

**Report of the Chief Officer (Partnership, Development, and Business Support)
Children Services**

Report to the Deputy Director of Children Services

Date: 1 September 2015

Subject: Request to approve waiver of contract procedure rules and award of contract to 4children for child-care sector representation, 2015/16.



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

Consultation with strategic service leads has identified recommended decisions for contracts held by Children's Services for the financial year 2015 / 16.

Savings up to 30% in some cases were identified in the original Universal & Locality block waiver that went to CSLT in March 2015 but the decision taken at that time was to put a hold on the funding reductions suggested pending further consideration.

This report has been varied and submitted for further consideration by the Deputy Director of Children Services. Pending this, the contract listed in this report is now an implied contract, approval of the proposed waiver will obviate this undesirable state of affairs.

Funding levels is listed as maximum and minimum levels. The minimum level equating to the proposed and, in general, reduced funding level proposed for 2015/16, pending CSLT consideration. The maximum funding level equates to the level of funding delegated for the 14-15 financial year. This is the level of funding that the service provider **will receive** over the course of 15/16, pending further CSLT consideration and determination of funding levels, and any reductions in funding, during 15/16.

Recommendations

The Deputy Director, Children's Services is requested to note the provisional budget arrangements indicated in this paper. As indicated above provisional funding arrangements for 15/16 will be as per 14/15 expenditure pending CSLT consideration and determination in respect of the proposed reductions in spend.

The Deputy Director, Children's Services is also requested to approve the waiver of contracts procedure rules 9.1 and 9.2, as indicated within the body of this report at paragraph 3.2, and to approve award of this contract to 4children.

1 Purpose of this report

- 1.1 To update the Deputy Director on the proposal for contract waiver to be in place for the financial year 2015/16, in favour of 4children.
- 1.2 Proposals have been agreed through meetings with the relevant Head of Service.

2 Background information

- 2.1 Individual meetings were held with Heads of Service between September and October 2014 to ensure decision making for contracts is part of the overall strategic planning for each service area. Recommendations for contract arrangements for 2015/16 were agreed with Heads of Service alongside plans for future commissioning activities to take place in the coming year. Review meetings considered performance of current services from information provided by the contract management team.
- 2.2 The decision making process took place on a shared understanding of the need to follow through the challenge of maintaining the direction of travel for services alongside a challenge to meet responsibilities for the 2015/16 budget. Commissioning and contract arrangements are looking for efficiencies and savings, where possible.
- 2.3 Any proposed savings identified were fed back to the budget holding strategic lead and considered in their overall budget position. However, CSLT's decision to put a hold on the proposed budget savings pending further consideration rendered the proposals, on a temporary basis at least, redundant.
- 2.4 Effective management of the provider sector requires clear messages on Children's Services priorities and directions of travel to obtain best value from external arrangements. In - year and in - contract flexibility for arrangements can be made through negotiation, additionally all contracts are issued with break clauses that allow the ending of arrangements with a 3 month notice period from the Local Authority.

3 Main issues

- 3.1 The proposal for 2015/16 for the provider in question is set out below, in line with other planning systems for the directorate..

3.2 Others (summary of contracts & proposed funding amounts)

Early years sector support	4Children		£126, 079	Maximum expenditure of £126, 079, minimum	Proposed reduced funding level commensurate
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contract				expenditure of £85, 000	with the YLL infrastructure support contract, pending CSLT consideration.
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The waiver sought via the above grid is as follows;

Over £100K Higher Value Procurement – the contract waiver listed in the grid above, requiring the waiving of CPR (contract procedure rules 9.1 and 9.2), falls into the category of higher value procurement.

The Deputy Director is requested to waive contract procedure rules as per CPR 27.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The Commissioning, Contracts & Market Management service entered into discussions with relevant strategic leads, heads of service and service leads during February & March 2015 in order to determine intentions for the financial year 2015/16, and to discuss issues relating to funding levels.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The specification for this work takes account of issues relating to; ethnicity, gender, disability, sexuality, age, etc., and are written in such a way that they ensure equality of access and in order to enhance all equality characteristics of relevance for children, their parents and the various child care service providers.

4.2.2 The specifications also, again where relevant, seek to enshrine matters such as community cohesion, integration etc,

4.3 Council policies and Best Council Plan

4.3.1 The area of commissioned work listed at 3.2 seeks to support the following aspects of the Best Council Plan, namely;

Supporting communities and tackling poverty

Promoting sustainable and inclusive economic growth

Building a child-friendly city.

4.3.2 Similarly the commissioned services also serve to support the Children & Young Peoples Plan, namely;

All CYP are safe from harm

- All CYP do well at all levels of learning & have the skills for life
- All CYP choose healthy lifestyles
- All CYP have fun growing up
- All CYP are active citizens who feel they have voice & influence

4.3.3 Our aim is to achieve these outcomes through the following key improvement strategies;

- Working restoratively, putting the child at the centre
- Supporting children and families, strengthening social work
- Enhancing Cluster and Locality working
- Implementing Early Intervention & Prevention
- Building a Child Friendly City
- Tackling Inequality & Vulnerability
- Investment in Children's Services

4.3.4 We will support service providers to utilise the key improvement strategies.

4.4 Resources and value for money

4.4.1 The original Universal & Locality Services block waiver report, suggested a range of funding reductions, in some cases reductions around the 30% mark. However, at that point in time CSLT did not feel able to approve those reductions. If that report had been approved this would have required discussions with service providers in many cases leading to reductions in expected outputs and outcomes.

4.4.2 As a result of that decision by CSLT funding levels will remain as per those for the 14/15 financial year. As a consequence there is no particular requirement (other than in the interest of greater efficiencies) to re-negotiate those outputs and outcomes. For the 14/15 financial year those outputs and outcomes were considered good value, and this continues to be the case.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The Early Years sector support contract will not be subject to call-in.

4.6 Risk Management

4.6.1 In the event the waiver to award this contract is not approved, LCC duties will remain and therefore alternative delivery arrangements will need to be put in place for April 2015.

4.6.2 In order to ensure good quality delivery and value for money the selected organisation will either:

- be required to submit a full service delivery model including pricing schedule. This information will be scrutinised prior to the contract being issued.

- or commit to maintain their existing service provision, and existing terms and conditions of contract.

4.6.3 Proposals contained in this report will manage the risk of the market place becoming destabilised by future commissioning plans, as service providers are aware of the plans to re-commission services over the coming years.

5 Conclusions

5.1 This report does not contain a full list of commissioned services falling within the remit of the Officer responsible for Universal & Locality services. Rather, the report seeks to provide time bound information relating to likely savings levels (pending CSLT consideration), and to seek permission to approve the funding level, waive relevant contract procedure rules, and to award the contract.

6. Recommendations

6.1 The Deputy Director, Children's Services is requested to note the provisional budget arrangements indicated in this paper. As indicated above provisional funding arrangements for 15/16 will be as per 14/15 expenditure pending CSLT consideration and determination in respect of the proposed reductions in spend.

6.2 The Deputy Director, Children's Services is also requested to approve the waiver of contracts procedure rules 9.1 and 9.2, as indicated within the body of this report at paragraph 3.2, and to approve award of this contract to 4children.

7. Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.