



SCRUTINY BOARD (CHILDREN AND FAMILIES)

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Thursday, 7th June, 2012 at 10.00 am

(A pre-meeting will take place for ALL Members of the Board at 9.30 am)

MEMBERSHIP

Councillors

- J Chapman (Chair) - Weetwood;
- R Charlwood - Moortown;
- M Coulson - Pudsey;
- B Gettings - Morley North;
- C Gruen - Bramley and Stanningley;
- A Khan - Burmantofts and Richmond Hill;
- A Lamb - Wetherby;
- P Latty - Guiseley and Rawdon;
- M Rafique - Chapel Allerton;
- K Renshaw - Ardsley and Robin Hood;
- A Sobel - Moortown;

Co-opted Members (Voting)

- Mr E A Britten - Church Representative (Catholic)
- Vacancy - Church Representative (Church of England)
- Ms A Craven - Parent Governor Representative (Primary)
- Ms J Ward - Parent Governor Representative (Secondary)
- Ms N Cox - Parent Governor Representative (Special)

Co-opted Members (Non-Voting)

Non-voting co-opted Members will be formally appointed to this Scrutiny Board at the meeting to be held on Wednesday, 20th June 2012.

Agenda compiled by:
Guy Close
Governance Services
Tel: 24 74356

Principal Scrutiny Advisor:
Sandra Newbould
Tel: 24 74792

Produced on Recycled Paper

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25* of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(* In accordance with Procedure Rule 25, notice of an appeal must be received in writing by the Head of Governance Services at least 24 hours before the meeting).</p>	

EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

- 1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.
- 2 To consider whether or not to accept the officers recommendation in respect of the above information.
- 3 If so, to formally pass the following resolution:-

RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:

Agenda item 7 – Appendix B to the report contains a summary of the price/quality evaluation which was presented to a tender evaluation meeting on 22nd March 2012. Please note that the tender evaluation meeting does not form any part of the reasons for the call-in request and therefore these papers have not been included in the agenda pack.

LATE ITEMS

To identify items which have been admitted to the agenda by the Chair for consideration.

(The special circumstances shall be specified in the minutes.)

4

DECLARATIONS OF INTEREST

To declare any personal / prejudicial interests for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.

5

APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

To receive any apologies for absence and notification of substitutes.

6

CALL-IN OF DECISION - BRIEFING PAPER

1 - 6

To receive and consider a report from the Head of Scrutiny and Member Development.

7

CALL-IN - LCC13002: YOUNG CARERS

7 - 22

In accordance with Scrutiny Procedure Rules, to review a decision of the Director of Children's Services taken on 9th May 2012, in relation to awarding a new contract to Barnardo's for the provision of a service for young carers.

8

OUTCOME OF CALL-IN

In accordance with Scrutiny Board Procedure Rules, to consider the Board's formal conclusions and recommendation(s) arising from the called-in decision.

Report of the Head of Scrutiny and Member Development

Report to Scrutiny Board (Children and Families)

Date: 7th June 2012

Subject: Call In Briefing Paper

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. In accordance with the Council's Constitution, an officer decision has been Called In. The background papers to this particular decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.
2. This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.
3. The Board is advised that the Call In is specific to the report considered under the officer delegation decision scheme and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

Recommendations

4. The Scrutiny Board is asked to note the contents of this report and to adopt the procedure as detailed within it.

1 Purpose of this report

- 1.1 In accordance with the Council's Constitution, an officer decision has been Called In. The background papers to this particular decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.
- 1.2 This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.

2 Background information

- 2.1 The Call In process provides the facility for Scrutiny Board Members to require a decision taker to reconsider a decision within a specified time period. This is a separate function from the Scrutiny Board's ability to review decisions already taken and implemented.
- 2.2 The eligibility of an Executive Board decision for Call In is indicated in the minutes; the eligibility of an officer decision for Call In is indicated by the Director on the Delegated Decision Form.

3 Main issues

- 3.1 The Board is advised that the Call In is specific to the report considered under the officer delegation decision scheme and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

Reviewing the decision

- 3.2 The process of reviewing the decision is as follows:
 - Members who have requested the Call In invited to explain their concern/reason for Call In request.
 - Relevant Officer(s) asked to explain decision.
 - Further questioning from the Board as appropriate.
- 3.3 Members are reminded that it is only the decision Called In that the Board can make any recommendation on.

