

**Report of Commissioning Officer**

**Report to the Head of One Adoption West Yorkshire**

**Date: February 2018**

**Subject: Request to waive Contracts' Procedure Rules 9.1 and 9.2 in order to enter into a contract one with After Adoption as part of the regional adoption agency arrangements**



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. The purpose of this report is to seek permission from the Head of One Adoption West Yorkshire to waive Contracts' Procedure Rules 9.1 and 9.2 to enter in to a contract with After Adoption as part of the regional adoption agency arrangements:
  - a. Adoption support service for the Wakefield district. This will be a call off contract with a maximum contract value of £38k. The contract will be for 6 months plus 6; commencing on and expiring on 30 September 2018. A contract is currently in place but this needs a new waiver to fit in with the transitional arrangements of the RAA.
2. One of the work streams undertaken in preparation for the creation of a regional adoption agency has looked at the adoption support related services commissioned by the West Yorkshire local authorities. These services have been mapped and it has been agreed that the services across the West Yorkshire region will be re-commissioned on an interim basis whilst a review of commissioned activity takes place in the context of a regional adoption agency. This will ensure consistency of service whilst the regional agency is established. It is envisaged that the review of commissioning activity will take place during 2017/18 with new arrangements in place for October 2018.

## Recommendations

3. It is recommended that the Head of One Adoption West Yorkshire approves the waiver of Contracts' Procedure Rules 9.1 and 9.2 to enter in to a contract with After Adoption as part of the regional adoption agency arrangements:
  - a. Adoption support service for the Wakefield district. This will be a call off contract with a maximum contract value of £38k. The contract will be for 6 months plus 6 months; commencing on the 1<sup>st</sup> of April 2018 and expiring on 30 September 2018.

## **Purpose of this report**

- 1.1 The purpose of the report is to seek approval from the Head of One Adoption West Yorkshire to waive Contracts' Procedure Rules 9.1 and 9.2 to enter in to a contract with After Adoption and as part of the regional adoption agency arrangements:
  - b. Adoption support service for the Wakefield district. This will be a call off contract with a maximum contract value of £38k. The contract will be for 6months plus 6 months; commencing on 1st April 2018 and expiring on 30st September 2018.

## **2 Background information**

- 2.1 The Education and Adoption Act 2016 is clear about the regionalisation agenda and government is clear that all local authorities will be part of a Regional Adoption Agency (RAA) or will have delegated their adoption functions to a RAA by 2020.
- 2.2 The Yorkshire and Humberside Local Authorities and Voluntary Adoption Agencies have been part of an adoption consortium for many years and have worked pro-actively to develop the best arrangements as we move towards a regionalised approach for the delivery of adoption services in the region. This has been assisted with transitional funding from the Department for Education (DfE).
- 2.3 There will be three groupings who will become separate Regional Adoption Agencies within the wider Yorkshire and Humberside (Y &H) region; South Yorkshire, North and the Humber and West Yorkshire. The West Yorkshire councils are Bradford, Calderdale, Kirklees, Leeds and Wakefield.
- 2.4 One of the work streams undertaken in preparation for the creation of a regional adoption agency has looked at the adoption support related services commissioned by the West Yorkshire local authorities. These services has been mapped and it has been agreed that the services currently commissioned across the West Yorkshire region will be re-commissioned on an interim basis whilst a review of commissioned activity takes place in the context of a regional adoption agency. This will ensure consistency of service whilst the regional agency is established. It is envisaged that the review of commissioning activity will take place during 2017/18 with new arrangements in place for October 2018.
- 2.5 There are a number of varied commissioning arrangements across the West Yorkshire Local Authorities.

## **3 Main issues**

- 3.1 The responsibility for adoption support across West Yorkshire transferred to Leeds City Council on 1<sup>st</sup> April 2017 as the local authority will host the

regional adoption agency. Therefore the responsibility for commissioned adoption support services will also sit with Leeds City Council.

### Strategic Context

- 3.1.1 The Adoption support contract provides a range of adoption support functions including advice line, counselling, training, support for birth parents, support and intermediary services and support for adoptive families across Wakefield.
- 3.1.2 The provision of this contract plays a very important role in supporting adoption placements and ensuring stable placements for adopted children and families who have adopted.
- 3.1.3 A number of other commissioned services are also in place across the West Yorkshire area that supports the work of the regional adoption agency to be hosted by Leeds. A strategic review of all adoption related commissioned services will be undertaken in 2017/18 with the intention of informing future commissioning and ensuring a clear and consistent service offer in the context of a regional adoption agency for West Yorkshire. The review of commissioning activity will take place during 2017/18 with new arrangements in place for October 2018.

