

Notice of Non-key Executive Decision

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	Approval to commence a competitive tender process for the recommissioning of the Young Carers Service within Havering.
Subject Heading:	And
, ,	Approval to Waive the Council's Contract Procedure Rules in relation to the quality/price weightings for the tender of the Young Carers Service within Havering.
Decision Maker:	Tara Geere - Director of Children's Services.
Cabinet Member:	Councillor Oscar Ford – Cabinet Member for Children and Young People.
SLT Lead:	Tara Geere - 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. At a local level, this contract supports Havering Council to meet its People

	Theme in its Corporate Plan. The contract will contribute towards delivering the objectives that matter to residents, in particular; Supporting Havering Carers and increasing community resilience to help people to look after themselves.
Financial summary:	The budget for this procurement will come from existing revenue budgets for Childrens social care. The proposed tender is to award a three year contract (with a two plus one year extension option). The current contract price is £357,000, however due to demand and inflationary pressures, the total cost of a 6 year contract would be expected to increase.
Relevant OSC:	People's OSSC
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

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

People - Things that matter for residents X

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This decision paper seeks approval to commence a tender process in full compliance with the Public Contracts Regulations 2015 to award a three year contract (with a two plus one year extension option) for the provision of a Young Carers Service within Havering from 1st December 2023 to 30th November 2029 at a maximum contract value of £390,000.

And

This decision paper seeks approval to waive the Contract Procedure Rules in relation to the quality/price weightings for the tender of the Young Carers Service.

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution

Part 3.1 General provisions and limitations

(c) A staff member exercising a decision-making power delegated under this constitution may consult with the Leader of the Council, with the relevant individual Cabinet member or with the Chairman of the relevant committee, as appropriate, when the staff member considers such consultation necessary or appropriate in light of the decision required.

Part 3.3 Powers of Members of the Senior Leadership Team

General powers

- (a) To take any steps necessary for proper management and administration of allocated portfolios.
- (b) To exercise all the powers delegated to them personally and those powers delegated to Second Tier Managers and other staff members in their directorate where circumstances require and so far as legally permissible. Exercise of such powers should be recorded where appropriate. Where possible, a SLT member should give notice to a relevant staff member that he or she intends to exercise a specified power that is delegated to that staff member.

In this instance, Part 3.4 Contract Powers

(a) To approve commencement of a tendering process for, and to award 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

With the implementation of the Care Act 2014 (HM Government, 2014) and the Children and Families Act 2014 (HM Government, 2014) there is a need for local authorities to identify and assess the support needs of young carers, regardless of the type of support they provide.

The Young Carers service commenced on 1st June 2016 and 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.

This contract supports Havering Council to meet its People Theme in its Corporate Plan. The contract will contribute towards delivering the objectives that matter to residents, in particular; Supporting Havering Carers and increasing community resilience to help people to look after themselves.

The current contract is due to expire on 30th November 2023. A full review has taken place which has proven a need for the continuation of a service and as such a tender exercise is required in order for a new long term contract to be awarded to enable the Council to continue to discharge its statutory duties.

2. Value for Money and Cost

In addition to fulfilling the statutory duty placed on local authorities to identify and assess the support needs of young carers, regardless of the type of support they provide, this service provides value for money to the Council.

The current contract value is £51,000pa. This is presented as an annual and weekly cost per person below:

	2019/20	2020/21	2021/22	2022/23
Service Users Supported	164	183	198	220
Cost per person per annum	£311	£279	£257	£232
Cost per person per week	£5.96	£5.35	£4.93	£4.45

The cost per person receiving the service equates to £311 per annum in 2019/20, £279 in 2020/21, £257 in 2021/22 and £232 in 2022/23, which if presented as a weekly cost is £5.96pp in 19/20, £5.35pp in 20/21, £4.93pp in 2021/22 and £4.45pp in 2022/23. The data obtained indicates that Havering's cost per young person per annum is lower than the rates being paid by other Councils in 2020/2021. It is lower than all of the comparators.

Local Authority	Provider	Number of young people being supported (snap shot)	Contract cost per annum	Cost per young person per annum
Α	Barnardos	35	£17,235	£492
В	Carers of Barking and Dagenham	100	£45,000	£450
С	IMAGO	182	£78,000	£429
D	Carer's Hub	74	£30,000	£405
E	Carer's Lewisham	160	£49,095	£307
Havering	IMAGO	183	£51,000	£279

When comparing the cost per young person per annum of other Councils, it is clear that this contract is providing value for money.

