



Havering
LONDON BOROUGH

Notice of KEY Executive Decision

Subject Heading:	Approval for a 3 year Shared Services Agreement Emergency Duty Team (EDT) from 1 st April 2020 to 31 st March 2023, for the provision of out of hours emergency services for Children's social services in London boroughs of Barking and Dagenham, Havering, Redbridge and Waltham Forest.
Cabinet Member:	Councillor Robert Benham, Cabinet Member for Children and Learning
SLT Lead:	Robert South, Director for Children's Services
Report Author and contact details:	Laura Dowsett, Commissioning and Project Manger T: 01708 434156 E: laura.dowsett@havering.gov.uk
Policy context:	The EDT service discharges statutory social care duties in compliance with the Children's Act 1989, section 6(3) of the Human Rights Act 1998 and Local Government Act 2000 responsibilities, whilst ensuring public safety, by providing an emergency social care crisis response for children, outside of normal working hours.
Financial summary:	Proposed Havering budget for new contract 2020-2023 is £960,843.93: 2020/21 £313,563.05 2021/22 £320,532.73 2022/23 £326,748.15

Key Executive Decision

Reason decision is Key	Expenditure of £500,000 or more
Date notice given of intended decision:	
Relevant OSC:	Individuals
Is it an urgent decision?	No
Is this decision exempt from being called-in?	No

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"/>

Key Executive Decision

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Approval for a 3 year Shared Services Agreement Emergency Duty Team (EDT) from 1st April 2020 to 31st March 2023, for the provision of out of hours emergency services for Children's social services in the London Boroughs of Barking and Dagenham, Havering, Redbridge and Waltham Forest.

The four borough Children's EDT shared service agreement expired 31st March 2020 and members have indicated their wish to continue with the service. A proposed 3 year agreement was agreed in principle by all members.

AUTHORITY UNDER WHICH DECISION IS MADE

Authority delegated to individual Cabinet Members' under which this key decision is made. Individual Cabinet Members' responsibilities for functions as set out in Part 3, section 3.3(b) of the Constitution to award contracts of a value between £500,000 and £5,000,000.

STATEMENT OF THE REASONS FOR THE DECISION

Prior to expiration of the Children's EDT agreement on 31st March 2020, the four Boroughs agreed to provisionally renew the current arrangements for the integrated provision of the out of hours emergency children's social services to cover across the London Boroughs of Barking and Dagenham, Havering, Redbridge and Waltham Forest. In order to provide the most effective services and ensure that the four authorities have access to the widest possible expertise, all have agreed to continue to collaborate upon the basis set out in the new agreement produced by the host borough: London Borough of Redbridge.

Why is the service required?

The EDT service discharges statutory social care duties in compliance with the Children's Act 1989, section 6(3) of the Human Rights Act 1998 and Local Government Act 2000 responsibilities, whilst ensuring public safety by providing an emergency social care crisis response for children outside of normal working hours.

Following a recommendation from Ofsted to review the joint children's and adults arrangement between the London Boroughs of Barking and Dagenham and Havering that have been in place for over 10 years, a collaborative initiative for Children's Emergency Duty Team (EDT) was created.

A four borough Children's Emergency Duty Team (EDT) service was introduced in 2014 and provides a standardised service across the London Boroughs of Havering (LBH), Barking & Dagenham (LBBD), Waltham Forest (LBWF) and Redbridge (LBR).

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The service is managed and delivered by Redbridge Council on behalf of the four boroughs. The Children's EDT accommodation is based at the Redbridge Control Centre, 531, Ley Street, Ilford, Essex. IG2 7QZ.

The arrangements were originally for three years and were reviewed in 2017 and a decision made to continue with the current arrangements. The 4-borough partnership was brought in to save cost and continues to be a cost effective working arrangement.

The aim of the 4 boroughs Children's EDT is to keep children safe by responding to situations arising outside normal working hours which require the intervention of a social worker and cannot wait for a resolution the next working day. (This may include referrals which are not assessed as emergencies but where delay before intervention by day staff could cause deterioration in the welfare or safety of the child).

