

Report of Head of Targeted Services

Report to Director of Children and Families

Date: 05/02/2018

Subject: Request to waive Contract Procedure Rules to award a 12 months contract to BARCA Leeds without competition

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: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The aim of this report is to seek approval from the Director of Children and Families to waive Contract Procedure Rules (CPR's) 9.1 and 9.2 and award a 12 month contract to BARCA Leeds for the continued delivery of the Youth Inclusion Commission at the current value of £340k per annum from 1st April 2018.
2. This contract is in scope of a review of youth work and this short-term contract will ensure continued delivery of the service, whilst the review is completed and new arrangements put in place for 1st April 2019 onwards.

Recommendations

3. The Director of Children and Families is recommended to approve the waiver of CPR 9.1 and 9.2 – high value procurements and award a 12 month contract to Barca Leeds from 1st April 2018 to 31st March 2019 with a value of £340k, without going out to competition.

1 Purpose of this report

- 1.1 The aim of this report is to seek approval from the Director of Childrens and Families to waive CPRs and award a 12 months contract with an option to extend to Barca-Leeds without competition.

2 Background information

- 2.1 The purpose of the Youth Inclusion Commission (YIC) is to support 8 -13 year olds, find alternatives to chaotic lifestyles which may involve significant levels of truancy, offending or antisocial behaviour. Often such behaviour will result in poor educational attainment and hamper future employment prospects.
- 2.2 The contract with Barca Leeds for the YIC started on 1st August 2014 and was awarded following a competitive tender exercise. This followed a decision by the Children's Services Senior Leadership Team (CSLT), in recognition of the need to clarify and simplify the landscape in terms of youth crime prevention, to merge the resources of the Youth Inclusion Project (YIP) and Positive Activities for Young People (PAYP) to form a targeted youth crime prevention programme across the city, which would provide dedicated provision for 8 -13 year olds.
- 2.3 The aim of the contract is to engage and work with a minimum of 130 young people per year and where appropriate with their families. The service is delivered out of numerous venues around Leeds with some outreach undertaken with the LCC Youth Service based on need, home visits and visits to schools. The service adopts a case management approach using the Early Help assessment tool. There is a minimum of three hours contact time per week with individual young people to progress their action plan. The service also delivers a series of group based activities such as Girls Talk, Dance, Drama and Theatre and the Friday Night Project delivered in partnership with the LCC Youth Service.
- 2.4 The service is delivered city-wide, with a particular focus on those areas of the city with high indices of deprivation and need. For 2017-18, as part of a reduction in contract value, the contract was varied to prioritise resources on seven priority clusters; 2gether, ACES, Bramley, Beeston, Cottingley & Middleton, Inner East, JESS and Seacroft Manston. This has proved challenging and it has recently been agreed to relax this referral criteria and ensure assessments are based firstly on individual need and then secondly on area.
- 2.5 The top five reasons for referral to the YIC are:
- | | | |
|-------------------------------|----|---------------------------|
| • Offending/risk of offending | 12 | 92% of referrals |
| • Negative peer groups | 6 | 46% of referrals |
| • Anti-social behaviour | 13 | 100 % of referrals |
| • Risk of exclusion | 11 | 85% of referrals |
| • Poor school attendance | 5 | 38% of referrals |
- 2.6 The contract is for two years and 8 months, with the option to extend for an additional year. The extension has been taken up and expires on 31st March 2018.

3 Main issues

Reason for contracts procedure rules waiver

- 3.1 This decision is needed to ensure this important provision continues, whilst the review of youth work is completed and new arrangements put in place for 1st April 2019 onwards.
- 3.2 This service has been put in scope of the youth work review because there are overlaps and some wider factors impacting on both locality youth work and this provision. In particular, there is increasing demand in relation to younger age groups (8+, which sits outside the age range for targeted youth work but not YIC) and youth work has increasingly been refocused and targeted, supporting young people with a range of issues/needs including anti-social behavior and offending. The review is therefore an opportunity to explore potential for more integration between YIC and the wider youth work model as well as ensuring we are maximising the overall funding we have available.
- 3.3 Service user satisfaction is consistently high and impact measures demonstrate success in reducing harm related behavior, reducing risk of domestic violence, reducing hate crime and increasing self-confidence and emotional well-being (using onset score which is one way of measuring risks experienced by the young person and the impact of the service). YOS National Standards audit results in 2015 indicated good quality assessments and plans and a very high volume of service user engagement.