The Council needs to set an estimated contract price that will support a successful procurement exercise and will deliver a good quality service whilst balancing the challenging financial position of the Council.

There are two areas of pressure on the contract value. One is increasing demand and increasing complexity of need. The second area is inflationary pressures. With no increase to the price of the contract since it began in June 2016, unless the estimated contract value is increased, it is unlikely, the tender will attract good quality providers to bid.

From a quick search for comparable services within Havering there does not appear to be any services available that would provide a similar service specifically for young carers. Therefore, if the Young Carers service were to end with a lack of alternative provision the chances are many of the young carers currently being supported would be approaching social care for support or would not receive any support at all. The Council needs to therefore ensure the tender is successful in order to sustain the service. The contract needs to be attractive to the market and therefore the contract price needs to increase.

As part of the tender, bidders will be asked to submit a price for each year of the contract with the total contract value for the six years not exceeding the maximum budget available. Bidders will be expected to build in inflationary costs to their proposal for the six year contract.

Having a three year contract with the option to extend for a further two years plus one year gives the Council the opportunity to review the contract after three years taking into consideration value for money, the inflation rate and the demand for the service.

The contract will be funded from the existing budget for Childrens Services.

3. Added Social Value

In addition to fulfilling the statutory duty placed on local authorities and providing value for money, this service also provides added social value to Young Carers and their families.

During the review and regular contract monitoring, the Provider provided a number of examples where the Young Carers service has provided added value.

- Workshops have been provided outside the remit of this service. These workshops
 have been of great benefit to the Young Carers. Not only has it helped reduce
 isolation and maintained well-being it has enabled the Young Carers to learn new
 things, there have been visits from the fire brigade, first aid providers and an oral
 health team.
- In addition to host these workshops Imago have recruited a number of volunteers that have been providing their time and enthusiasm, a listening ear and offering another person to talk to at the workshops.
- Imago have managed to source Christmas gifts and Easter Eggs which have been donated by various agencies and the public each year. These have been delivered to the Young Carers and gratefully received.
- Imago have Created an Arts Programme where Bexley Young Carers and Havering Young Carers have joined together on a Zoom session each day – Monday to Friday. The Young Carers were able to build on their confidence and skills, by taking part in fun games and activities. By the end of the week, the Young Carers had worked together to create a final performance piece, which was created using recordings taken during the sessions. The Young Carers were also able to submit extra performance pieces over the weekend, if they wanted to do so. One Young Carers Support Coordinator feedback that "it was so lovely to watch the Young Carers grow in confidence throughout the week, they really did shine!"
- Imago have developed relationships with Mousetrap Theatre Projects which offer different theatre opportunities for the Young Carers.
- Imago are involved in the Jack Petchy Award for an individual carer and as Havering as a project, which has resulted in additional publicity/profile raising. The prize money was spent on Christmas for the Young Carers.
- Imago always get involved when it is the Young Carers Awareness Day highlighting the support available and raising awareness of Young Carers.
- Imago have partnered with Barnardo's which offers support sessions to Young Carers.
- Havering Young Carers benefit from the Imago annual festival, which Imago obtain full funding for, to provide the opportunity for Young Carers to meet and partake in activities such as rock climbing, abseiling, high ropes, skiing and bush craft.

It is evident from the examples given, that Imago are providing Young Carers with additional support and opportunities that are outside of the service that Havering is funding. The added social value Imago is providing not only provides value for money but they are also contributing to the well-being of the Young Carers.

4. Outcomes for Young Carers

Imago is required to complete an annual questionnaire with the Young Carers to gauge the outcomes that they have achieved by using the service. A high percentage of those who responded over the last few years reported an improvement to their lives as a result of using the service. The table below provides a full breakdown of service outcomes for the last few years.

	2018-2019		2019-2020			2020-2021			
As a result of receiving support from Imago:	Yes	oN	Stayed the same	Yes	ON	Stayed the same	Yes	ON	Stayed the same
I now do less young caring activities?	4	2	14	32	20	34	44	10	36
I now do less caring jobs that I dislike?	5	5	10	25	18	43	32	18	40
I now do less caring jobs that upset me?	11	6	3	36	15	35	41	15	34
I feel better able to cope with life and the person I am caring for?	16	1	3	52	7	27	59	8	23

The figures above show that 20% of the Young Carers who completed the questionnaire in 2018-2019, 37% in 2019-2020 and 49% in 2020-21 did less young caring activities as a result of receiving support from Imago. 25% in 2018-2019, 29% in 2019-2020 and 36% in 2020-2021 also did less caring jobs that they dislike. More than half of the young carers who responded in 2018-2019 did less caring jobs that upset them however in 2019-2020 this reduced slightly to 42% and in 2020-2021 this increased to 46%. The support received from Imago has resulted in 80% of the young carers who answered in 2018-2019 feeling better able to cope. The figure slightly reduced in 2019-2020 to 60% and increased to 66% in 2020-2021. All in all, these figures show that as a result of receiving support, a large proportion of the Young Carers who responded to the questionnaire have had positive outcomes.

