**STANDARD OPERATING PROTOCOL FOR THE PLACEMENT OF INDIVIDUALS IN SOCIAL CARE & SEN SERVICES**

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| --- | --- |
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**Summary of document**

The purpose of this protocol is to ensure that individual placements in social care and SEN packages are made which:

• Are within legal and contracting frameworks

• Ensure that service users are placed safely in services which meet their assessed needs

• Represent value for money for the Council

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**1. INTRODUCTION**

1.1 This protocol outlines the process for placing individuals in social care and special education placements. It should be followed at all times.

**2. LEGAL AND CONTRACTING CONTEXT**

2.1 CONTRACTING

* Rutland County Council’s Contract Procedure Rules
* Rutland County Council’s framework agreements, approved provider lists and spot contracts

2.2 ADULT SOCIAL CARE

* Care Act 2014

2.3 CHILDREN’S SOCIAL CARE

* Children & Families Act 2014
* Placement with Parents Regulations 1991
* The National Assembly Circular 2/2001 – Guidance on the Education of Children Looked After by Local Authorities
* 1989 Children Act Guidance and Regulations Volume 3: Family Placements (5.61)

2.4 SPECIAL EDUCATIONAL NEEDS

* Children and Families Act 2014
* Special Educational Needs and Disability Regulations 2014
* Special Educational Needs (Personal Budgets) Regulations 2014
* Special educational needs and disability code of practice 0 to 25 years (2014, updated 1 May 2015)
* Implementing the 0 to 25 Special Needs System: LAs and partners

**3. CORE PROCESS FOR PLACING INDIVIDUALS**

3.1 The Core Process is detailed in Section 4. This process must be followed at all times, any deviation from the process must be agreed in advance by the relevant Service Manager or Head of Service.

3.2 The key elements of the core process are:

3.2.1 **Referral** – this is when the Council first identifies a potential need for an individual to be placed into a service commissioned by the Council, whether on a permanent, long-term or respite basis.

3.2.2 **Needs and Eligibility assessment** – the service user is assessed and the extent of the Council’s Duty of Care (practical and financial) ascertained.

3.2.3 **Identification of potential providers** – once the service user has been assessed as eligible for Council support, the commissioner (the social worker/key worker for the individual), in consultation with the service user (and/or their family/representative), will identify services that can meet need. The more services the better, as this enables a higher level of competition. However, in reality the diversity of needs and complexity of personal situations often means that only one or two potential services are identified. Where possible existing Frameworks or RCC contract arrangements should be utitlised.

3.2.4 **Preferred placement selected** – once the commissioner has shortlisted potential providers that can meet the service user’s need, the Procurement and Contracts Management Team should support the negotiation process to assist with securing the best cost for the placement. The P&CM Team will also support the commissioner to check compliance.

3.2.5 **Placement Approval** – the commissioner will complete the Core Process Checklist, which provides a justification for the preferred service selected, and present it to the Panel/Team Manager for agreement.

3.2.6 **For Children’s Social Care Placements,** which use a Panel, members of the Panel should include:

* Service Manager
* Team Manager(s)
* commissioners

The Panel must sign off the Core Process Checklist.

3.2.7 **For Special Educational Needs Disability placements,** the EHC Panel and the High Needs Funding Panels will both be involved. Both panels will comprise members as indicated in the SEND Local Offer and SEND policy. These include:

* Team Manager;
* SEN specialists, e.g., Education Psychologist, SENCo (school SEN coordinator);
* SEN case officer.

As indicated in legislation, the Panel makes the decision to commission the placement unless instructed otherwise by the SEND Tribunal.

3.3 **DOCUMENT MANAGEMENT**

3.3.1 **Exemption Form and Core Process Checklist**

An Exemption Form should be completed for each placement, unless the placement is part of an RCC internal contract or framework.

A Core Process Checklist should be completed to support every individual placement.

The Contract Manager for the placement (usually the Budget Manager) should co-ordinate the necessary authorisations, and once all the necessary signatures are collected, the form(s) should be scanned and attached to the service user’s record on the Case Management System and the original(s) sent to the Procurement & Contracts Management Team.

3.3.2 **Individual Placement Agreement (IPA)** **Social Care**

The officer responsible for the placement should complete two IPAs, collecting signatures from the provider, service user (or their representative where they lack capacity) and the Contract Manager. The officer should then scan the IPA and attach to the service user record on the Case Management System, and send both original copies to the Procurement & Contracts Management Team.

3.3.3 **Individual Placement Agreement (IPA)** **SEND**

The officer responsible for the placement should complete two IPAs, collecting signatures from the provider and the Contract Manager. The officer should then retain one copy in the pupil’s file, and send the other original copy to the Procurement & Contracts Management Team.

3.3.4 **Notification of Placement (NOP)** - The officer should complete a NOP which must be authorised by the Contract Manager. This should be scanned and attached to the service user record on the Case Management System, with a copy emailed to the Finance Team.

**4. CORE PROCESS**

The process for making individual placements is as follows:

1. Service User is assessed as eligible for a placement.
2. Identify potential placements based on service user’s needs, vacancies and rates.
3. Agree best suited placement for service user with them and/or their carers.
4. Undertake pre-placement checks: CQC/Ofsted registration; Local Authority monitoring and safeguarding concerns (if out of county).
5. Panel/Service Manager agreement to make placement & fee negotiated and agreed.
6. Individual Placement Agreement completed.
7. Procurement and Contract Team informed and Exemption Form process started.
8. Placement made.
9. Exemption Form signed off retrospectively (but within one month of the placement being made).

