



Notice of Non-Key Executive Decision

Subject Heading:	Welfare Check, Family Support, and Supervised Contact Services for Children & Young People
Cabinet Member:	Councillor Robert Benham, Cabinet member for Children and Young People
SLT Lead:	Tim Aldridge, Director of Children Services
Report Author and contact details:	Megan Enevoldson, Commissioner & Project Manager T: 01708 433070 E: megan.enevoldson@havering.gov.uk
Policy context:	This contract supports duties placed on the Local Authority set out in Section 17, 47 and 31 of the Children's Act 1989.
Financial summary:	The budget for this procurement will come from Children's Services budgets. A tariff based contract will be awarded to a single provider with no commitment to expenditure by the Council. Expenditure will only be incurred when referrals are made. The actual net expenditure for welfare check, family support, and supervised contact services for the respective client groups in 18/19 was £72,935.
Relevant OSC:	Children & Learning OSC
Is this decision exempt from being called-in?	No

Key Executive Decision

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This decision paper seeks approval to commence a full EU compliant tender process in line with relevant procurement regulations for a 3 year contract (with a 2 year extension) for the provision of welfare check, family support and supervised contact services from 1st April 2020.

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution, Part 3.4 Powers of Second Tier Managers (who directly reporting to a SLT Director) Contract powers (a)

To approve commencement of a tendering process for all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.

STATEMENT OF THE REASONS FOR THE DECISION

1. Background

The Council has specific duties to safeguard and promote the welfare of all children in Havering. This includes duties to provide services to children in need and to undertake enquiries if it is believed that a child has suffered or is likely to suffer harm. The Council must also promote the upbringing of children with their families, unless compulsory intervention is necessary. In line with these duties the Council has contracted with a single provider for the provision of welfare check, family support and supervised contact services for children who are in need, subject to a child protection plan or looked after. The current contract for these services ends on the 31st of March 2020. This decision paper seeks approval to go out to tender for a three year (with a two year extension option) contract for the provision of these services from the 1st April 2020.

2. Proposal

The proposal is to procure a welfare check, family support and supervised contact service for children and young people who are looked after, in need or subject to a child protection plan up to the age of 18 in Havering. The service will be designed to provide bespoke, targeted and flexible support packages and will deliver an appropriate response to meeting the needs of vulnerable children, young people and families.

In more detail, the service will have a strong focus on;

- Early intervention to support families to stay together and preventing children becoming looked after.
- Reducing the levels of placement disruption for children who are looked after.

Key Executive Decision

- Contributing to successful court proceedings when it is not a safe option for a child to remain with family.
- Managing risk and recognising safeguarding concerns.
- Whole family wellbeing and empowering families.
- Flexibility outside of the normal 9am to 5pm, Monday to Friday working hours and being able to manage emergency referrals, an increase in service support hours or immediate changes of plans.

The objectives of the project are:

- 1) To ensure that services are commissioned to meet the priorities of the Council and offer the best value for money.
- 2) To ensure the tender follows corporate and EU procurement regulations and Local Authority financial regulations.
- 3) To implement robust pricing, quality assurance and performance management arrangements.

4. Procurement Approach

This procurement will be subject to and adhere to the Council's Contract Procedure Rules. The procurement will follow a formal tender process in line with relevant procurement regulations and in accordance with the Public Contracts Regulations 2015, which require compliance with principles of non-discrimination, equal treatment and transparency.

The proposed tender approach is to award a contract with a single supplier using an open procedure which will be advertised in the OJEU. Bidders will be evaluated using a weighting of 70% price and 30% quality however regardless of their price, award of the contract will be contingent on the most economically advantageous tenderer also having achieved a minimum quality score.

With regards to the procurement timetable;

- 1) The project aims to publish the tender in October 2019
- 2) The aim is for the new contract to be awarded in January 2020
- 3) The service will be mobilised between February-March 2020
- 4) The contract will begin on 1st April 2020 for a three year period (with a two year extension option)

OTHER OPTIONS CONSIDERED AND REJECTED

1. **Do nothing and allow the existing contract to lapse:** This option was rejected as it would result in Children's Services spot purchasing without a binding contract to protect its interests.
2. **Call-off from an existing framework:** This option was rejected due to the fact that there are no suitable frameworks to call-off from. Other local authorities currently spot purchase or have a contract with a single provider.
3. **To use corporate contracts with Adecco or Bloom to purchase services**

Key Executive Decision

required: This option was rejected due to the risk of increased costs as a result of the management fee charged by Adecco and Bloom, and the lack of suitability to respond to emergency weekend referrals.

4. **Bring services in house:** This option was rejected due to the low number of referrals for the service, lack of capacity within operational teams, and the need for the service outside of normal working hours.