Options available to the Board

- 3.4 Having reviewed the decision, the Scrutiny Board will need to agree what action it wishes to take. In doing so, it may pursue one of three courses of action as set out below:

Option 1- Release the decision for implementation

- 3.5 Having reviewed this decision, the Scrutiny Board may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be Called In again.

Option 2 - Recommend that the decision be reconsidered.

- 3.6 The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the decision maker.
- 3.7 In the case of a delegated decision, the report of the Scrutiny Board will be submitted to the appropriate Officer within three working days of this meeting. The Officer will reconsider his/her decision. Where the Director believes that the original decision should be confirmed, they will refer the matter to the next Executive Board for a decision.
- 3.8 Where the Director agrees with the views of Scrutiny a new delegated decision form will be submitted indicating ineligible for call In.
- 3.9 In cases where the Director believes that the original decision should be confirmed, and in their view urgency prevents them from submitting the decision to Executive Board, the approval of the relevant Executive Board Member will be required before implementation. This Executive Member approval together with the reasons for urgency will be included in the new delegated decision form.
- 3.10 The Director and relevant Executive Board Member will also be required to attend and give their reasoning to the relevant Scrutiny Board.

Option 3 - Recommend that the decision be reconsidered and refer the matter to full Council if recommendation not accepted.

- 3.11 This course of action would only apply if the Scrutiny Board determined that a decision **fell outside the Council's Budget and Policy Framework** and this determination were confirmed by the Council's Section 151 Officer (in relation to the budget) or Monitoring Officer (in relation to other policies).
- 3.12 If, at the conclusion of this meeting, the Scrutiny Board forms an initial determination that the decision in question should be challenged on the basis of contravening the Budget and Policy Framework, then confirmation will subsequently be sought from the appropriate statutory officer.
- 3.13 Should the statutory officer support the Scrutiny Board's determination, then the report of the Scrutiny Board will be presented in the same manner as for Option 2. If the decision maker accepts the recommendation of the Scrutiny Board in these circumstances, then the revised decision will be published in the same manner as for Option 2 and the decision may not be Called In again. If, however, the decision maker does not accept the recommendation of the Scrutiny Board, then the matter will be referred to full Council for final decision. Decisions of full Council may not be Called In.
- 3.14 Should the appropriate statutory officer not confirm that the decision contravenes the Budget and Policy Framework, then the report of the Scrutiny Board would normally be progressed as for Option 2 (i.e. presented as a recommendation to the decision taker) but with no recourse to full Council in the event that the decision is not varied. As with Option 2, no further Call In of the decision would be possible.

- 3.15 However, the Scrutiny Board may resolve that, if the statutory officer does not confirm contravention of the Budget and Policy Framework, then it should be released for implementation in accordance with Option 1.

Failure to agree one of the above options

- 3.16 If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call In.

Formulating the Board's report

- 3.17 If the Scrutiny Board decides to release the decision for implementation (i.e. Option 1), then the Scrutiny Support Unit will process the necessary notifications and no further action is required by the Board.
- 3.18 If the Scrutiny Board wishes to recommend that the decision be reconsidered (i.e. Options 2 or 3), then it will be necessary for the Scrutiny Board to agree a report setting out its recommendation together with any supporting commentary.
- 3.19 Because of the tight timescales within which a decision Call In must operate, it is important that the Scrutiny Board's report be agreed at the meeting.
- 3.20 If the Scrutiny Board decides to pursue either of Options 2 or 3, it is proposed that there be a short adjournment during which the Chair, in conjunction with the Scrutiny Support Unit, should prepare a brief statement proposing the Scrutiny Board's draft recommendations and supporting commentary. Upon reconvening, the Scrutiny Board will be invited to amend/ agree this statement as appropriate (a separate item has been included in the agenda for this purpose).
- 3.21 This statement will then form the basis of the Scrutiny Board's report (together with factual information as to details of the Called In decision, lists of evidence/witnesses considered, Members involved in the Call In process etc).
- 3.22 The Scrutiny Board is advised that there is no provision within the Call In procedure for the submission of a Minority Report.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Prior to submitting a Call In, a nominated signatory must first contact the relevant officer or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. Part of this discussion must include the Member ascertaining the financial implications of requesting a Call In. The details of this discussion should be referenced within the Call In Request Form.
- 4.1.2 The background papers to this particular decision will make reference to any internal or external consultation processes that have been undertaken in relation to the decision.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The background papers to this particular decision will make reference to any impact on equality areas, as defined in the Council's Equality and Diversity Scheme.

