



Havering
LONDON BOROUGH

Notice of Non-Key Executive Decision

Subject Heading:	Permission to waive the Council's Contract Procedure Rule (CPR) 9.9 to Direct Award the International recruitment grant to Care Providers Voice
Decision Maker:	Councillor Gillian Ford, Cabinet Member for Health and Adult Care Services
Cabinet Member:	Councillor Gillian Ford, Cabinet Member for Health and Adult Care Services
ELT Lead:	Barbara Nicholls, Strategic Director of People
Report Author and contact details:	Sophie Barron, Senior Commissioner – Living Well E: Sophie.Barron@havering.gov.uk
Policy context:	Havering's Adult Social Care Workforce Strategy states: 'We support the development of our workforce so that we have a workforce that is equipped with the skills that are fit for purpose, flexible, proactive, responsive and resilient and motivated to stay in Havering.'
Financial summary:	The Department of Health and Social care (DHSC) has allocated North East London (NEL) £403,000 for 2024/25 to continue to support international recruitment for the adult social care sector with a particular focus on supporting displaced workers. North East London (NEL) boroughs have agreed to commission Care Providers Voice £135,840 to provide crucial employer introductions to enable these workers to source alternative employment. This

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	amount will also include legal support to provide mock audits of care providers.
Relevant Overview & Scrutiny Sub Committee:	People's Overview and Scrutiny Sub Committee
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

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

People - Supporting our residents to stay safe and well x

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report is seeking approval from, the Cabinet Member for Health and Adult Care Services to waive the Council's Contract Procedure Rule (CPR) 9.9 in order to not tender but direct award £135,840 of the allocated £403,000 grant monies to Care Providers Voice to provide job introduction support to international recruits to local authorities across North East London (NEL) from and work with a legal firm to conduct mock UK Visa & Immigration (UKVI) service inspections of a small selection of care providers. The contract period will be from 22nd July 2024 to 30th June 2025.

AUTHORITY UNDER WHICH DECISION IS MADE

The Havering Constitution:

Part 3.2.5 of the Constitution

Individual Cabinet members' responsibilities for functions

(g) To approve an exception to the Contracts Procedure Rules set out in Part 4 of this constitution, in accordance with Rule 14(1) of those Rules.

Part 4.4 [Contracts Procedure Rules] of the Constitution

14.1 No exception to these Rules shall be permitted except upon approval by an individual Cabinet member using an Executive Decision or by some other provision in this Rule. The report shall set out the background, the rule being waived, the reasons the waiver is required, how value for money will be demonstrated, any legal or financial risks or implications and shall be approved by the Director of Legal and Governance and the Chief Executive.

14 WAIVERS

14.1 No exception to these Rules shall be permitted except upon approval by an individual Cabinet member using an Executive Decision or by some other provision in this Rule

Exceptions to competitive requirements

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.
- ii. an individual Cabinet member has approved the waiving of the application of these rules, as permitted by Rule (a) above;

STATEMENT OF THE REASONS FOR THE DECISION

This paper is seeking approval to waive the Council's Contract Procedure Rule (CPR) 9.9 requiring a formal tender exercise and to directly award a contract to in compliance with the Council's statutory duties already set out in the body of this report.

CPR 14 provides that a waiver of the Rules is permissible if all relevant law is complied with and the contract falls within one of the exceptions listed in CPR 1.4.4. As set out in the body of this report, the most relevant exception to the competitive requirements of CPR 9.9 is specialist services/supplies.

Care Providers Voice (CPV) is the only available supplier that can provide this service in this niche market. CPV have the knowledge and infrastructure to set this support up with speed. They are already commissioned by our partners in the ICB to deliver similar support.

Furthermore, the value of the proposed contract is well below the threshold for Light Touch Services (as listed in Schedule 3 of the Public Contract Regulations 2015). The Council is therefore under no obligation to advertise the contract opportunity on the UK e-notification service, 'Find a Tender'.

The direct award to Care Providers Voice of £135,840 will be taken from allocated £403,000 grant monies from The Department of Health and Social care (DHSC).

Background

In March 2023, the government announced the international recruitment fund for the adult social care sector, which made £15 million available to 15 regional and sub-regional partnerships across England to develop solutions to local challenges around the use of international recruitment and strengthen safeguards against exploitation. These 15 partnerships have used the funding to develop and deliver support offers to adult social care providers in their respective areas to enable them to make use of international recruitment where this assists their workforce strategy.

Aim of 2024-25 funding

Over the past year, alongside an increase in international recruitment of care staff, there has been an unfortunate rise in reports of unethical employment practices. The government is committed to continuing to use international recruitment to support the adult social care workforce but wants to increase its focus on ensuring the ethical and sustainable employment of international recruits within the care system.

This includes, but is not limited to, activities which:

- facilitate in-country matching of overseas recruits who have been displaced by unethical practices or by their employer's sponsorship licence being revoked
- strengthen ethical practices in international recruitment and the employment of staff working in adult social care
- develop shared solutions to prevent and respond to exploitative employment issues
- build on the work of the previous fund

Next steps

Havering is leading this project across North East London (NEL) and has engaged in multiple discussions with both regional and sub-regional leaders to create a support system for

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international recruits affected by revoked employer licences. Havering has received a £403,000 grant from the DHSE to establish this initiative immediately.

The current displaced worker process states that if an employer licence is revoked, the UKVI will contact all affected international recruits and signpost them to regional partnerships contacts for support. The recruits will then receive a cancellation letter giving 60 days to regularise their stay before their visa expires. During this period, the regional partnerships are required to support the recruits to find alternative employment and place them with a trusted sponsor. Due to tight timeframes regarding visa expiry it is crucial that these recruits receive early intervention to enable them to continue to work safely and legally in the UK. The recruits have 60 days from the point their previous employer's licence is revoked to find an alternate sponsor or leave the UK.