PRE-DECISION CONSULTATION

The pre-decision consultation has involved engaging with a number of stakeholders for the tender. In summary, the following table presents the type, methods and stakeholders engaged in the pre-decision consultation;

Type	Methods	Consultees
Internal Stakeholders	Regular meetings, phone, email	<ul style="list-style-type: none">• Joint Commissioning Unit• Children's Social Care• Legal Services• Procurement• Finance
Prior Information Notice	Notice published via the Council's procurement system in July 2019	<ul style="list-style-type: none">• Current Care provider• Other interested providers in the market

In this circumstance a pre-decision consultation with service users is not required as if the recommendation is approved the service will continue. Under the proposed tender the successful provider will be expected to regularly seek service user feedback in order to continuously improve the service provided.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Megan Enevoldson

Designation: Commissioner & Project Manager

Signature:



Date: 05.09.2019

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a general duty under section 17 of the Children Act 1989 to safeguard and promote the welfare of children within its area who are in need and (so far as is consistent with that duty) to promote the upbringing of such children by their families by providing a range and level of services appropriate to those children's needs.

The Authorised Procurement Officer has confirmed that this service is classed as a Light Touch Service as set out in Schedule 3 of the Public Contracts Regulations 2015. The financial threshold for services of this nature is £615,278.00. As aforementioned in the Financial Implications, the total value of this contract is below this threshold. Therefore, the Council is not obliged to advertise the contract opportunity in the OJEU.

However, the EU Treaty principles of non discrimination, equality, proportionality and transparency are still applicable to below threshold contracts and officers will need to ensure such principles are incorporated into the procurement.

Furthermore, the Local Government Act 1999 requires the Council to make arrangements to achieve best value in the exercise of its functions, which includes the services described in this report. While conducting the procurement and evaluating the bids, officers must satisfy themselves that the procurement process is in accordance with this principle.

The procurement process officers intend to follow has already been set out in the body of this report and appears to be a fully compliant procedure.

FINANCIAL IMPLICATIONS AND RISKS

The proposal is to go out for a 3 year contract with the option of a further 2 years extension to provide welfare check, family support and supervised contact services to children who are in need, subject to a child protection plan, or looked after. It will be a demand driven, tariff-based contract, and the tender to be evaluated 70% price 30% quality ratio. The aim is to publish the tender mid-September.

The proposed contract is in accord with the Council's statutory duties for the welfare of Children under the Children Act 1989. Under Section 17 the Council must provide services for children in need (including their families and others) and has a general duty in relation to children looked after by them under Section 22.

The budget for this procurement will come from the LAC and S17 Children's Services budget and budgetary provision has been discussed and agreed with the Assistant Director for Children's Social Care. The proposed contract will incur expenditure only when referrals are made against it.

Key Executive Decision

The total spend for the respective client groups and services in 2018/19 was £95,262. The annual contract value under the new proposal is expected to be £79k per annum (£395k over the 5 years, including the extension period).

The current provider has delivered the service since financial year 2017/18. The Budget and Actual costs for Section 17 and LAC Placement services for the financial years 2017/18, to 2019/20 are set out in the table below:

Cost Centre	Budget 2017/18 £	Actual 2017/18 £	Budget 2018/19 £	Actual 2018/19 £	Budget 2019/20 £
A38120 Section 17	118,270	47,090	118,270	84,857	118,270
A38320 LAC Placements		3,903	18,200	10,405	18,200
Total	118,270	50,993	136,470	95,262	136,470

The actual spend for the first quarter in this financial year 2019/20 (April to June) was £11,023. A full year forecast of this existing client cohort would be £44,261, which would allow sufficient budget allocation for new client referrals and increased demand for the service.

Cost Centre	Spend - April to June 2019	No of Cases Supported - April to June 2019	Average Cost per Case per week	Projected Spend - 2019/20
A38120 Section 17 Payments	£7,147	46	£11.95	£28,698
A38320 LAC Placements	£3,876	31	£9.62	£15,563
Grand Total	£11,023	77	£11.01	£44,261

The financial review confirms that there is sufficient budget to meet the proposed contract spend of £79k per annum from the combined budgets for Section 17 and LAC Placements which total £136,470 for 2019/20. This is based on review of demand and actual spend in 2017/18 and 2018/19 together with the projected spend for 2019/20.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no implications or risks anticipated to council staff as the employees involved in the delivery of the current service are employed directly by the existing Provider.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants. It is not anticipated that there will be any negative impacts arising from this proposal to current and future users of this service.

BACKGROUND PAPERS

None.

Key Executive Decision

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

~~Proposal NOT agreed because~~

Details of decision maker

Signed 

Name: ROBERT SOUTH

Cabinet Portfolio held:

CMT Member title:

Head of Service title ASSISTANT DIRECTOR CHILDRENS SOCIAL CARE

Other manager title:

Date: 11/09/2019

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 17/9/2019

Signed 