4.3 Council Policies and City Priorities

4.3.1 The background papers to this particular decision will make reference to any Council Policies and City Priorities relevant to the decision.

4.4 Resources and Value for Money

4.4.1 The background papers to this particular decision will make reference to any significant resource and financial implications linked to the decision.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This report does not contain any exempt or confidential information.

4.5.2 The background papers to this particular decision will make reference to any legal implications linked to the decision.

4.6 Risk Management

4.6.1 The background papers to this particular decision will make reference to any risk management issues linked to the decision.

5 Conclusions

5.1 In accordance with the Council's Constitution, an officer decision has been Called In. This report advises the Scrutiny Board on the procedural aspects of Calling In the decision. In particular, the Board is advised that the Call In is specific to the report considered under the officer delegation decision scheme and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

6 Recommendations

6.1 The Scrutiny Board is asked to note the contents of this report and to adopt the procedure as detailed within it.

7 Background documents¹

7.1 Council Constitution – Scrutiny Board Procedure Rules

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

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Report of the Head of Scrutiny and Member Development

Report to Scrutiny Board (Children and Families)

Date: 7th June 2012

Subject: LCC13002: Young Carers

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This paper presents the background papers to a decision which has been Called In in accordance with the Council's Constitution
2. Papers are attached as follows:
 - Copy of completed Call In request form
 - The Delegated Decision Notification.
 - Report of the Head of Early Help
3. Appropriate Members and/or officers have been invited to attend the meeting in order to explain the decision and respond to questions.

Recommendations

4. The Scrutiny Board (Children and Families) is asked to review this decision and to determine what further action it wishes to take.

Background documents¹

5. None

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

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CALL IN REQUEST – Option (b)

A Call In request may be made by:

Two non-executive Members of council if they are not from the same political group¹

Date of decision publication:..... 18th MAY 2012

Delegated decision ref: D39083 or

Executive Board Minute no: or

Area Committee Name and decision ref:

Decision description: YOUNG CARERS - BARNARDO'S
..... CONTRACT

Discussion with Decision Maker:

Prior to submitting a Call In, a nominated signatory must first contact the relevant officer or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. Part of this discussion must include the Member ascertaining the financial implications of requesting a Call In.

Please identify contact and provide detail.

- Director/author of delegated decision report.
 Executive Board Member

Detail of discussion (to include financial implications)

..... Cllr Bentley spoke with Barbara Robinson, the Report Author, on the morning of the 23rd May. She discussed the issue of the proposed service failing to address the needs of the majority of young carers in Leeds (only 400 out of 2,000 estimated young carers will be supported - para 3.1); and the lack of work to identify young carers, particularly following the withdrawal of funding for a dedicated post to identify those carers

¹ In the case of decisions made by Area Committees, a Member cannot count as one of the two/five signatures if they are a member of that Area Committee.

which is not discussed in the report, other than to identify a saving. (para 3.4.2.)

With regard to the financial implications of the proposed call in, Barbara Robinson informed Cllr Bentley that in the event of a call in the Council would either carry on an implied contract, or make an interim report, but that sufficient funds were already available to maintain the service in the short term.

Reasons for Call In:


All requests for Call In must detail why, in the opinion of the signatories, the decision was not taken in accordance with the principles set out in Article 13 of the Council constitution (decision making) (principles of decision making) or where relevant issues do not appear to be taken into consideration. *Please tick the relevant box(es) and give an explanation.*

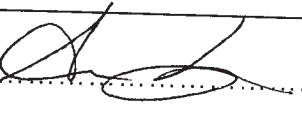
- Proportionality (ie the action must be proportionate to the desired outcome)
- Due consultation and the taking of professional advice from officers
- Respect for human rights
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- An explanation of the options considered and details of the reasons for the decision
- Positive promotion of equal opportunities
- Natural justice

Explanation The paper fails to address the needs of the majority of young carers, and fails to provide any explanation as to why the key post of an education officer to identify young carers has been deleted to create a saving. The latter point is particularly concerning as it is acknowledged to be very difficult to identify many young carers.