All four boroughs have stated that they would like to continue the service and enter into a new 3 year contract. Subsequently, Redbridge have taken a decision paper to their cabinet (meeting on 11/02/20) which recommended :

Agree that the Corporate Director of People, with the agreement of the respective Cabinet Members, be authorised to negotiate the terms of and to enter into the necessary legal agreements to continue a children's 4 borough EDT service.

Contact rate per Borough Year 2017/18 – 2019/20

The children's EDT budget has historically been split by usage, and this will be the case for the new budget. The new budget has been calculated from contact rate per borough, years 2017/18 – 2019/20:

Borough	2017/2018	2018/2019	Q1 -Q3 2019/2020	Total	Percentage
B&D	Q1=1576 Q2=1462 Q3=1120 Q4=853 TOTAL=5,0 11	Q1=1260 Q2=1279 Q3=1207 Q4=1003 TOTAL=4,74 9	Q1=1466 Q2=1323 Q3=1179 Q4= TOTAL=3,96 8	13,728	26%
Havering	Q1=1331 Q2=1420 Q3=1232 Q4=1489 TOTAL=5,4 72	Q1=1553 Q2=1702 Q3=1512 Q4=1445 TOTAL=6,21 2	Q1=1623 Q2=1312 Q3=1122 Q4= TOTAL=4,05 7	15,741	29.8%
Redbridge	Q1=896 Q2=1026	Q1=1047 Q2=1033	Q1=603 Q2=765	9,221	17.5%

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	Q3=956 Q4=854 TOTAL=3,732	Q3=664 Q4=596 TOTAL=3,340	Q3=781 Q4= TOTAL=2,149		
Waltham Forest	Q1=1470 Q2=1529 Q3=1273 Q4=1380 TOTAL=5,652	Q1=1492 Q2=1188 Q3=1285 Q4=1114 TOTAL=5,079	Q1=1,123 Q2=1197 Q3=1043 Q4= TOTAL=3,363	<u>14,094</u>	26.7%
Total	<u>19,867</u>	<u>19,380</u>	<u>13,537</u>	<u>52,784</u>	

Havering, having used 29.8% of the service over the last 3 years, are now being asked to pay 29.8% of the budget for the new contract. However, it has been agreed amongst partners that going forward the usage split will be reviewed at the end of each year (annually), and adjusted for the year ahead. Thus, if Havering's percentage of EDT contacts were to reduce, then the EDT budget would reduce the following year.

New agreement cost breakdown

	Financial Contribution by Referral Volume		
	20/21	21/22	22/23
Waltham Forest	£280,944.07	£287,188.72	£292,757.57
Havering	£313,563.05	£320,532.73	£326,748.15
Barking and Dagenham	£273,578.50	£279,659.43	£285,082.27
Redbridge	£184,139.47	£188,232.49	£191,882.33
Total	£1,052,225.00	£1,075,613.28	£1,096,470.32

The original budget when set for the previous contract, was not sufficient to enable an effective service. Every year each borough has paid an uplift to the contract, split evenly amongst the four partners. With the new increased budget, we are not expecting to pay any further uplifts to the new agreement.

Why enter into a new contract?

The key benefits with the current shared services agreement are as follows:

- The children's EDT service has delivered an effective and responsive service according to the service specification.

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- There is strength from economies of scale by remaining with a four borough children's EDT service.
- There is already established children's social care expertise within the joint team and a bank of support workers who are familiar with the way the service operates in accordance with each borough's protocol.
- There will be continuity to support the business as usual for children's social services.

Recommended Action

Approval for a 3 year shared services agreement of Children's EDT service until 31st March 2023.

OTHER OPTIONS CONSIDERED AND REJECTED

- 1. Option 1 – Provide In-house service:** This option will need to staff the service which could deflect from resourcing of the principle children's social care workforce, as well as impact on business continuity, therefore this option is not viable. Rejected.
- 2. Option 2 – Do nothing:** The current agreement has now expired. If we do nothing this option would result in vulnerable children and families being without care in the community. The local authority would not be able to meet their statutory responsibilities of providing an emergency social care crisis response for children outside normal office hours. Rejected.

PRE-DECISION CONSULTATION

Consulted with Children's Services, Finance and other key stakeholders.