	20	018-201	19	20	019-202	20	20	020-202	21
As a result of receiving support from Imago:	More	Less	Stayed the same	More	Less	Stayed the same	More	Less	Stayed the same
I enjoy school	12	4	4	33	12	41	40	5	45
	Has got better	Has got worse	Has always been good	Has got better	Has got worse	Has always been good	Has got better	Has got worse	Has always been good
My school attendance	5	2	13	10	5	71	30	3	57

The figures above show that in 2018-2019, 12 out of the 20 Young Carers that responded to the questionnaire enjoyed school more as a result of receiving support from Imago. 4 stayed the same and 4 enjoyed school less. Out of the 20 responses only 2 answered that their attendance had got worse, 5 had got better while the remaining 13 stayed the same. In 2019-2020 out of the 86 Young Carers that responded to the questionnaire 33 enjoyed school more as a result of receiving support from Imago. 41 stayed the same and 12 enjoyed school less. Out of the 86 responses only 5 answered that their attendance had got worse, 10 had got better while the remaining 71 stayed the same. In 2020-2021 out of the 90 Young Carers that responded to the questionnaire 40 enjoyed school more as a result of receiving support from Imago. 45 stayed the same and 5 enjoyed school less. Out of the 90 responses only 3 answered that their attendance had got worse, 30 had got better while the remaining 57 stayed the same. These figures indicate that, by large the support being received by Imago is helping to maintain Young Carers attendance at school and increasing or maintaining the Young Carers enjoyment of school.

	2018-20	019	2019	-2020	2020-	-2021
As a result of receiving support from Imago:	Yes	No	Yes	No	Yes	No
If I need help I know where to go	20	0	81	5	85	5
I feel safer at home	20	0	85	1	88	2

As a result of receiving support from Imago 100% of the Young Carers who responded to the questionnaire in 2018-2019 knew where to go if they needed help and felt safer at home. In 2019-2020 94% knew where to go if they needed help and 98.8% felt safer at home. In 2020-2021 94% knew where to go if they needed help and 98% felt safer at home. These high percentages show that the service being provided by Imago is contributing to the well-being of the Young Carers.

	2018-2019		2019-2020		2020-2021	
As a result of receiving support from						
Imago:	Yes	No	Yes	No	Yes	No
The young carers project has helped						
me	19	1	79	7	88	2

95% of the respondents in 2018-2019, 92% in 2019-2020 and 98% in 2020-2021 confirmed that the Young Carers project had helped them.

It is clear that responses to the questionnaire from all years have been positive. The Young Carers that are being supported are achieving positive outcomes and their well-being is being maintained or has increased.

As part of the review, feedback from young carers was included. Eight questions were asked ranging from how long the young carers had been receiving support from Imago, how they had heard about Imago, their opinions on the service that they receive and recommendations or improvements.

In summary the service is well thought of by all service users who responded. The length of time the young carers have been in receipt of the service ranges from a few months to 4 years. The majority reported that since receiving support from Imago their life had improved, it made them feel like there were not alone.

33% of the responses said that if they did not use Imago they would be approaching their family and friends for help and support. 17% would approach CAMHS and 17% would ask their school. 33% of the responses stated they would approach Social Services. This would indicate that by not having Imago services a number of young carers would be contacting the Council and accessing other (possibly more costly) services which would suggest that Imago are successfully delivering the prevention agenda.

The feedback from young carers was very positive and it is clear that using the Imago service is improving their quality of life.

5. Other options

Commissioners did explore the possibility of moving the service in-house, outcomes of the discussions are summarised below:

- Parts of the service could be delivered internally such as the workshops and support to families but it would not be the same service as it is now. Elements of the added Social Value would be lost. An internal service would not be able to offer the same opportunities as an external service could without there being an additional cost to the Council.
- External providers are likely to have other services within other LA's which
 reduces the back office costs thus increasing the funding that goes into the
 actual delivery of face to face support. If the service was to go in-house these
 costs would need to be met from the contract value.

