

REPORT TO: Executive Board Sub Committee

DATE: 17th June 2010

REPORTING OFFICER: Strategic Director – Adults & Community

SUBJECT: Personalisation Agenda and User Led Organisations – Waiver of Procurement Tendering Standing Orders

WARD(S) Borough-wide

1.0 **PURPOSE OF THE REPORT**

1.1 To request the waiving of Procurement Standing Orders 3.1 - 3.7 which places a requirement on the Council to tender for contracts set up with external providers of services.

2.0 **RECOMMENDATION: That:**

- i) **Procurement Standing Orders 3.1-3.7 be waived in accordance with Standing Order 1.6 and the Operational Director Health & Partnerships be authorised to award the contract for the User Led Organisation Development Programme to Get Heard Consultancy, for the sum of £34,650 in light of the exceptional circumstances outlined in this report.**

3.0 **SUPPORTING INFORMATION**

3.1 Improving the Life Chances of Disabled People (PSU, 2005) included the recommendation that 'By 2010, each locality (defined as that area covered by a Council with social services responsibilities) should have a user-led organisation modelled on existing Centres for Independent Living (CILs).' User-led organisations (ULOs) were described as 'local organisations, run and controlled by disabled people'.

3.2 The recommendation was taken forward as an objective in the Independent Living Strategy (DH, 2008) and the key importance of developing user-led organisations as a central element of the personalisation agenda was recognised in Putting People First (HMG, 2007) and the Transformation of Social Care (TASC) circular (DH/LAC, 2009.) The recently agreed milestones for the delivery of the TASC agenda include the progress measure 'that every council area has at least one user-led organisation who are directly contributing to the transformation to personal budgets' by December 2010.

- 3.3 The Department of Health established a ULO Project in 2006 which led to the publication of the User-Led Organisations Project Policy, which set out design criteria to guide local authorities work on ULO initiatives. The Policy also stressed the need for authorities to adopt a 'co-production' approach to ULO development and emphasised the fact that the structure and organisation of each ULO would vary according to local circumstances.
- 3.4 The DH then funded 25 pilot sites for ULO development initiatives through the Project and established a regional support network. Locally support has been provided through the North West Joint Improvement Partnership for Adult Social Care (NWJIP) which has hosted regional workshops and meetings. Good practice products from the first wave pilot sites have been made available through the National Centre for Independent Living (NCIL) website as a resource for others.
- 3.5 The DH has recently published 'Sharing the Learning – user-led organisations action and learning sites 2008-2010' (DH, 2010) which summarises key areas of learning from the pilot sites. This includes a section on the main models that have emerged from the pilots which suggests that all ULO developments can be grouped under one of 3 models:
- **Hub and Spoke:** A federation of existing organisations operating through an organisational hub which they manage.
 - **Centre for Independent Living:** A new or existing building-based organisation which would, in essence, be the CIL, delivering services with partner organisations in the area.
 - **A Virtual ULO:** operating via a website with portals for the various partner organisations and their services. The DH then funded 25 pilot sites for ULO development initiatives through the Project and established a regional support network. Locally support has been provided through the North West Joint Improvement Partnership for Adult Social Care (NWJIP) which has hosted regional workshops and meetings. Good practice products from the first wave pilot sites have been made available through the National Centre for Independent Living (NCIL) website as a resource for others.
- 3.6 The guidance is clear that ULOs should support all disabled groups, carers and people who user support which would include:
- People with learning difficulties
 - People with mental health needs
 - People with physical and/or sensory disabilities
 - Older people with disabilities
 - People with disabling long-term conditions

- Young disabled people
- Parents of disabled children
- Carers
- Personal Assistance users

3.7 The functions that a ULO may be expected to deliver may include:

- Advice and information
- Advocacy and self-advocacy support
- Support with Direct Payments and personal budgets
- Support with PA's
- Access audits
- Support for the Disability Equality Duty
- Disability equality training
- Consultation and involvement
- Peer support and counselling

3.8 To help to progress local work on the development of a ULO an experienced independent consultancy was engaged to help to draw up an approach for the development of a ULO in Halton. The main strands of the project have involved:

- Establishing the national strategy context to ensure that a local ULO is consistent with current guidance
- Linking up with the regional network and the JIP NW lead, attending workshops and studying in detail a number of ULO development initiatives in the region
- Establishing the local context in relation to the development of user-led organisations and the potential for linking future ULO development with the Transformation of Social Care agenda
- Fostering co-production of the strategy through meetings/interviews with representatives of local third sector organisations for disabled people.