**5. VALUE FOR MONEY**

5.1 Value for Money (VfM) is a term used to assess whether or not an organisation has obtained the maximum benefits from the goods and services it acquires and provides, within the resources available to it. In the context of this policy, VfM not only measures the cost service provision but also takes account of the quality, ability to meet the needs of the service user and capacity of the service.

5.2 The Core Process supports the Contract Manager in achieving VfM when making individual placements.

5.3 VfM should ensure:

5.3.1 Clear objectives relating to Service User need and expected placement cost

5.3.2 Planned processes used in order to select the most suitable provision to meet the objectives.

5.3.3 Openness and transparency, with all parties understanding the process being followed

5.3.4 Compliance with statutes and regulations as described in 1.0 of this SOP.

5.4 The following may be used to identify placements and ascertain VfM:

5.4.1 **Banded rates** – these are therates paid by the Council for residential care homes for older people which are negotiated with providers and then fixed for a specified period. Every local authority operates a banded rate system, although rates vary, and it is expected that the officer will accept the rate operated by the home authority when making out of county placements.

5.4.2 **Existing spot contract rate** – A rate which is specified within a spot contract with an existing provider

5.4.3 **Benchmarking** with **other local authorities**

5.4.4 **Benchmarking** with **similar provision from other providers**

5.4.5 **Framework Agreements / Approved Provider lists** – A framework or approved provider list is an agreement with suppliers to establish terms governing contracts that may be awarded during the life of the agreement. In other words, it is a general term for agreements that set out terms and conditions for making specific purchases (call-offs). VfM was achieved when providers tendered to be included in the framework. Rutland is currently party to or operates the following individual placement frameworks / approved provider lists:

* East Midlands Regional Children’s Framework (Fostering & Children’s Homes)
* Supported Living
* Domiciliary Care (older people)
* Residential Care (older people)

5.4.6 **Mini-tender / quotation**, where a number of providers who are able to provide an equivalent service are invited to submit bids to deliver provision for the placement

5.4.7 **Negotiation**, which will usually be face to face, by telephone and/or by email.

**6. CONTRACT MONITORING**

6.1 Ongoing contract monitoring is an essential component of the placement and contract. Contract monitoring must be undertaken in line with the Contract Procedure Rules.

**6.2 Commissioning Officer Responsibilities**

* Ensure the placement is monitored in line with service timescales, and as a minimum on an annual basis;
* Ensure the care plan is updated accordingly and any change in need resulting in increased interventions from the provider or decreased support from the provider is clearly documented;
* Ensure that any changes in need and level of intervention or support are discussed with the provider and placement costs is renegotiated accordingly.

**6.3 Quality Assurance/Contracts Officer Responsibilities**

* + Ensure safeguarding and quality is checked with the host local authority on at least an annual basis;
	+ Ensure up-to-date insurance certificates and financial checks are maintained;
	+ Ensure any changes to Framework Terms and Conditions are communicated to commissioning officers, along with any changes to call-off processes or providers included in the framework.

 **Appendices**

1. Core Process Checklist
2. Individual Placement Agreements
3. Notification of Placement form

**APPENDIX A: Individual Placement Core Process Checklist**

1-4 to be completed by commissioner prior to Panel meeting.

Panel comments and approval (5) to be completed by Panel at meeting

**1. Placement details**

|  |  |
| --- | --- |
| Team  |  |
| Team Manager |  |
| Description of placement (service user initials, assessed eligibility, reason for placement) |  |
| Provider NameProvider Address |  |
| Expected length of placement (if ongoing note when and how frequently it will be reviewed) |  |

|  |  |
| --- | --- |
| Negotiated fee | Comments on Value for Money |
| £ | Per month/week |  |
| £  | Per session (specify length of session) |  |

**2. Placement Type**

Adult residential care – in county [ ]  Adult residential care – out of county [ ]

Specialist residential care [ ]  Supported living [ ]

Day services [ ]  Domiciliary care [ ]

SEN school [ ]  Child residential care [ ]

Fostering [ ]  Other [ ]

|  |  |
| --- | --- |
| Why has this provider been chosen for the placement? |  |

**3. Compliance Checks**

Does the provider comply with the relevant regulatory requirements?

CQC [ ]  Ofsted [ ]  Other [ ]  N/A [ ]

Has the local authority where the provider is located been contacted?
Yes [ ]  No [ ]

|  |  |
| --- | --- |
| Evidence of quality checks carried out, including any safeguarding concerns raised by host LA. |  |

|  |  |
| --- | --- |
| Evidence of finance checks carried out, including confirmation of relevant insurances. |  |

**4. How was Value for Money achieved?**

**Benchmarking**

Were other local authorities consulted? Yes [ ]  No [ ]

|  |  |
| --- | --- |
| Comments (include LAs contacted and contribution) |  |

Were other contracts / IPAs held with providers of the same or similar services examined? Yes [ ]  No [ ]

|  |  |
| --- | --- |
| Comments  |  |

If the provision was determined via competition/ mini-tender/ framework call-off please provide details here.

|  |
| --- |
|  |

Negotiation undertaken by: (name of officer)

Via: Email [ ]  Telephone [ ]  Face to face [ ]  Other

**5. Panel/Service Manager comments**

|  |  |
| --- | --- |
| Summary of why this placement is appropriate, meets quality requirements and is value for money  |  |

**Approval**

|  |  |  |
| --- | --- | --- |
|  | Print name | Signature |
| Service/Team Manager |  |  |
| Procurement Team |  |  |

**APPENDIX B: Individual Placement Agreement**

***NB. Please ensure you use the correct IPA Form for the type of placement.***

**IPA Residential Care Homes**

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**IPA BACA**

****

**IPA Looked After Children or Young People**

****

**IPA Variation Looked After Children or Young People**

****

**APPENDIX C: Notification of Placement Form**



**A large print version of this document is available on request**

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