

Notice of Non-key Executive Decision

Subject Heading:	12 month extension of contract with Imago Community Limited for the provision of the Young Carers Service within Havering.
Cabinet Member:	Councillor Robert Benham – Cabinet Member for Education, Children & Families.
SLT Lead:	Robert South – Director of Children's Services.
Report Author and contact details:	Suzanne West, Commissioning Manager, T: 01708 434670 E: suzanne.west@havering.gov.uk
Policy context:	With the implementation of the Care Act 2014 (HM Government, 2014) and the Children and Families Act 2014 (HM Government, 2014) there is now a need for local authorities to identify and assess the support needs of young carers, regardless of the type of support they provide.
Financial summary:	An extension to the contract of 12 months will have a financial implication of £51,000.00 The contract will be funded from the existing budget.

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Relevant OSC:	Children & Learning
Is this decision exempt from being called-in?	It is a non-key decision by a member of staff.

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"/>

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Agree to:

Extend the contract with Imago Community Limited for the provision of the Young Carers Service within Havering for a period of 12 months from 1st June 2021 to 31 May 2022 at an estimated cost of £51,000 as set out in this report.

AUTHORITY UNDER WHICH DECISION IS MADE

14.3 Exceptions to the competition requirements may be made only if all relevant law is complied with and one of the following circumstances applies:

- i. the contract falls within one of the exceptions listed in this Rule; AND
- a. the Competition Financial Thresholds Exceptions, is fully and properly completed and signed by the relevant Member of SLT; AND
- b. the person awarding the contract can demonstrate that the contract represents the best value that can be obtained in the circumstances.

Contract Procedure Rule 19.1 (iii) states that where the need for modification has been brought about by circumstances which the Council could not have foreseen, the modification does not alter the overall nature of the contract, any increase does not exceed 50% of the value of the original contract or framework agreement.

STATEMENT OF THE REASONS FOR THE DECISION

The Council has a statutory duty under the Care Act 2014 and the Children and Families Act 2014 to identify and assess the needs of young carers in its area. The current contract commenced on 1 June 2016 and is due to expire on 31 May 2021 with a value of £255,000. It is proposed to extend the contract by a further year at a cost of £51,000.

Under the current contract, the support service is delivered to anyone aged 5-17 living in Havering who is taking on caring responsibilities for a family with a long-term illness, disability, mental health or substance misuse issue.

The provider works with schools, communities, and statutory and voluntary agencies to identify hidden young carers. Following assessment, the provider will offer a range of short-term interventions including signposting, one-to-one support, in school support and workshops.

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The current contract is due to expire on 31st May 2021. A tender exercise was planned for spring 2020 but due to other work around Covid this was delayed.

Due to re assignment of Joint Commissioning Unit (JCU) resources as the 'Provider Emergency Contact Centre' and Vaccination rollout programme, during the outbreak of COVID19 and subsequent lockdowns during wave one and wave two, a number of recommissioning exercises had to be put on hold. This included the Young Carers Service.

In normal circumstances, a full review and tender would have been undertaken but this has not been possible. As a result, this is a request to extend this contract beyond its normal extension date with a view to re-commissioning as soon as possible.

In March 2021 consent was received from Imago Community Limited to confirm the 1 year extension under the current contract terms and conditions.

A tender exercise for a long term contract for replacement services is planned for summer 2021 with the intention that a new contract commence in June 2022.

The Council requires continuity of assessment services pending commencement of the new long term contract in order that it may continue to discharge its statutory duties.

The contract will be funded from the existing budget.

The reasons for requesting an extension to the existing service for a further year are as follows;

- a) It will enable the Council sufficient time to review the current service and develop a new specification drawing on the findings and recommendations from the review.
- b) It will provide the Council sufficient time to complete an open competitive tender. The documentation for the tender and contract will be produced jointly by a tender board to ensure it meets the needs and expectations of all stakeholders.
- c) It will ensure there's a formal agreement in place between the Council and Provider to continue services whilst avoiding instability and uncertainty for the Provider and service users.
- d) An extension will ensure that there is sufficient time to mobilise the contract which will ensure consistency and maintain a quality service for service users.

The incumbent contractor has provided a successful and effective service. Extension of the contract will provide continuity of service and thus avoid instability and uncertainty for the Provider and service users. There will be no change of cost and it is considered the optimum and most cost effective interim solution.

A Financial Threshold Exception form has been completed and signed by Robert South – Director of Children's Services.

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OTHER OPTIONS CONSIDERED AND REJECTED

- 1) Retender the contract now without an extension being awarded. Given the timescales this would prove a challenge.
- 2) Do nothing and the contract would end on 31st May 2021. This is not an option as the Council has a statutory duty to provide these services. The Council does not have capacity to bring the assessment services in house. If it did, this might also have TUPE implications, which is viewed as an unjustified cost as the long term plan is for the services to continue to be provided via an external contractor.

PRE-DECISION CONSULTATION

The contract has been discussed at the Children's Strategic Commissioning Group

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

Name: Suzanne West

Designation: Commissioning Manager, Joint Commissioning Unit

Signature:



Date: 02nd March 2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do subject to any statutory limitations. The Council has the power under this section to agree to the proposals in the recommendations.

The report seeks to approve the extension of contract between Havering Council and Imago Community Limited for a period of 12 months.

The value of the contract with 12 month extension totals £306,000 and is below Public Contract Regulations 2015 (as amended) (PCR) Light Touch Regime threshold of £663,540. Whilst the contract is sub threshold and is not caught by the full procurement regime of the PCR (Regulation 72 PCR), the retained EU law principles of equality of treatment, proportionality, non-discrimination and transparency must be followed.

The Contract Procedure Rules (CPR) must be followed. Under CPR 9.1 it states that “contracts must be awarded following the relevant competitive processes set out in CPR”.

In the CPR exceptions may be relied upon if the “contract falls within one of the exceptions listed in 14.3; the Completion Financial Thresholds exceptions, is fully and properly completed and signed by the relevant member of SLT; and the person awarding the contract demonstrate the contract represents the best value that can be obtained in the circumstances”.

The extension falls within CPR14.3 as set out in the body of the report. The extension falls within exception 14.6.4 as it is an urgency not of the Council’s own making, the urgency was unforeseen by the Council.

The extension is also in accordance with CPR 19.1 (iii) which states:

“Where the need for modification has been brought about by circumstances which the Council could not have foreseen, the modification does not alter the overall nature of the contract, any increase does not exceed 50%of the value of the original contract or framework agreement”.

The Council’s legal services team will assist with drafting of the variation of contract

The decision maker needs to be satisfied with the content of the report and whether the requirements have been met before they proceed with the decision.

FINANCIAL IMPLICATIONS AND RISKS

The current contract costs are funded via an existing budget on the Children’s cost centre A39210, in the amount of £51,000 per financial year. Payments are currently

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made to the provider of this service, Imago, at a cost of £12,749.75 per quarter, totalling £50,999 per annum. This cost will remain the same during the extension period.

The existing budget will be used for the proposed contract extension for the period June 2021 to May 2022.

Any further commissioning for the Young Carers Service, on expiry of this interim contract, will need to take account of the remaining financial resources available in 2022/23. Any additional finance resource required will need to be met within Children's Services budgets.

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 or its workforce.

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:

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

If the recommendation to award an interim contract for the provision of a Young Carers Service is agreed it should have a positive impact on equality groups. It will enable the provider to continue to provide the service ensuring consistency and the ability to maintain a quality service for service users.

The service will continue to meet the needs of all eligible service users, including those from minority community groups and those 'protected' under Equality Act 2010 legislation.

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BACKGROUND PAPERS

Director of Children's Services Briefing Paper Feb 2021

Financial Threshold Exceptions form

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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

Details of decision maker

Signed



Name: Robert South

Member title: Director of Children's Services

Date: 28.04.21

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 _____