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Report of: Head of Service - Commissioning and Market Management

Report to: Head of One Adoption West Yorkshire

Date: 05/02/2018

Subject: Waiver of Contracts' Procedure Rules 8.1 and 8.2 (intermediate value procurement) to award a 6 + 6 month contract without competition to Circles Training and Consultancy, to deliver the Restorative Leadership Development Programme

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. Since One Adoption West Yorkshire (OAWY) became operational it is recognised that participating in a Restorative Leadership Development Programme would further support the development of the culture of the organisation and the delivery of an effective service across the region.
2. The report seeks permission to waive contract procedure rule 8.1 and 8.2 to award a 6 + 6 contract without competition to Circles Training and Consultancy Ltd for the delivery of the Restorative Leadership Development Programme.
3. The value of the initial 6 month term of the contract is £24k. This incorporates two planned programmes of delivery. An additional £12k has been set aside for the 6 month extension period in case a third programme is required while the wider service requirements are under review. Total value including extensions is £36k

Recommendations

4. The Head of Once Adoption West Yorkshire is recommended to approve the waiver of contracts procedure rules 8.1 and 8.2 (intermediate value procurement) and award a contract to Circles Training and Consultancy Ltd in the sum of £36k to deliver the Restorative Leadership Development Programme

5. The contract shall commence on the 1st December 2017 for 6 months, with one possible 6 month extension.

1 Purpose of this report

- 1.1 The purpose of the report is to seek approval from the Head of Once Adoption West Yorkshire to waive Contracts' Procedure Rules 8.1 and 8.2 (intermediate value procurement) in order to enter into a contract with Circles Training and Consultancy Ltd in the sum of £36k to deliver the Restorative Leadership Development Programme
- 1.2 The contract shall commence on the 1st December 2017 for 6 months, with one possible 6 month extension.
- 1.3 The contract award will be subject to a satisfactory method statement confirming suitability to deliver the service

2 Background information

- 2.1 Leeds has worked in collaboration with other Local Authorities and Voluntary Adoption Agencies (VAAs) throughout the Yorkshire and Humber region to create a new model of service delivery for adoption services, in line with the Education and Adoption Act 2016 and Adoption Regionalisation agenda.
- 2.2 There were three groupings who became separate RAAs within the wider Yorkshire and Humber region. The West Yorkshire RAA, known as One Adoption West Yorkshire (OAWY), comprises 5 local authorities; Bradford, Calderdale, Kirklees, Leeds and Wakefield.
- 2.3 OAWY has been operational since April 2017. Commissioned services are overseen by a Hub based in a third sector organisation (Barnardos) for the purposes of providing:
 - Quality improvement which underpins the regionalisation project
 - Economies of scale and efficiencies for LAs/RAAs
 - A sustainable role and focus for the VA sector
- 2.4 Since OAWY became operational it is recognised that participating in a Restorative Leadership Development Programme would further support the culture of the organisation and the delivery of an effective service across the region.
- 2.5 The Restorative Leadership Development Programme is a highly participatory and engaging experience for anyone in a position of responsibility or authority, where participants can explore the valuable fundamentals to effectively influence and manage others by:
 - Examining their own leadership style and characteristics through inventories and reflective processes
 - Participating in a professional learning group to present their own ideas and receive support and feedback from others
 - Creating a leadership development plan using new management tools
 - Developing restorative practice within the organisation and to support relational social work practice with families.

3 Main issues

Reason for contracts procedure rules waiver

- 3.1 The training is currently being delivered on an implied contact basis with delivery starting in December 2017. By entering into a formal contact arrangement it will allow for robust contract arrangements to be put in place to ensure quality of delivery and value for money

- 3.2 The training has to be delivered by an external provider as this is a specialist subject area and there is no internal service capable of delivering the training
- 3.3 This contract is required from 1 December 2017 for 6 months, with one possible 6 month extension. The Head of One Adoption West Yorkshire will review the ongoing development needs of the service during this time

Consequences if the proposed action is not approved

- 3.4 If a contract is not awarded to Circles Training and Consultancy Ltd the likely outcome is that we will spend more money through a lack of co-ordination and breach contract procedure rules by spot purchasing on an ongoing basis for more than £10k per year.
- 3.5 If a contract is not awarded at all for this training the high priority development need will not be met.

Advertising

- 3.6 This contract opportunity has not been advertised. The contract value is below the current EU threshold, so there is no requirement for the contract to be tendered in accordance with the Public Contracts Regulations but there is a requirement to comply with the Council's Contract Procedure Rules

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Initial consultation has taken place with Circles Training and Consultancy Ltd to identify that they are able to deliver the service required.
- 4.1.2 No wider consultation has taken place with other potential service providers.

4.2 Equality and diversity/cohesion and integration

- 4.2.1 An Equality Impact Assessment screening exercise has been undertaken and there is no impact in respect of equality and diversity

4.3 Council policies and best council plan

- 4.3.1 The outcomes these services are commissioned against are those within the Leeds Children and Young People's Plan 2015 – 2019. This contract will contribute to a number of the outcomes and priorities within the plan including the outcome to ensure all young people are safe from harm and the priority to help children live in safe and supportive families

4.4 Resources and value for money

- 4.4.1 The value of the initial 6 month term of this contract is £24k. This incorporates two planned programmes of delivery. An additional £12k has been set aside for the 6 month extension period in case a third programme is required while the wider service requirements are under review. Therefore the total value including extensions is £36k
- 4.4.2 This contract will be funded from the OAWY budget, cost centre 50585. The OAWY finance officer has confirmed that there is funding available

4.5 Legal implications, access to information and call-in

- 4.5.1 The waiving of Contracts Procedure Rules is classified as a significant operational decision and therefore not subject to call in. This report does not contain any exempt or confidential information under the Access to Information Rules.
- 4.5.2 Giving the work to this provider without competition could leave the Council open to a potential claim from other providers to whom this contract could be of interest, that it has not been wholly transparent. In terms of transparency it should be noted that Contracts Procedure Rules suggests that contracts of this value should be subject to a degree of advertising. It is up to the Council to decide what degree of advertising is appropriate. In giving the work to this provider without competition there is a potential risk of challenge from other providers who have not been given the chance to tender for this opportunity.
- 4.5.3 Whilst there is no legal obstacle preventing the waiver of CPR 8.1 and 8.2, the above comments should be noted when making the final decision, the Head of Once Adoption West Yorkshire should be satisfied that the course of action chosen represents Best Value for the Council.

4.6 Risk management

- 4.6.1. There is a risk that other providers are not in favour of the decision to award a contract without competition. As the contract value is under EU regulation value there is no legal requirement to subject the matter to competition.

5 Conclusions

- 5.1 A waiver of Contracts' Procedure Rule 8.1 and 8.2 in order to enter into a contract with Circles Training and Consultancy Ltd will allow for the delivery of the Restorative Leadership Development Programme to support the One Adoption West Yorkshire service

6 Recommendations

- 6.1 The Head of Once Adoption West Yorkshire is recommended to approve the waiver of contracts procedure rules 8.1 and 8.2 (intermediate value procurement) and award a contract to Circles Training and Consultancy Ltd in the sum of £36k to deliver the Restorative Leadership Development Programme
- 6.2 The contract shall commence on the 1st December 2017 for 6 months, with one possible 6 month extension.

7 Background documents

- 7.1 None