Consequences if the proposed action is not approved

- 3.3 If this decision is not approved, there will be a gap in service for this cohort of young people leaving them at risk of significant levels of truancy, offending or antisocial behaviour. Often such behaviour will result in poor educational attainment and hamper future employment prospects.

Advertising

- 3.4 It is not proposed to advertise this opportunity for the reasons outlined at sections 2 and 3 of this report.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.2 Consultation has taken place with the current provider as to the proposal to award a further 12 month contract with an option to extend for a further 6 months the reasons for being in scope of the youth work review.

- 4.1.3 The Heads of Service for the Youth Offending Service and Learning for Life are supportive of this decision and are on the Project Team for the youth work review.
- 4.1.4 The Executive Member for Children and Families was consulted in November prior to the decision being published on the forward plan and has been regularly consulted throughout the youth work review.
- 4.1.5 The waiver will allow the same provider to utilise all of the skill base and engagement techniques that have been gained throughout the contract. Processes, procedures and referral routes can have been tailored for the service and consistency will be enhanced.

4.2 Equality and diversity/cohesion and integration

- 4.2.1 An Equality Impact Assessment Screening has been completed, see appendix. This shows there is no detrimental impact on equality and diversity.

4.3 Council policies and best council plan

- 4.3.1 This contract will support the best council plan objective to build a Child Friendly City.
- 4.3.2 This contract will support the Children and Families Services priorities, including to:
- Improve achievement and close achievement gaps;
 - Improve social, emotional and mental health and wellbeing; and
 - Reduce crime and anti-social behaviour.

4.4 Resources and value for money

- 4.4.1 The value of this decision is £340k per year.
- 4.4.2 The value of the contract was reduced by a total of 26% in 2017-18 as part of a programme of savings to commissioned services following co-produced impact assessments and the ending of Families First funding.
- 4.4.3 The service is delivering good value for money evidenced through high levels of service satisfaction and outcomes data. Continual improvement will be sought through robust contract management arrangements. The service specification will be updated in line with recent agreement for a new referral criteria as detailed in paragraph 2.5 and the provider will be required to complete a delivery proposal explaining how the outcomes will be achieved and the requirements of the specification met.

4.5 Legal implications, access to information and call-in

- 4.5.1 This is a Key Decision and so is subject to Call In. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules, The total value of the contract shall be £340,000 if the extension is taken up.

- 4.5.2 Awarding a contract directly to this training provider may 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 as the opportunity is not being advertised. In terms of transparency, it should be noted that case law suggests that the Council should always consider whether contracts of this value would be of interest to providers in other Member States and if it would, subject the matter to a degree of European wide advertising. It is up to the Council to decide what degree of advertising would be appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc.) and the geographical location of the place of performance.
- 4.5.3 The Director of Children's and Families has considered this and, due to the nature of the services being delivered, the requirement to physically deliver the service in Leeds, and the relatively low value of this contract is of the view that it would not be of interest to contractors in other EU Member States.
- 4.5.4 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. Obviously, the complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.
- 4.5.5 Although there is no overriding legal obstacle preventing the waiver of CPR 9.1 and 9.2, the content of the report should be noted. In making their final decision, the Director of Children and Families should be satisfied that the approved course of action represents best value for the Council.

4.6 Risk management

- 4.6.1 There is a risk that if the waiver is not processed then there will be a lack of service across the city.
- 4.6.2 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.
- 4.6.1 The recommendation in this report is the preferred option because it will ensure continuation of a service for vulnerable children and young people for a further 12 months whilst a review of youth work is completed. Having a contract in place will help ensure value for money is achieved through robust contract management.

5 Conclusions

- 5.1 This decision will help ensure that children and young people are supported to find alternatives to chaotic lifestyles, helping to reduce their risk of truancy, offending and antisocial behaviour, leading to poor educational attainment and poor outcomes. This

involves waiving CPRs but the contract is short-term, whilst a review of youth work is completed and new arrangements implemented from April 2019.

6 Recommendations

- 6.1 The Director of Children and Families is recommended to approve the waiver of CPR 9.1 and 9.2 – high value procurements and award a 12 month contract to Barca-Leeds from 1st April 2018 to 31st March 2019 with a value of £340k.

7 Background documents

- 7.1 None