Leeds City Council Scrutiny Support Unit

The following signatories request that the above decision be called in:

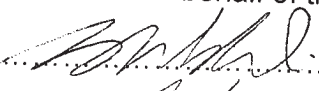
1) Signature:  Political group: LIBERAL DEMOCRAT
 Print name: CLLR SUE BENTLEY

2) Signature:  Political group: CONSERVATIVE
 Print name: CLLR ALAN LAMB

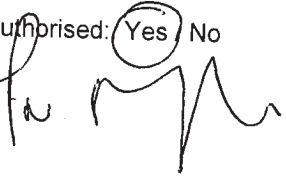
This form should be submitted to the Head of Scrutiny and Member Development (Scrutiny Support Unit, 1st Floor West, Civic Hall) by **5.00pm on the fifth working day after the decision publication date**. The office is open from 9.00am to 5.00pm.

(For further information on the Call In procedure please refer to the Scrutiny Support Unit intranet site, or contact the Unit on 39 51151).

For office use only: (box A)

Received on behalf of the Head of Scrutiny and Member Development by:
 (signature)
 Date: 25/5/12 Time: 10.30 SSU ref: 2012-13-D39083-57.

For office use only: (box B)

Exemption status checked:	<input checked="" type="checkbox"/>	Call In authorised: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Date checked:	<input checked="" type="checkbox"/>	Signed: 
Signatures checked:	<input checked="" type="checkbox"/>	Date: 25.5.12
Receipts given:	<input checked="" type="checkbox"/>	
Validity re article 13	<input checked="" type="checkbox"/>	

Receipt details:

DELEGATED DECISION NOTIFICATION

REF NO ¹ D39083

DECISION MAKER	Director of Children's Services	AUTHORITY BY REFERENCE TO SCHEME OF DELEGATION: ²	Officer Delegation Scheme – (Executive Functions) – Director of Children's Services (a)
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SUBJECT ³	LCC13002: Young Carers
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DECISION ⁴	COUNCIL FUNCTION <input type="checkbox"/> NOT SUBJECT TO CALL IN	EXECUTIVE DECISION (KEY) <input checked="" type="checkbox"/> ⁵ EXEMPT FROM CALL IN: NO	EXECUTIVE DECISION (MAJOR) <input type="checkbox"/> ⁵ EXEMPT FROM CALL IN: YES/NO	EXECUTIVE DECISION (OTHER) <input type="checkbox"/> NOT SUBJECT TO CALL IN
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The Director of Children's Services agreed the recommendation to approve the invocation of Contracts Procedure Rule 21 and award a new contract to Barnardo's with effect from contract start date 1st June 2012 for a period of three years with the provision to extend for a further 2 x 12 month at a cost of £265,725 per annum.

AFFECTED WARDS	All
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ADVICE SOUGHT	<table border="0"> <tr> <td></td> <td style="text-align: center;">YES</td> <td style="text-align: center;">NO</td> </tr> <tr> <td>Legal</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Finance</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Personnel</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Equal Opportunities</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Other Please Specify</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Funding Approval Required</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>		YES	NO	Legal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Finance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Personnel	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Equal Opportunities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Please Specify	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Funding Approval Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Procurement Unit
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Equal Opportunities	<input type="checkbox"/>	<input checked="" type="checkbox"/>																					
Other Please Specify	<input checked="" type="checkbox"/>	<input type="checkbox"/>																					
Funding Approval Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>																					

FINANCIAL DEVELOPMENT FUNDING APPROVAL	(Name:)	Scheme Number: CSR Number: Date:
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DECLARED OFFICER / MEMBER INTERESTS ⁶	None
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¹ This reference number will be assigned by Governance Services and notified to you
² The relevant paragraph within the decision makers delegated powers should be identified.
³ A brief heading should be inserted
⁴ Brief details of the decision should be inserted. This note must set out the substance of the decision, options considered and the reason for deciding upon the chosen option, although care must be taken not to disclose any confidential or commercially sensitive information. Guidance on the substance of the note is available from Governance Services
⁵ For Key and Major decisions only. If exempt from Call In details to be provided in the report. The Call In period expires at 5.00 pm on the 5th working day after publication. Scrutiny Support will notify decision makers of matters called in by no later than 12.00 noon on the 6th day.

