

**Report of Strengthening Families Protecting Children Programme & Strategy Lead**

**Report to the Programme Director Strengthening Families Protecting Children**

**Date: 26<sup>th</sup> March 2020**

**Subject: Waiver of Contract Procedure Rules 9.1 and 9.2- High Value procurements to award a consultancy contract to Dave Basker Social Work Services Ltd for additional capacity to implement Family Valued**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open 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**

**1. Main issues**

- This report seeks approval to award a 12 month consultancy contract to Dave Basker Social Work Services Ltd to provide additional capacity to implement Family Valued as part of the Strengthening Families Protecting Children (SFPC) programme. It is proposed the contract has one option to extend by a further 12 months.
- In 2015, as part of the Department for Education’s Innovation programme Leeds Children and Families received funding to implement *Family Valued*. *Family Valued* aimed to change culture and practice across both Children and Families and partner agencies through the introduction and embedding of restorative practice. Leeds has received funding of £8.3 million over five years to implement Family Valued in 6 local authorities. The process of implementation requires significant input at a senior level and, in order to reduce demands on Children and Families Services, the SFPC team was established and a consultancy budget was established to enable additional capacity to be bought in as required.
- This decision involves a waiver of Contract Procedure Rules 9.1 and 9.2, high value procurement.

## 2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- This contract will not have a direct impact on council policies and the Best Council Plan but is essential in delivering the Department for Education Innovation programme, for which Leeds has received funding of £8.3 million over five years.

## 3. Resource Implications

- The maximum value of the contract is £67,500 for the period 01/04/2020 to 31/03/2021. If the extension period is taken up in full, the maximum potential value would be £135,000.
- The budget for this contract sits within the SFPC budget, wholly funded by the Department for Education and hosted by Leeds City Council, Children & Families.

## Recommendations

The Programme Director of Strengthening Families Protecting Children is recommended to:

- waive Contract Procedure Rules 9.1 and 9.2, high value procurement, and
- award a consultancy contract to Dave Basker Social Work Services Ltd for the period 01/04/2020 to 31/03/2021, with one option to extend of 12 months, for up to a maximum potential value of £135,000.

### 1. Purpose of this report

- 1.1 The purpose of this report is to seek approval to award a consultancy contract to Dave Basker to provide additional capacity to implement the Strengthening Families Protecting Children programme. This decision involves a waiver of Contract Procedure Rules.

### 2. Background information

- 2.1 In 2015, as part of the Department for Education's Innovation programme Leeds Children and Families received funding to implement *Family Valued*. *Family Valued* aimed to change culture and practice across both Children and Families and partner agencies through the introduction and embedding of restorative practice. The impact of *Family Valued* for children and families in Leeds is evident from the reduction in the number of children and young people subject to a child protection plan, the fact that the rate of children becoming looked after has not risen in Leeds and our success in recruiting and retaining social workers and in the outcome of the 2018 Ofsted inspection where services for children in Leeds were judged as 'Outstanding'.
- 2.2 As part of the Department for Education Innovation programme *Family Valued* was also subject to external evaluation by a research team appointed by the Department. The outcome of this evaluation was that *Family Valued* was one of only three innovation pilots where the evidence was strong enough for it being used

to support improvement in local authorities requiring improvement under the *Strengthening Families Protecting Children* (SFPC) initiative. Leeds has received funding of £8.3 million over five years to implement Family Valued in 6 local authorities.

- 2.3 The process of implementation requires significant input at a senior level and, in order to reduce demands on Children and Families Services, the SFPC team was established and a consultancy budget was established to enable additional capacity to be bought in as required.

### **3. Main issues**

#### **Reason for Contracts Procedure Rules Waiver**

- 3.1 The programme of work being undertaken by the SFPC team is fast moving and changeable as activity and timings are agreed with different local authorities. Planning is underway to procure a Dynamic Purchasing System for consultancy to support the programme, but as capacity was needed immediately, the team recruited Dave Basker in 2019-20 as a Council employee following an open recruitment process.
- 3.2 Dave Basker is uniquely well qualified to support Leeds in its work on SFPC and wider sector led improvement. He is not just an immensely experienced and knowledgeable social worker leader but has been deeply immersed in developing and promoting the relational approach to social work for well over thirty years. Dave worked with the ex-DCS of Leeds, Nigel Richardson, in North Lincolnshire from the 1980s and was instrumental in helping develop new ways of working and practice there that helped North Lincolnshire attain 'Outstanding'.
- 3.3 More recently Dave has worked for Leeds in a senior role, helping the Council move from 'Good' to 'Outstanding' with his encyclopaedic knowledge of research and best practice; his skills in analysing, challenging and nurturing better practice, all underpinned by his strong values and deep empathy for children and families. Most recently Dave has led a range of projects on behalf of Leeds in a range of authorities across the country, and the feedback has been uniformly positive and he has built strong relationships with practitioners and leaders at all levels.
- 3.4 Dave Basker's employment with the Council was on a part-time basis (3 days a week). However, the fluctuation in activity required from week to week has made this arrangement difficult to manage. Dave is in great demand from other Local Authorities to do consultancy work and has other commitments. Therefore it is important we agree a more flexible arrangement that enables Dave to continue his valuable work for the team and award a contract with clear outputs and outcomes to be delivered.
- 3.5 The preferred option is to award a consultancy contract for this work, where payment will be based on a daily rate for an estimated maximum number of days, and will only be paid for the number of days worked in any given period. Engaging Dave in this way will provide better value for money than an employment contract with set days/hours per week. It is also a more suitable arrangement given the degree of autonomy afforded to Dave to determine how he would complete this work; reflective of his level of expertise and ability. It also means that if Dave is unavailable for any reason such as sickness, he can put forward a suitable substitute to fulfil the requirements of the contract. Any substitute will be considered by the SFPC Director to ensure they have the necessary ability and experience.

- 3.6 The contract to be awarded to Dave Basker will stipulate a number of tasks and responsibilities which must be delivered including:
- Reviewing social work structures; front line management and practice;
  - Reviewing decision making arrangements and practice in front line social work teams and early help services
  - Advising and supporting local authorities to implement new structures for practice; and
  - Advising and supporting senior, middle and front line managers, IROs and CP chairs to implement new child protection arrangements, including child protection case conferences.
- 3.7 It is anticipated that the Dynamic Purchasing System will be in place within the next 12 months and so there will no longer be a need for this contract after 31<sup>st</sup> March 2021. However, given the current coronavirus pandemic, the exact timeline for any procurement is uncertain. A 12 month extension option is therefore recommended.
- 3.8 Once approval to award has been obtained a contract will be entered into using the council's standard consultancy tender documentation, including a specification detailing expectations for delivery as well as how performance, quality and outcomes will be monitored.

### **Consequences if the proposed action is not approved**

- 3.9 If this decision is not approved, the SFPC team will not have sufficient capacity to implement Family Valued, putting completion of the SFPC programme within the duration of the grant at risk. This would have reputational risks for the council but more importantly it could result in children continuing to be an increased risk in local authorities deemed inadequate or in need of improvement by Ofsted

### **Advertising**

- 3.10 This opportunity has not been advertised for the reasons outlined in this report.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 Consultation has taken place with the provider to identify that they are able to deliver the service required using a consultancy contract arrangement.

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

- 4.2.1 An equality, diversity, cohesion and integration screening form is attached as Appendix 1. This form identifies that an impact assessment is not required in this case.

### **4.3 Council policies and the Best Council Plan**

- 4.3.1 This contract will not have a direct impact on Council policies and the Best Council Plan but is essential in delivering the Department for Education Innovation programme, for which Leeds has received funding of £8.3 million over five years.

#### Climate Emergency

- 4.3.2 The service specification will require the provider to proactively seek to minimise the carbon footprint of the service and thereby support the council in achieving its ambition to be carbon neutral by 2030.

#### **4.4 Resources, procurement and value for money**

- 4.4.1 This will be a draw down contract for 12 months, with the option to extend by a further period of 12 months. There is no guarantee of work. The value of the contract will be up to £67,500, equating to maximum potential value of £135,000 if the extension option is taken up in full. Payment will be based on a daily rate up to a maximum estimated number of days, plus travel and expenses. This decision includes a budget for travel and expenses.
- 4.4.2 There is a consultancy budget for this type of service within the SFPC budget.
- 4.4.3 This contract will deliver better value for money than an employment contract because it will provide greater flexibility. Payment will only be made for the number of days worked per annum. The maximum value of the contract is slightly lower than the salary costs for the employment contract. A consultancy contract using standard corporate tender documentation will be awarded, ensuring there is sufficient accountability and scrutiny of delivery against specified requirements and outcomes.

#### **4.5 Legal implications, access to information, and call-in**

- 4.5.1 The maximum value of this decision including extensions is £135,000 and so is deemed a Significant Operational decision. As a Significant Operational Decision this decision is not subject to Call-In but will be published on the register of decisions.
- 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. In terms of transparency it should be noted that case law suggests that the Council should always consider whether contracts of this value could be of interest to contractors in other EU member states, and if it could, the opportunity should be subject to a degree of European wide advertising
- 4.5.3 It is up to the Council to decide what degree of advertising is 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.
- 4.5.4 The Children and Families Officer has considered this and, due to the nature of the specialist services being delivered and the relatively low value of the services to be undertaken, is of the view that the scope and nature of the services is such that it would not be of interest to providers in other EU member states.

- 4.5.5 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.
- 4.5.6 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.
- 4.5.7 Although there is no over-riding legal obstacle preventing the waiver of CPRs 9.1 and 9.2 using the authority set out in CPR 1.3, by awarding a direct contract to Dave Basker without seeking competition, the contents of this report should be noted when making the final decision; the Director of Strengthening Families Protecting Children Programme should be satisfied that the course of action chosen represents Best Value for the Council.

## **4.6 Risk management**

- 4.6.1 Awarding this contract without competition represents a risk of challenge from providers who have not had the opportunity to bid. However, this risk is mitigated by the specialist nature of the work and particular experience and knowledge required, where Dave Basker is uniquely well qualified.

## **5. Conclusions**

- 5.1 This report proposes the award of a consultancy contract to Dave Basker for the period 01/04/2020 to 31/03/2021, with one 12 month extension option, at a maximum potential value of £135,000. This decision requires a waiver of Contract Procedure Rules which does carry with it a risk of challenge. However, due to the level of expertise and particular experience required to undertake the work, plus the short-term nature of the contract whilst a Dynamic Purchasing system is procured, the level of risk is limited. This contract will ensure Dave Basker is able to continue his valuable work for the SFPC team, enabling the team to successfully implement Family Valued in local authorities requiring improvement as part of the DfE Innovation programme.

## **6. Recommendations**

The Programme Director of Strengthening Families Protecting Children is recommended to:

- waive Contract Procedure Rules 9.1 and 9.2, high value procurement; and
- award a consultancy contract to Dave Basker Social Work Services Ltd for the period 01/04/2020 to 31/03/2021, with one option to extend of 12 months, for up to a maximum potential value of £135,000.

## **7. Background documents<sup>1</sup>**

7.1 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.