- In order for the Young Carers Assessments to be carried out a new post would be required – there is no current post that could deliver this element of the service. There is a statutory duty to provide these assessments so this element of the service would need to be delivered. TUPE is likely to apply for this post so no savings would be found.
- Having an external provider with similar services across other LA's give the Young Carers the opportunity to mix with other Young Carers and share experiences. Although this would still be an option if the service was to be delivered in-house this would be limited to Havering so the opportunities are greatly increased by having an external provider.

In conclusion, it was felt that elements of the service could be delivered by an inhouse service but it was unlikely it would result in any savings and in addition elements of the added social value being delivered by an external provider could be lost.

Commissioners are of the view that the contract should be re-tendered as it is a relatively low cost service (currently £51,000pa) which is good value for money and has also demonstrated added Social Value being delivered.

6. Project Management of the Tender Process

This project will be managed using the Council's Project Management toolkit adapted for the particular needs of this project. A formal project management structure will be established, including identification of peoples' roles and responsibilities. Throughout the project the following control measures will be put in place:

- Reporting progress to the Project Board on a monthly basis
- Reporting progress on Verto (the Council's web based project management system), on a monthly basis
- Managing the progress of the project through the monitoring and delivery of a Project Plan
- Assigning tasks and managing these with a regularly updated Action Log
- Identifying and managing risks with a regularly updated Risk Log
- Communication to wider stakeholders on a monthly basis where deemed necessary.

The scope of the project includes:

- a) Review of existing documents
- b) Production of new documents
- c) Managing the tender process
- d) Evaluating and moderating bids
- e) Awarding the contract
- f) Preparing for the start of the new Contract
- g) Measuring the benefits

A Project Board will be responsible for seeing that the project objectives are being achieved in a timely and effective manner. The Project Board will be a newly formed group and will meet on a monthly basis commencing March 2023. The aim of the

Project Board is to act as the formal body to supervise the tendering of the service carrying out the key functions below;

- Supervise the redesigning of the current service so as to ensure that it will deliver the required outcomes
- b) Supervise activities across the tender process whilst ensuring required documentation is returned within specified deadlines.
- c) Ensure that procurement is monitored and effectively follows the project plan, ensuring the tender activities are acted upon within strict deadlines.
- d) Supervise the preparation and completion of other relevant tender documents in alignment with requirements.
- e) Evaluate tender documentation to ensure compliance with the requirements of the Council's tender.

7. Procurement Approach

This procurement will be subject to and adhere to the Council's Contract Procedure Rules. The procurement will adhere to a formal tender process in line with the local contract procedure rules and in accordance with the Public Contracts Regulations 2015 (as amended), which require compliance with principles of non-discrimination, equal treatment and transparency.

The procurement will be an Open Procedure which allows all suppliers who express an interest the opportunity to submit a bid.

The Council requires quality services, delivering positive outcomes that reduces or delays the need for long term ongoing support. These positive outcomes will include;

- reducing the numbers of young people that have inappropriate caring roles;
- improving and maintaining emotional wellbeing and mental health;
- improving access to information, relevant advice and personalised support;
- improving physical health and wellbeing:
- increasing access to and success in education and training;
- increasing access to employment opportunities; and
- increasing access and participation in community-based opportunities.

Due to the nature of the service, the Council needs to ensure that the successful provider can evidence sufficient levels of quality to deliver the services. It is proposed that quality will be evaluated against the following criteria:

- Service delivery model
- Achieving positive outcomes
- Effective partnership working
- · Effective safeguarding
- Added Social Value

This service will support young carers when needed and reduce the need for other statutory services. The service will support them in continuing to care for loved ones whilst improving and maintaining emotional wellbeing and mental health. It reduces

the need of transferring the onus of care to the local authority. Therefore, focusing on quality when evaluating bids will be essential to ensure the Council awards the contracts to the most suited, high quality providers that will deliver the best support service to young carers.

As a result, this decision concludes that it is in the best interest of the Council to waive the Council's Contract Procedure rules in respect of the requirement that tenders are evaluated according to a weighting of 70% for cost and 30% for quality and ensure the tender evaluation focuses on examining how bidders will deliver their proposed services by assigning a 45% weighting to quality, 5% weighting to social value and the cost of the service being weighted at 50%.

The budget for this procurement will come from the existing funding stream. Budgetary provision and level of funding has been discussed and agreed with the JCU's senior managers, finance business partner and the Gateway Review Group. It is proposed that the Council will go out to the market with a maximum contract value of £65,000 pa.

