

99107035153000

Heruntergeladen am 04.07.2025

<https://fimportal.de/xzufi-services/95868/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99107035153000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Social assistance; application for arbitration proceedings
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

Modul	Sachverhalt
Fachlich freigegeben am	22.01.2025
Fachlich freigegeben durch	Bayerisches Staatsministerium für Familie, Arbeit und Soziales (Bavarian Bavarian State Ministry for Family, Labour and Social Affairs)
Handlungsgrundlage	https://www.gesetze-im-internet.de/sgb_12/ https://www.gesetze-im-internet.de/sgb_12/ https://www.gesetze-bayern.de/Content/Document/BayAVSG https://www.gesetze-bayern.de/Content/Document/BayAVSG
Teaser	Service providers and social welfare providers can appeal to the joint arbitration board in the event of disputes and conflicts in negotiations on a service and remuneration agreement.
Volltext	<p>The social welfare provider may provide benefits in accordance with the Seventh to Ninth Chapters of SGB XII</p> <ul style="list-style-type: none"> • Assistance with care • Assistance to overcome particular social difficulties and • Assistance in other life situations <p>by third parties (service providers) only if there is a written agreement between the service provider's institution and the social welfare institution responsible for the place where the service is provided.</p> <p>Exception:</p> <ul style="list-style-type: none"> • Home care services, insofar as these are provided by persons close to the person in need of care or as neighborhood assistance in accordance with Section 64 SGB XII <p>The agreement can also be concluded between the social welfare provider and the association to which the service provider belongs, provided the association can provide evidence of a corresponding power of attorney.</p>

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The agreements are binding for all other social welfare providers.

The written agreement with service providers must specify

- the content, scope and quality, including the effectiveness of the services (service agreement) and
- the remuneration of the service (remuneration agreement)

must be regulated.

An arbitration board has been set up in Bavaria for disputes and conflicts. This is located at the government of Lower Bavaria. It decides on application if no agreement can be reached.

The following information is required:

- The applicant - if he is a service provider - must state whether he is a member of a provider association and, if so, which one.
- The defendant must be named, stating the summonable address.
- A declaration that contract negotiations have been initiated but that no agreement on a service or remuneration agreement has been reached within three months of a written request for negotiations by one of the contracting parties.
- The application must describe the results of the previous negotiations and provide details of the matters on which no agreement could be reached and the reasons for this.
- The application should contain a specific request, including an indication of the agreement period.
- The application may contain a statement by the applicant as to whether he/she agrees to a decision by the arbitration board in a written procedure.

Erforderliche Unterlagen

- power of attorney, if applicable
- Evidence, in particular of the service agreement in accordance with § 76 Para. 1 and 2 SGB XII and the calculation basis for the requested remuneration
- Depending on the individual case, further documents

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	may be required. Please contact the government of Lower Bavaria.
Voraussetzungen	The prerequisite for appealing to the Arbitration Board is that one party has been requested in writing to negotiate the conclusion of an agreement in accordance with Section 76 SGB XII and no written agreement has been reached within three months.
Kosten	Fees of EUR 400.00 to EUR 7,700.00 and the expenses pursuant to Art. 10 of the Costs Act shall be charged for the proceedings of the Arbitration Board.
Verfahrensablauf	<p>The application to initiate arbitration proceedings must be submitted in writing to the office of the Government of Lower Bavaria together with the necessary documents. It must be signed by the requesting party or their legal representative or a representative authorized by them.</p> <p>The application must be submitted in triplicate (application together with the required documents, evidence and supporting documents)</p> <p>The defendant is given the opportunity to comment. At an early stage of the proceedings, the chairperson will attempt to clarify the matter further or to bring about an amicable agreement between the contracting parties. If no agreement can be reached, a decision is made by the entire arbitration board. If the arbitration proceedings are settled without a decision by the Arbitration Board, the costs shall in any case be decided by the Chairman.</p>
Bearbeitungsdauer	At the request of one of the parties, the Arbitration Board shall decide without delay on the points remaining in dispute from the negotiations previously requested in writing. The duration of the proceedings depends on the complexity of the facts and the cooperation of the parties.
Frist	The request for arbitration can be made at the earliest three months after a written request for negotiations.
weiterführende Informationen	

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Hinweise	
Rechtsbehelf	The decision of the Arbitration Board can be appealed to the social courts (Bavarian State Social Court) without the need for preliminary proceedings. The action is not to be brought against the arbitration board, but against the negotiating partner.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal