

Report of Head of Service – Learning for Life

Report to Director of Children and Families

Date: 08/10/2018

Subject: Request to waive contract procedures rules 9.1 and 9.2 to award a contract, without competition, to Barnardo’s for delivery of the Willow service for young carers



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| 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. This report is seeking permission to waive contract procedures rules 9.1 and 9.2 to award a contract, without competition, to Barnardo’s for delivery of Willow young carer’s support service.
2. Willow is an essential service providing support to young carers by enabling them to maximise the opportunities and benefits provided in universal settings such as schools, sports centres and youth provision. These provisions together with organised and informal out of school settings provide young carers with specific opportunities for those whose circumstances mean that they need more targeted support in their family life, which in turn impacts on their educational attainment.
3. The contract, which is held jointly between LCC Children & Families and Adults & Health and Leeds CCGs, will commence on 1st April 2019 and will be for a period of eight months, with the option to extend by up to four months. The total value for eight months is £203,817, with a potential value of £305,725 if the full extension period is invoked.
4. The need for this contract has arisen due to a delay in commissioning for new arrangements because the project team have identified the need for Leeds to develop a Young Carers Strategy.

Recommendations

- 1 The Director of Children and Families is recommended to approve the waiver of contract procedure rules 9.1 and 9.2, High Value Procurement and award a contract to Barnardo's for delivery of Willow young carers service. The contract will commence on 1st April 2019 and will be for eight months, expiring on 1st December 2019 with the option to extend by up to four months. The total value for eight months is £203,817, with a potential value of £305,725 if the full extension period is invoked (£161,473 Children & Families, £104,252 Adults & Health, £40,000 Leeds CCGs).

1 Purpose of this report

- 1.1 The purpose of this report is to seek permission to waive contract procedure rules and award a contract to Barnardo's for delivery of the Willow young carer's service.

2 Background information

- 2.1 Willow is an essential service providing support to young carers by enabling them to maximise the opportunities and benefits provided in universal settings such as schools, sports centres, youth provision, organised and informal out of school settings which provide young carers specific opportunities for those young carers whose circumstances mean that they need more targeted support.
- 2.2 The contract with Barnardo's has been jointly funded by Children & Families and Adults & Health for many years and the current contract runs to 31/03/2019. The contract value is currently £305,725 per annum. This is made up of £161,473 from Children & Families, £104,252 from Adults & Health and £40k from Leeds CCG Partnership (the latter being added in 2017-18).
- 2.3 A joint review of Carers Support services across Adults & Health Children & Families and Leeds CCGs Partnership commenced in 2017. This review considered undertaking a joint procurement for both adult and young carer provision. However, this was ruled out due to the specific needs of young carers being very different to those of adult carers and the additional responsibilities of the local authority to safeguarding of children and young people.
- 2.4 A sub-group was subsequently established to be responsible for reviewing the commissioned service to support young carers – Willow delivered by Barnardo's. The sub-group includes representatives from Children & Families Learning for Life, Complex Needs Service, Early Help Services and Commissioning, Adults and Health Commissioning and Leeds CCGs.

3 Main issues

Reason for contracts procedure rules waiver

- 3.1 The review of the Willow service was completed in 2017 and the findings were overall very positive. The review found that the service is delivering excellent value for money, with positive outcomes and high levels of service satisfaction from young carers and other stakeholders.
- 3.2 One of the key proposals arising out of this review was to develop a new Leeds Young Carers Strategy, which will help inform future commissioning and improve outcomes for young carers through more effective partnership working and use of resources. Approval has been obtained to develop the strategy and consultation is currently underway.
- 3.3 It is anticipated that consultation on the strategy will be completed in December 2018, with a subsequent tender exercise to be completed by June 2019 and a new contract starting December 2019. The current contract with Barnardo's

expires 31st March 2019 and so an interim contract is required to ensure service continuity.

Consequences if the proposed action is not approved

- 3.4 If approval is not granted to award this contract to Barnardo's, there will be a gap in provision as it is not possible to complete a competitive tender exercise in time. It has been identified that a Leeds Young Carers Strategy is needed before a new longer-term contract can be commissioned and this work is currently ongoing.