In more detail, the procurement timetable is as follows;

- a) Project Board develops and prepares tender documents in March 2023
- b) The project aims to publish the tender in May 2023
- c) Project Board evaluates bids in June 2023
- d) New contract to be formally awarded in August 2023
- e) The service will be mobilised between Sept Nov 2023
- f) The contract will begin on 1st December 2023 for a six year period

The new contract will be managed by a Commissioning Manager in the Joint Commissioning Unit with engagement with key internal stakeholders including Children's Social Care.

OTHER OPTIONS CONSIDERED AND REJECTED

- 1) Do nothing and the contract would end on 30th November 2023. This is not an option as the Council has a statutory duty to provide these services.
- 2) Jointly tender a service with another LA. This option was explored during the Bench Marking exercise for the Service Review. This option is not possible as no other LA's are looking to tender a similar service within Havering's timeline.
- 3) 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. Having an external provider to deliver this service would benefit the Council as there would be an opportunity to ensure the service is of value for money and there is also the additional benefit of the added social value that comes from having an external provider.
- 4) Do nothing and evaluate providers at 70% price 30% quality: This option was rejected, as it could result in a bidder with a marginally lower price being successful over a provider better able to deliver longer-term benefits and higher

quality services to young carers. This would be a false economy in that the financial benefits to the authority will come from the quality of the young carers service.

PRE-DECISION CONSULTATION

No formal consultation is required for this activity. However, the Cabinet Member has been consulted on the need to waive the contract procedure rules. The request to begin the tender process has been presented and approved at the Gateway meeting held on 15/03/2023. The Gateway panel recommended the Award Criteria be weighted at 50% Price, 45% Quality and 5% Social Value.

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

Name: Suzanne West

Designation: Joint Commissioning Unit

Signature: Date:15/03/2023

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a statutory duty under Section 17 of the Children Act 1989 (as amended by the Children and Families Act 2014) to assess whether a young carer within their area has need for support and to meet those needs for those who are eligible.

Procurement

Procurement Officers have confirmed that the proposed Young Carers service is classed as a Light Touch Service in Schedule 3 of the Public Contracts Regulations 2015. The total estimated value of the procurement is below the Light Touch Regime threshold. To maximise the competition, a Contract Notice, will be published on the UK e-notification service, 'Find a Tender' as well as on Contracts Finder.

Waiver

The Public Contract Regulations confirm that contracting authorities have flexibility of choice in selecting their price/quality evaluation model.

Contract Procedure Rule 14 provides that a waiver of the Rules is permissible if all relevant law is complied with the contract falls within one of the exceptions listed in CPR4.4. The most relevant exception is that the waiver is in the best Interests of the Council.

Officers have satisfied themselves that the requirements for a waiver have been met in this instance and that this decision will result in the best value for the Council overall.

FINANCIAL IMPLICATIONS AND RISKS

There are no financial implications directly associated with the tendering process for this contract.

There will be financial implications associated with the tender award, which will be assessed at that time.

The current contract value is £51,000 per annum which is met from existing Childrens Services budgets.

There are two areas of pressure on the current value, that are likely to lead to an increased cost for the new contract:

- 1. Increasing demand and increasing complexity of need.
- 2. Inflationary pressures there has been no increase to the price of the contract since it began in June 2016.

If required, additional budget provision will be identified prior to the tender award.

With regard to the Price/Quality split, there is a risk that a tender evaluation based on a Price element of 50%, could result in a higher contract price than a tender based on 70%.

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:

- (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.

The action undertaken will include monitoring how the service meets the needs of all eligible users, including those from ethnic minority communities and the disabled. The Council will also ensure that potential providers have undertaken equality training and adhere to the Council's Fair to All Policy or their own equivalent.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The Council's Social Value Framework will be used to assess the environmental impact and plans of those suppliers bidding for this contract. As a result, suppliers will be required to describe how they intend to minimise impact on the environment by:

- Ensuring that all waste is correctly recycled
- Utilising public transport
- Employing locally wherever possible to reduce the environmental impact of travelling to work

•	Employing digital solutions to reduce the need for manual recording and
	disposable materials.

	BACKGROUND PAPERS	
None		
	APPENDICIES	
None		

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

Details of decision maker

Signed

Name: Tara Geere

Cabinet Portfolio held: CMT Member title: Head of Service title

Other manager title: Director of Children's Services

Date: 9/5/23

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee	e Administration	
This notice was lodged	I with me on	
Signed		