DISPENSATION BY STANDARDS COMMITTEE

DATE: N/A

BACKGROUND PAPERS⁷

Attached report and appendices

EXEMPT/ CONFIDENTIAL APPENDIX

YES NO RULE NO 10.4⁸ (3)

DETAILS OF CONSULTATION UNDERTAKEN (OTHER REASONS/ ORGANISATIONS CONSULTED)

	Yes	No	Date
Executive Member	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Ward Councillors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Chief Officers Affected	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Others (Specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____

CONTACT PERSON

Barbara Robinson

CONTACT NO: 0113 2478684

AUTHORISED SIGNATORY⁹


Name: Nigel Richardson

DATE:
9th May 2012

	KEY	MAJOR	OTHER
¹⁰ *First publication (5 day notice)	10/05/2012		
Commencement for Call In	18/05/2012		
Last date for Call In	25/05/2012		
Implementation Date	28/05/2012		

* If key decision not on Forward Plan, the reason and need that the decision be taken are that:-

⁶ No officer having a pecuniary interest in any matter should take a decision in relation to that matter. Other interests of a non-disqualifying nature should be recorded here.

⁷ A separate Index should be prepared if necessary. ALL DOCUMENTATION UPON WHICH THE DECISION WAS BASED MUST BE RETAINED AND BE READILY ACCESSIBLE SO IT CAN BE PRODUCED SHOULD THE DECISION BE CHALLENGED

⁸ Relevant Access to Information Procedure Rules to be quoted if there is an exempt appendix

⁹ The signatory must be duly authorised by the Director to make the decision in accordance with the Department's scheme. It is not acceptable for the signature to be 'pp' for an authorised signatory. For Key Decisions only, the date of the authorised signature signifies that, at the time, the Officer was content that the decision should be taken. However, should representations be received following public availability of reports the signatory will consider the effect which such representations should have upon the final decision.

¹⁰ Governance Services will enter these dates

Report of Head of Early Help

Report to Director of Children's Services

Date: 9th May 2012

Subject: LCC13002: Young Carers

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: 10.4 (3) Appendix number: B	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of main issues

The purpose of this report is to request the invocation of Contracts Procedure Rule 21 to award a new contract to Barnardo's for the provision of a service for young carers.

A competitive exercise has been undertaken for the re-provision of this service.

Recommendations

The Director of Children's Services is recommended to approve the invocation of Contracts Procedure Rule 21 and award a new contract to Barnardo's with effect from contract start date 1st June 2012 for a period of three years with the provision to extend for a further 2 x 12 month periods at a cost of £265, 725 per annum.

1. Purpose of the report

- 1.1 The purpose of this report is to request the invocation of Contracts Procedure Rule 21 to award a new contract to Barnardo's for the provision of a service for young carers.

2. Background

- 2.1 Grant funding from social services was awarded to Barnardo's for provision of the young carers service originally designed to support young carers of adults with mental health problems. When national funding through the Carers Grant became available to Local Authorities to support breaks from caring in 2000, Leeds City Council was able to increase the funding available for the young carers service. The result of this was that by 2003, the young carers service covered the whole city and the remit was widened to include all young carers of adults and those involved in caring for siblings.
- 2.2 The service provided to young carers links closely with the three priority areas for improvement in Leeds:
- to support children to live in safe and supportive families so that the need for children and young people to become looked after is reduced
 - to improve school and college attendance and behaviour in school so that more children can benefit from the opportunities provided and
 - to enable more young people to be able to take up opportunities for education, training and employment by the age of 19.
- 2.3 It is estimated that in Leeds there are approximately 2,000 young carers and recent research has indicated that these numbers are significantly under-estimated. The service currently provided by Barnardo's is intended to reach 250 young carers per annum.

