Board Sub Committee

**DATE:** 1<sup>st</sup> December 2011

**REPORTING OFFICER:** Strategic Director, Communities

**SUBJECT:** Extension of Local Involvement Network (LINK)  
Contract

**WARD(S)** Borough-wide

1.0 **PURPOSE OF THE REPORT**

1.1 To request an extension to the exiting LINKs Host contract for the extended transition period to Local HealthWatch.

2.0 **RECOMMENDATION: That Members of the Executive Board Sub Committee approve that Halton and St Helens Council's extend the existing Host Contract by 6 months from April 2012- October 2012, plus an option for 6 x 1 month extensions if required.**

3.0 **SUPPORTING INFORMATION**

3.1 In June 2011 Executive Board Sub approved an extension to the original LINK Host contract with Halton and St Helens Voluntary & Community Action (VCA), jointly contracted with St Helens Council, to take the contract to the end of March 2012. This was in line with 'Liberating the NHS' white paper time table as it was at that time.

3.2 Since this time the Government have announced that there would be an extended transition period from LINK to HealthWatch with the establishment of HealthWatch now taking place in **October 2012**, 6 months after it was originally anticipated.

3.3 The statutory duty of each Local Authority to provide LINK activity remains until the establishment of Local HealthWatch. This now leaves a potential **6 month gap (April 2012- October 2012)** in LINK provision in Halton that needs to be addressed.

3.4 This would allow for some flexibility in the event that the Government timetable for Local HealthWatch implementation is pushed back again, in line with the introduction of NHS Complaints and Advocacy services (under the HealthWatch banner) in March 2013.

3.5 St Helen's Council are keen to extend the jointly contracted Host

contract with Halton and St Helens VCA for the duration of the transition period.

3.6 The Halton LINK Host have confirmed that they would accept an extension for the extended transition period should this be offered to them.

3.7 To date there have not been any performance issues with the LINK Host

#### 4.0 **POLICY IMPLICATIONS**

4.1 The Government's vision is to strengthen patient and public voice through the development of LINKs into Local HealthWatch. Local HealthWatch will continue with the role of LINK along with additional remit as a consumer champion at both local and national levels.

4.2 For LINKs, the transition year needs to address two key challenges:

- All LINKs being supported to operate at the level of the best;
- A smooth transition to local HealthWatch.

4.3 For local authorities the transition year needs to address:

- What effective and valuable local HealthWatch arrangements would look like;
- The level of investment required in local HealthWatch arrangements.

4.4 By extending the existing LINK Host Contract it will support the LINK to continue with establishing a transitional plan and its transitional arrangements, promoting a smooth transition to Local HealthWatch.

#### 5.0 **OTHER/FINANCIAL IMPLICATIONS**

5.1 LINKs is currently funded through Department for Community & Local Government Formula Grant, this will continue for at least the remainder of the current spending review. There is sufficient grant to cover the periods identified.

#### 6.0 **LEGAL IMPLICATIONS**

6.1 The Procurement team have agreed that this option as viable as the LINK service is Part B exempt under the Public Contracts Regulations 2006 as it is classified as a 'health and social care service' and the aggregated value of the contract would be less than £1 million. A waiver of standing orders would need to be approved. A business case for waiver of standing orders can be found in Appendix 1

7.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

7.1 **Children & Young People in Halton**

None identified.

7.2 **Employment, Learning & Skills in Halton**

None identified.

7.3 **A Healthy Halton**

LINKs provide the following functions:

- Promoting and supporting the involvement of people in the commissioning, provision and scrutiny of health and social care services
- Obtaining the views of people about their needs for and experiences of local services.
- Conveying those views to organisations responsible for commissioning, providing, managing and scrutinising health and social care services and recommending how services can be improved.
- Enabling people to monitor and review the commissioning and provision of local services.

7.4 **A Safer Halton**

None identified.

7.5 **Halton's Urban Renewal**

The views of local people on issues which may include access to centres that provide health and social care services may be sought by the LINK.

8.0 **RISK ANALYSIS**

8.1 If the LINK contract is not extended for the period April 2012 – September 2012 Halton Borough Council will need to make alternative arrangements to provide LINK support during the transitional period. This may incur additional cost and resource.

9.0 **EQUALITY AND DIVERSITY ISSUES**

9.1 The LINK seeks views on health and social care provision from all groups within the community in relation to health and social care services available to Halton residents.

9.2 Any contract extension will make provision for the Host organisation



to maintain and observe a written Equalities Policy.

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

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Executive Board Sub Committee Report 15/07/11	Municipal Building	Angela McNamara Divisional Manager Commissioning

## **Appendix 1 Business case for waiving tendering Standing Orders**

In light of the exceptional circumstances, namely a change in the Government timetable in extending the transition period to Local HealthWatch, it is requested that Standing Orders be waived on this occasion on the basis of SO1.8.2(f) in view of compliance with Standing Orders would be inconsistent with partnership arrangements with St Helens Borough Council.

St Helen's Council are keen to work with Halton Borough Council to continue the existing LINK Host arrangements during the extended transition period to ensure continuity and quality of provision is not compromised during an already turbulent time in the field of Health and Social Care, due to wide ranging reforms.

As the current Host arrangement is jointly procured with St Helen's Council, a deviation from this arrangement at this stage would require Halton to undertake, as a minimum, an 'advanced quote' process – incurring resource and possible financial implications.

### **Value for money and competition**

The extension to the LINK Host contract will be subject to quarterly monitoring by both Halton and St Helens Councils, as it is a joint contract between the two Authorities. From Halton, this will be undertaken by a Policy Officer (Health). Quarterly monitoring of the Host contract is already well established where by progress towards the outcomes specified in the original contract is reviewed, identifying where remedial action is required to be taken.

In the letter from the Department of Health (dated 27.10.10) it is stated that '...local authorities **should** consider extending **existing LINKs host**... unless there are strong operational reasons not to do so.' To date there have been **no** performance issues in relation to the Host organisation's progress towards and achievement of outcomes specified in the original contract specification.

St Helens and Halton CVA have agreed a 12.5% reduction in the half yearly budget (April 2012-October 2012) in light of the current financial situation that faces both Halton and St Helens Council's. This will enable the Host organisation to continue to deliver a LINK service to the public, ensuring that the level of quality is not compromised during the transitional period.

There would be resource implications of testing the market for a contract of only 6 months in duration. There is also a risk that in pursuing alternative arrangements that continuity of service to the public may be compromised and confusion may occur amongst the public and other stakeholders during what is already a potentially confusing transitional period from LINK to HealthWatch.

### **Transparency**

Any request for information under the Freedom of Information Act (FOIA) will be entered into the corporate FOI Tracking System to ensure that it is dealt with and responded to within the statutory 20-day period.

The LINK Host contract will be subject to the internal audit process of the Council. Internal Audit works to an Annual Audit Plan which is approved by the Business Efficiency Board.

### **Propriety and Security**

Integrity clauses will be built into the contract extension document ensuring that only staff with a need to know will have information about the contract. The Host organisation shall ensure that it complies with all relevant legislation, including the Data Protection Act 1988 and the Freedom of Information Act 2000

### **Accountability**

Accountability would remain with the Operational Director for Prevention and Commissioning and would be subject to scrutiny from internal and external audit processes and Policy and Performance Boards.

### **Position of the contract under the Public Contracts Regulations 2006**

This contract is for a Health and Social Care service and as such is exempt from the 2006 regulations. The contract extension would be Part B exempt as the aggregated value of the contract is less than £1million.

The annual value of this contract is below the financial threshold of £156,442.00 and therefore a full tender exercise would not be required.