Regional discussions with the Department of Business and Trade have clarified how local authorities can offer job-matching support whilst complying with Employment Agency Standards. It has been confirmed that a third party can be commissioned to provide recruitment support as long they focus on signposting (job introductions) recruits to providers and are not involved with direct job matching. Additionally, third parties are allowed to conduct checks with recruits as long as the local authority maintains proper records.

As a result, the NEL International Recruitment Partnership has discussed commissioning Care Providers Voice (CPV) to offer employment support in the form of job introductions to international recruits. It was also discussed that CPV could commission legal support in the form of solicitors undertaking mock audits of care providers. CPV is a care alliance managed by providers supporting the care sector across NEL. They have an established robust network with local providers and facilitate recruitment and workforce development through their Jobs Hub. CPV operates an online platform that offers candidates free training resources and information. CPV also has experience in assisting international recruits into employment, through making introductions of candidates with potential employers.

Support offer

The NEL International Recruitment Partnership has engaged with CPV to develop a tailored support offer which will include the following:

1. Work in collaboration with the NEL sub-regional team to create and monitor a database
2. Provider recruitment support to affected recruits which will include, registration, assistance from job broker and support with interviews
3. Advertisement of support offer through their large NEL provider network
4. Work with solicitors to undertake mock audits of care providers

Budget breakdown

International Recruitment Fund Total = £403,000			
Provider	Service offer	Amount	Total
Care Providers Voice	Employment support	£85,840	£135,840
	Legal mock audits	£50,000	

Timescales

The service will operate from the 22nd July 2024 until 30th June 2025.

OTHER OPTIONS CONSIDERED AND REJECTED

Option 1 – Do Nothing

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This option has been considered and rejected as there a number of displaced workers working across North East London that need assistance to secure employment with alternative providers. Given the national shortage of care workers, it is crucial that we support these individuals and continue attracting new talent who can live and work safely and legally in the UK to help alleviate the staffing shortfall in this sector.

Option 2 – Source an alternative provider to deliver job matching support

This option has been considered and rejected as there are currently approximately 2052 displaced workers across North East London that have been affected by suspensions and revocations that need support to find alternative work. Care Providers Voice are well established in Havering and operate a successful jobs hub across NEL. CPV have strong relationships with care providers and have a good understand of the Home Office and UKVI licencing and visa processes, including having previous experience in hiring international recruits. CPV are the only local provider that can provide bespoke employment advice and job introductions to those directly affected. We are at risk of having displaced worker being exploited if we do not have a support offer stepped up.


PRE-DECISION CONSULTATION

The Strategic Director of People & DASS has implemented monthly steering group meetings with NEL colleagues to monitor the progress, implementation and outcomes of the support offer.

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

Name: Sophie Barron

Designation: Senior Commissioner

Signature: 

Date: 20/09/2024

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has the power to award a contract for these services under Section 111 of the Local Government Act 1972, which allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

Further, the Council has the power to award this contract under the general power of competence under section 1 of the Localism Act 2011, which allows the Council to do anything an individual may generally do, subject to any statutory constraints on the Council's powers. None of the constraints on the Council's Section 1 power are engaged by this decision.

Officers seek authorisation to waive the Council's Contract Procedure Rules (CPR) in competing for this contract and direct award the contract to CPV.

The proposed value of the direct award is £135,840 which is below the threshold for light touch services of £663,540, under Schedule 3 of the Public Contracts Regulations 2015 (PCR). Accordingly, the contract is not subject to the full PCR regime and the Council's Contracts Procedure Rules (CPR) apply.

The Council's CPR Regulation 9.9, requires officers to undertake a formal tender exercise in conjunction with SPU to award a contract valued £100,000 or above (unless stated [as permitted] elsewhere in CPR or for reasons of extreme urgency). CPR 14 permits exceptions to the competitive requirements where it does not infringe any applicable procurement laws; and meets the criteria set out in CPR 14.3. T

A tender exercise was not carried out as required by the Contract Procedure Rules (CPR) and the contract will need to be directly awarded to the provider. In accordance with CPR 14 a waiver is now sought from the lead member prior to authorising the award of this contract without competition.

This report confirms that officers have undertaken the relevant steps and therefore, it is recommended that the lead member authorises this waiver request.

FINANCIAL IMPLICATIONS AND RISKS

This decision paper is seeking approval for a direct award of £135,840 to Care Provider Voice to provide job introduction support to international recruits to local authorities across North East London (NEL).

In March 2023, the government announced the international recruitment fund for the adult social care sector, which made £15 million available to 15 regional and sub-regional partnerships across England to develop solutions to local challenges around the use of international recruitment and strengthen safeguards against exploitation.

Allocations were being made to regions with Havering being the lead for North East London. A bid was submitted and approved and NEL was allocated £403,000 for 24/25.

The £135,840 allocation to Care Provider Voice will be fully funded from this allocation. The remainder of the funding will be spent in accordance with the bid submitted.

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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.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

There are no equalities and social inclusion implications and risks associated with this decision.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

None.

BACKGROUND PAPERS

[International recruitment fund for the adult social care sector 2024 to 2025: guidance for local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118112/International_recruitment_fund_for_the_adult_social_care_sector_2024_to_2025_guidance_for_local_authorities_-_GOV.UK.pdf)

APPENDICES

N/A

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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: Councillor Gillian Ford

Cabinet Portfolio held:

ELT Member title:

Head of Service title

Other manager title:

Date: 25th September, 2024

Lodging this notice

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

For use by Committee Administration

This notice was lodged with me on _____

Signed _____