3 Main Issues

- 3.1 The main purpose of this re-commissioning exercise was to provide a modern service for a greater number of young carers. The new service is intended to reach:
- Universal support – minimum of 250 young carers
 - Targeted support – minimum 70 to maximum 100 young carers
 - Targeted substance misuse – minimum 20 young carers.
- 3.2 The service provided to young carers links closely with the three priority areas for improvement in Leeds:
- to support children to live in safe and supportive families so that the need for children and young people to become looked after is reduced
 - to improve school and college attendance and behaviour in school so that more children can benefit from the opportunities provided and
 - to enable more young people to be able to take up opportunities for education, training and employment by the age of 19.
- 3.3 The remit of the service specification was also widened to include young carers of substance misusers. The recent termination of the Step 2 contract has left a gap in

service provision for children and young people who have caring responsibilities due to parental drug or alcohol use.

3.4 Funding

3.4.1 The funding breakdown for this service is as follows:

Children's Services: £111,473 (reflects 5% efficiency saving for 2012/13)

Adult Social Care: £104,252 per annum

Substance Misuse: £ 50,000 per annum

Total Funding: £265,725 per annum

3.4.2 A further saving of £35,000 was made from former Education Leeds funding resulting in net savings of £40,867 as part of the re-commissioning of this service).

3.4.3 Adult Social Care have confirmed that provision has been made in their budget to continue with the funding for this service for the new contract period.

3.5 Procurement Process

3.5.1 The procurement was conducted utilising the restricted procedure. This entails the issue of a pre qualification questionnaire (PQQ) initially. The PQQs are then evaluated and a shortlist of contractors are invited to tender. Since the category of work falls under the EU Part B directive, there was no requirement to advertise the procurement in Europe, although the Council will publish a Voluntary Transparency Notice once the contract has been awarded.

3.5.2 A project team was formed in January 2010 made up of representatives from adult social care, children's services, education, connexions, finance, CAMHS and substance misuse.

3.5.3 The project team developed a new service specification to ensure that young carers could receive the most appropriate levels of support for their need e.g. signposting to universal services or more targeted levels of support.

3.6 Pre-Qualification Process

3.6.1 The scheme was advertised on 13th July 2011 on the Council's electronic tendering portal 'scms.alito.co.uk' and PQQs were received from 6 organisations. The deadline for PQQ submissions was 12 noon on 10th August 2011.

3.6.2 The PQQ evaluation was undertaken by the project team by assessing the responses of the organisations against the following scored criteria. Contractors had to score a minimum of 60% to be included on the shortlist.

- Contracts awarded within the past 3 years
- Organisational management, supervisory and operational structure
- Employees that would be appointed to the contract
- Staff qualifications
- Complaints procedure
- Recruitment and staff development procedures
- Management of staff absence and turnover

3.6.3 Health and safety, accounts, references and insurance was also vetted separately by the Procurement Unit.

3.6.4 The PQQ evaluation process resulted in a shortlist of 4 organisations:

- Action for Children
- Barnardo's
- DISC Ltd
- Prospects Services

3.7 Tendering Process

3.7.1 The tenderers were invited to tender on a 60% quality/40% price basis. Due to delays in a decision being reached regarding funding, the tender was not published until 7th February 2012 with a closing date of 12 noon on 7th March 2012. The quality criteria was evaluated by the project team using the monitoring document attached at Appendix A.

3.7.2 Only two bids were received from Barnardo's and DISC Limited.

3.7.3 The tender evaluation meeting was held on 22nd March 2012 and a summary of the price/quality evaluation is attached at Appendix B.

4. **Corporate Considerations**

4.1 **Consultation and Engagement**

4.1.1 The current specification has been shaped with detailed feedback from staff, clients and key stakeholders.

4.2 **Equality and Diversity / Cohesion and Integration**

4.2.1 The procurement equality assurance questions have been considered when compiling the specification for this service and an equality impact assessment undertaken.