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

Name: Laura Dowsett

Designation: Joint Commissioning Unit

Signature:

Date:

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Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The recommendation is for the approval for a 3 year Shared Services Agreement Emergency Duty Team (EDT) from 1st April 2020 to 31st March 2023, for the provision of out of hours emergency services for Children's social services in the London boroughs of Barking and Dagenham, Havering, Redbridge and Waltham Forest, at the value stated in the report . Havering's proposed contribution is:
 - 2020/21 £313,563 .05
 - 2021/22 £320,532. 73
 - 2022/23 £326,748.15.
2. The Council has an arrangement pursuant to :
 - (i) section 1 of the Local Authorities (Goods and Services) Act 1970,
 - (ii) section 1 of the Localism Act
 - (iii) the Care Act 2014
 - (iv) sections 101, 111, 112 and 113 of the Local Government Act 1972, and
 - (v) section 19 of the Local Government Act 2000
3. Under the Public Procurement Regulations 2015 ('Regulations'), 'a contracting authority has to undertake a procurement process where their need for a service/goods exceeds the threshold of £189,330. The provision of out of hours emergency services for Children's social services are classified as 'Light Touch Services' and come within Schedule 3 of the ('Regulations'). The regime which applies to Light Touch Services over the contract value of £633,540, requires the Council to advertise the service either by a contract notice or PIN in the Official Journal of the European Union ('OJEU') and on Contracts Finder, also to make the results of the award known by a contract award notice (section 75 of the Regulation).
4. The value of this contract exceeds the above threshold. Therefore, the procurement will be subject to section 75 of the Regulations and the principles of transparency and equal treatment of bidders (section 76) will be applicable. The standstill period is likely to apply to above threshold Light Touch contracts.
5. However a direct award without a competitive process as set out in 3 & 4 is not necessary where Section 12 of the Regulations applies. Section 12 permits a direct award without a competitive process where all of the following conditions are fulfilled:—
 - (a) *the **service** contract establishes or implements a co-operation between the participating contracting authorities with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common;*
 - (b) *the implementation of that co-operation is governed solely by considerations relating to the public interest; and*
 - (c) *the participating contracting authorities perform on the open market less than 20% of the activities concerned by the co-operation.*

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Provided the arrangement between the four Councils comes within this regime the contract can proceed with the award without a procurement process.

FINANCIAL IMPLICATIONS AND RISKS

The cost of the Havering Children's Emergency Duty Team (EDT) service for 2020/21 will be in line with existing projected costs for the Havering Childrens EDT contract and there is provision within existing Service budgets to accommodate this. For subsequent years there may be a pressure if existing budgets remains at the current level in comparison with any increase in usage for the service. The contract is however flexed to review the usage split at the end of each year which will be applied to adjust the costs for the next year. In view of this, there are potential economies of scale, which may be realised in subsequent years. Proactive management of the contract and referrals to the service should enable the reduction of the costs to Havering.

The costs of the Havering Children's Emergency Duty Team (EDT) service will be met from A39100 cost centre. The expenditure budget for 2020/21 is £313,550, against which costs of this contract are projected at £313,563.05.

In addition, costs of the Corporate Out of Hours call centre contract with Pinnacle are charged against this cost centre based on call volume. The projected costs for the Children's Directorate for 20/21 are £55k, with a proportion of this cost being recharged to the Emergency Duty Team cost centre based on usage. Therefore, the total of the EDT contract plus any recharge for out of hours calls during the financial year, are likely to exceed the existing cost centre budget. Budget will be vired to contain this spend from within other budgets held within the Children's Directorate.

Cost Centre	2018/19			2019/20			2020/21
	Revised Budget £	Actual £	Variance £	Revised Budget £	Actual £	Variance £	Revised Budget £
A39100	167,150	246,852	+79,702	167,150	231,147	+63,997	313,550

The projected costs associated with the Havering Children's Emergency Duty Team (EDT) arrangements will need to be monitored as part of the monthly budget monitoring process, to ensure delivery against the existing budget.

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

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council's workforce.

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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:

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

BACKGROUND PAPERS

Not applicable

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:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____