Advertising

- 3.5 This contract opportunity has not been advertised for the reasons outlined in this report. The contract value is below 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 The proposal to develop a Leeds Young Carers Strategy and the need to award an interim contract to the current provider for continued delivery of Willow while this work is completed, was approved by the Children and Families Leadership Team in March 2018.
- 4.1.2 The provider has been consulted and is willing to enter into another short-term contract.
- 4.1.3 The Executive Member for Children and Families was briefed on 24th July 2018.
- 4.1.4 Procurement have been consulted to ensure compliance with contract procedure rules and EU regulations.
- 4.1.5 Consultation with young carers and wider stakeholders is underway to inform development of a new Leeds Young Carers Strategy, with a stakeholder event held on 3rd September 2019.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An equalities impact screening has been completed and is attached to this report.

4.3 Council policies and Best Council Plans

- 4.3.1 This service supports the ambitions of the Best Council Plan and the ambitions of a Child Friendly City.

4.3.2 The service directly supports the following priorities of the Children and Young People's plan:

- Help children to live in safe and supportive families.
- Ensure that the most vulnerable are protected.
- Improve social, emotional and mental health and well-being.

4.4 Resources and value for money

4.4.1 The contract value will be £305,725 for a maximum of 12 months. This is a joint contract with Adults & Health and Leeds CCGs:

- Children & Families: £161,473
- Adults & Health: £104,252
- Leeds CCGs: £ 40,000

4.4.2 The Children & Families contribution sits within the budget for Learning for Life service. Adults & Health and Leeds CCGs have confirmed their contributions for the period of the contract.

4.4.3 The Willow service has recently been reviewed and found to be delivering positive outcomes and providing excellent value for money. A Service Cost Analysis Form submitted as part of the review showed a £70k contribution from Barnardo's to help meet demand, although the service does still manage a waiting list. The service consistently exceeds output targets and outcomes monitoring using the Outcomes Star tool demonstrates significant progress for individual young carers against their agreed goals.

4.4.4 The service lead and commissioning team will review the service specification and monitoring arrangements to ensure the priorities, targets and outputs continue to be fit for purpose in the interim.

4.4.5 The quality and value for money of the service will continue to be monitored as part of ongoing contract management. The contract management team, which includes representatives from Commissioning & Market Management and Learning for Life jointly analyse quarterly monitoring reports from the provider. Contract management meetings take place quarterly where successes and challenges are discussed, appropriate support and challenge offered and actions agreed as required.

4.5 Legal Implications, Access to Information and Call In

4.5.6 This report seeks permission to waive contract procedure rules 9.1 and 9.2 to award a contract to Barnardo's without competition.

4.5.7 The total potential value of this joint contract, if all of the extension period is taken up, is £305,725 per annum and is therefore a key decision and subject to call in.

4.5.8 The value of the contract will not exceed the OJEU threshold of £615,278; this means it is below the threshold where there is a legal requirement for the contract to be published in Europe. However 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.

- 4.5.9 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.
- 4.5.10 Whilst there is no legal obstacle preventing the waiver of CPR 9.1 and 9.2, the above comments should be noted when making the final decision. The Director – of Children and Families should be satisfied that the course of action chosen represents Best Value for the Council.

Risk Management

- 4.5.1 There is a potential risk of challenge from other providers who have not been given the chance to tender for this opportunity. The Director of Children and Families is asked to accept this request for the reasons stated in this report.

5 Conclusions

- 5.1 This reports seeks a waiver of contract procedure rules and so there is a degree of risk of challenge. This risk is mitigated by the short-term nature of the contract while work to produce a new Leeds Young Carers is undertaken and a competitive tender exercise subsequently completed. This provision supports vulnerable young people and is highly valued by young carers and other stakeholders.

6 Recommendations

- 6.2 The Director of Children and Families is recommended to approve the waiver of contract procedure rules 9.1 and 9.2, High Value Procurement and award a contract to Barnardo's for delivery of Willow young carers service. The contract will commence on 1st April 2019 and will be for eight months, expiring on 1st December 2019 with the option to extend by up to four months. The total value for eight months is £203,817, with a potential value of £305,725 if the full extension period is invoked (£161,473 Children & Families, £104,252 Adults & Health, £40,000 Leeds CCGs).

7 Background documents¹

- 7.1 N/A

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.