

**To: Executive Sub-Committee**

**On: 27 March 2015**

**Report by Director**

**Request for Associate Membership of Scotland Excel by SB Cares**

**1 Introduction**

In February 2015 Scottish Borders Council agreed to establish a Limited Liability Partnership, SB Cares, through which it would deliver the statutory duties which the Council has, to provide assistance to persons in need under the Social Work (Scotland) Act 1968.

SB Cares is as an Arms Length External Organisation of the council (ALEO). The organisation's aim is to deliver homecare, extra care housing, residential care, day services and ability equipment services for the community within the area served by the Scottish Borders Council.

Based on the foregoing SB Cares have approached Scotland Excel and requested approval to become an associate member with continued access to our contracts under the council's annual requisition fee.

**2 Legislative Position**

Under the Local Government in Scotland Act 2003 local authorities can supply goods and services to a range of organisations and public bodies and Scotland Excel facilitates this by managing a number of "associate members" along with the 32 "full member" Councils. Associate members do not receive the full range of services which full members have and subsequently are asked to sign a Service Level Agreement (SLA) rather than a full governance document.

Scotland Excel monitors all requests from arms length organisations to become associate members to ensure that any legal requirements are met as not all such organisations are fully funded from their local authority, in this case SB Cares qualify for membership as they in accordance with the Local Authorities (Goods and Services) Act 1970, section 1B, namely that the organisation is not a public body, but it has functions of a public nature or engages in activities of that nature. This SLA is necessary to ensure Renfrewshire Council as the contracting authority responsible for acceptance of contracts is not liable for any default by an associate member against a Scotland Excel contract.

**3 Recommendation**

It is recommended to committee that SB Cares application to join Scotland Excel as an associate member accepted subject to completion and signing of the SLA.