3.9 The learning from these different strands of the strategy development project has been used to inform an options appraisal exercise which has led to the recommendation that a hub and spoke model based on the DH design criteria is adopted. This is consistent with the preferences expressed by all of the local organisations for disabled people that were interviewed.

Discussions with the Directorates' lead commissioner for advocacy services and with the manager of the Direct Payments and personal budgets service give encouragement to the view that there may be significant potential benefits from establishing close links with these services and the ULO design programme.

3.10 **Business Case for Waiver of Procurement Tendering Standing Orders**

Value for Money and Competition

The proposed provider, Get Heard Consultancy have been working closely with Halton Disability Partnership and other local third sector groups in order to progress Halton Disability Partnership seeking to develop as a "user-led organisation" with its own funding and a formal charity structure to provide a stronger voice for people with disabilities in the Borough.

Given that Get Heard Consultancy has previously been commissioned and been working with key stakeholders it would seem a poor use of resources for Halton Borough Council to instigate a further formal tendering process which would require additional resources to progress it. They have identified costs of 334,650.

With our knowledge of the market, we are satisfied that the price of £34,650 is a fair price.

3.11 **Transparency**

Transparency will be achieved by ensuring a clear audit trail for the procurement of all goods and services.

The contract will be placed on the Halton Borough Council Procurement website. The contract is also subject to the Freedom of Information Act and audit processes.

3.12 **Propriety and Security**

Integrity clauses will be built into the contract documents and only Officers with a need to know will have information about the contract.

3.13 **Accountability**

Accountability would remain with Operational Director Prevention and Commissioning awarding the contract and a rigorous evaluation and performance-monitoring framework will form part of the contract with Get Heard Consultancy.

This service is exempt from the tendering requirement of the Public

Contract Regulations 2006 because the development is ancillary to Health and Community Service's which falls into Part B category, Procurement Regulations 2006.

4.0 **POLICY IMPLICATIONS**

4.1 National Indicator 130 has a target requiring 30% of service users and carers in receipt of community services to be purchasing them using an Individual budget or direct payments by April 1st 2011. The figure will be calculated per 100,000 population aged 18 or over. The establishment of a ULO will support this.

4.2 Over the next 5 years, Personalisation is likely to substantially affect the way in which people receive services, information and support. The Local Authority will need to progress this national agenda.

5.0 **OTHER IMPLICATIONS**

5.1 **Financial**

The cost of this contract will be funded by the Social Care Reform Grant. This will be reviewed in March 2011 and further investment will be considered against the Councils available budget. Alternative funding streams or self funding will be considered as part of this process.

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

6.1 Failure to develop a ULO in Halton by 2010 will mean that the Life Chances recommendation will not be achieved in the Borough within the nationally set timeframe.

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

This decision supports the planned development of employees, service users, contracted provider services and carers to ensure they have the correct skills and knowledge to carry out their duties in a safe and competent manner.

6.3 **A Healthy Halton**

Once the ULO has been established it will be in a position to apply for grants and other funding, in the same as other independent third sector organisations, and may be commissioned by the local authority and the PCT to provide various services that support independent living and promote personalisation.

The Government anticipates that the use of Individual Budgets will lead to further health gains. Further work with Health will take place to ensure health gains are maximized.

6.4 **A Safer Halton**

Staff will be trained to provide advice, support and guidance to enable service users to manage how their own care needs are met.

6.5 **Halton's Urban Renewal**

None identified

7.0 **RISK ANALYSIS**

7.1 There are 3 primary risks.

- Failure to develop a ULO in Halton by 2010 will mean that the Life Chances recommendation will not be achieved in the borough within the nationally set timeframe.
- The progression of the personalisation agenda without an adequate understanding of the full implications and the impact this may have on care service provision.
- Giving insufficient priority to the work so that the Council falls behind other Councils and Government expectations and does not meet its NI 130 target by April 2011.

8.0 **EQUALITY AND DIVERSITY ISSUES**

The role of a ULO may include the delivery of disability equality training, and it may play an important role in supporting the fulfillment of the Council's Disability Equality Duty.

Application of the design criteria will ensure that a local user-led organisation is 'non-discriminatory and recognises and works with diversity in terms of race, religion and belief, gender, sexual orientation, disability and age'

8.1 Following approval of the request to waive Standing Orders a full equality impact assessment on any proposals will be undertaken by the Directorate Equalities Group.

8.2 The personalisation agenda promotes equality, diversity and greater well-being to the residents of Halton.

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

N/A