### 3.2 Performance

- 3.2.1 The monitoring of this contract will sit with Leeds City Council Children's Service Commissioning & Market Management Team.

### 3.3 Strategic Review

The issuing of this contract will ensure continuity of service whilst a review is undertaken of the adoption support services commissioned by the regional adoption agency. It is anticipated a further commissioning exercise will then be undertaken which ensures a clear and consistent adoption support offer is in place across the region.

### **3.4 Consultation and engagement**

- 3.4.1 This report seeks to ensure contractual arrangements in place on an interim basis to ensure continuity of existing services for adoptive children and families across West Yorkshire whilst the regional agency commences operation.
- 3.4.2 Significant consultation has taken place through the project to develop a regional adoption agency. Further consultation specifically in relation to future delivery of commissioned adoption services will take place during the review to inform future commissioning.
- 3.4.3 Consultation has taken place with the provider.

### **3.5 Equality and diversity / cohesion and integration**

- 3.5.1 An Equality Impact Assessment Screening document has been undertaken and there is no impact in respect of equality and diversity as the new contract will continue on the basis of the existing provision.

### **3.6 Council policies and best council plan**

- 3.6.1 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.

### **3.7 Resources and value for money**

- 3.7.1 This contract have been in place for at least 12 months and have been monitored for value for money.
- 3.7.2 The award of these contracts does not create any additional budget pressures; it is a continuation of services currently commissioned & delivered in West Yorkshire.
- 3.7.3 The adoption support service contract for the Wakefield district is a call off contract. Call off will be subject to need and budgetary decisions. Payment is made on receipt of invoices for work completed. The maximum contract value is £38k. This contract is for 6 months plus 6 months commencing on 1 April 2018 – expiring on 30<sup>st</sup> September 2018
- 3.7.4 The budget for these services is held within the regional adoption agency budget. Work has taken place with the regional adoption Project Manager and finance colleagues to ensure the regional agency budget reflects the costs of these commissioned services.
- 3.7.5 A key element of the review of commissioned adoption services to be undertaken in 2017/18 would be ensuring future arrangements deliver best value for money and future savings could be achieved through this review.

### **3.8 Legal Implications, access to information and call In**

- 3.8.1 This report seeks approval to waive Contracts' Procedure Rules 9.1 & 9.2 to enter into contracts with After Adoption for adoption support services in the Wakefield district.
- 3.8.2 The decision requested is a significant operational decision and is therefore not subject to call in. This report does not contain any exempt or confidential information under the Access to Information Rules.
- 3.8.3 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.

- 3.8.4 These risks may be mitigated to a degree as no additional work is being created as a result of awarding this contract. A contract is currently in place for this work.

### **3.9 Risk management**

3.9.1 In mapping the commissioned adoption support services across West Yorkshire and agreeing relevant actions to ensure continuity of service for children and families the Commissioning and Market Management service has worked closely with the regional adoption Project Manager, Finance, Legal, Procurement and other local authorities across the region in addition to the providers of adoption support services across the region.

3.9.2 In the event that the actions required in order to establish these contracts are not approved, continuity of service for children and families currently receiving these services would not be possible. This could therefore have an impact on the council's priorities as outlined in the Child and Young People's Plan 2015-2019 and could detract from the successful implementation of the regional adoption agency.

## **4 Conclusions**

4.1 A contract is required with After Adoption as part of the regional adoption agency arrangements whilst a full review is undertaken of commissioned adoption service.

4.2 The Head of One Adoption West Yorkshire is requested to note the contents of this report and to approve the waiver of Contracts' Procedure Rules 9.1 and 9.2 to allow a contract with After Adoption as part of the regional adoption agency arrangements:

- a. Adoption support service for the Wakefield district. This will be a call off contract with a maximum contract value of £38k. The contract will be for 12 months; commencing on 1st April 2018 and expiring on 30st September 2018.

## **5 Recommendations**

5.1 It is recommended that the Head of One Adoption West Yorkshire approves the waiver of Contracts' Procedure Rules 9.1 and 9.2 to enter in a contract one with After Adoption as part of the regional adoption agency arrangements:

- a. Adoption support service for the Wakefield district. This will be a call off contract with a maximum contract value of £38k. The contract will be for 6

months plus 6 months; commencing on 1st April 2018 and expiring on 30st September2018.

**6 Background documents<sup>1</sup>**

6.1 None

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<sup>1</sup> 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.