4.3 **Council Policies and City Priorities**

4.3.1 The three priority areas for improvement in Leeds are:

- to support children to live in safe and supportive families so that the need for children and young people to become looked after is reduced
- to improve school and college attendance and behaviour in school so that more children can benefit from the opportunities provided, and
- to enable more young people to be able to take up opportunities for education, training and employment by the age of 19

4.3.2 The service will link with the Leeds Carers Strategy 2009/12 which makes reference to 'young carers' in terms of recognising and raising awareness of their particular needs. The strategy also contains commitments from both NHS Leeds and Adult Social Care to provide appropriate support to 'young carers'.

4.3.3 The Drug Strategy 2010 is a new focus on the recovery agenda and a recognition of the need to support the family when adults are experiencing drug and alcohol problems. The Drug Strategy prioritises the use of early intervention support for young people at risk, for example, young carers.

4.3.4 The Governments 'No health without mental health strategy' (2011), outlines how an emphasis on early intervention and prevention will help tackle the underlying causes of mental ill-health. The themes within the strategy are central to A Vision for Adult Social Care (2010), which sets out a new agenda for adult social care in England, where services are more personalised, more preventative and more focused on delivering the best outcomes for those who use them.

4.4 Resources and Value for Money

4.4.1 In re-commissioning this service efficiency savings of almost £41,000 per annum have been achieved as demonstrated in point 2.2.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The Chief Procurement Officer has advised that it would be lawful for the Council to award a contract to Barnardo's for the provision of the Young Carers service provided that the Director of Children's Services is satisfied that there are compelling reasons to do so.

4.5.2 This contract is not covered by the full requirements of the EU Procurement Directives, as it falls within Part 1B of the Public Services Contracts Regulations. It was therefore not necessary to advertise in the European Journal despite the contract value being over the current threshold figure. A voluntary transparency notice has been published.

4.5.3 Appendix B to this report has been marked as confidential under Access to Information Procedure Rules 10.4 (3) on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) which, if disclosed to the public, would, or would be likely to prejudice the commercial interests of that person or of the Council.

4.5.4 The contract is subject to call in and will be published on the Council's Internet site for 10 days.

4.6 Risk Management

4.6.1 Due to the previous levels of spend with this contract, if a contract is not put in place, then this could be challenged and the previous contract lapsed on 31st March 2012 and a waiver has been put in place for the two months until 1st June 2012. Going ahead with the decision could also be challenged, although this is a low risk, and a robust procurement process has been followed.

5. Conclusions

- 5.1 The evaluation panel having considered the tender submissions are satisfied that the most economically advantageous tender meets the requirements of the specification in order to recommend an award of contract.

6. Recommendation

- 6.1 The Director of Children's Services is recommended to approve the invocation of Contracts Procedure Rule 21 and award a new contract to Barnardo's with effect from (contract start date 1st June 2012) for a period of three years with the provision to extend for a further 2 x 12 month periods at a cost of £265,725 per annum.

7. Background documents¹

- 7.1 Appendix A - Tender Evaluation Criteria
Appendix B - Tender Evaluation Scor, marked as confidential under Access to Information Procedure Rules 10.4 (3).

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

APPENDIX A

LCC13002: Young Carers Tender Evaluation Questions

Service Delivery

1. What is the best approach to take to raise expectations and educational achievement for young carers? **(75 points)**
2. How will you ensure that you deliver a modern, effective service for all young carers? **(75 points)**
3. What are the particular challenges you would identify in delivering this service and how would you overcome them? **(75 points)**
4. How will you balance confidentiality towards young carers and your work with other partners/agencies to safeguard them? **(75 points)**

Service User Participation

5. Please describe how you would promote service user participation for young carers to develop your service and outline your plans to maximise capacity. **(50 points)**
6. How will the service work in partnership with all service users to achieve positive outcomes? **(75 points)**

Support

7. How will you manage the withdrawal of support for service users where all needs are met and where you have identified that the individual remains vulnerable? **(75 points)**

Performance Management

8. What performance management systems do you intend to adopt for this contract and can you give examples of how you measured performance in previous contracts? Can you ensure quality; demonstrate value for money and continuous improvement in the delivery of services? **(50 points)**

Fair Access and Diversity

9. How will you ensure fair access, fair exit, diversity and inclusion in the service, including the service being accessible to all young people irrespective of gender, ethnicity, sexual orientation, disability status and religious or cultural belief? **(50 points)**

Total: 600 Points (60% Quality)

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