



Report of Head of Commissioning and Market Management

Report to Head of One Adoption West Yorkshire

Date: 24 March 2020

Subject: Waiver of Contract Procedure Rules 8 .1 and 8.2- Intermediate Value Procurements to award a contract direct to Link Maker Systems Ltd for the Link Maker Matching Licence

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

- The responsibility for adoption support across West Yorkshire transferred to Leeds City Council on 1st April 2017 when the West Yorkshire regional adoption agency One Adoption West Yorkshire (OAWY) was formed. Leeds City Council became host to OAWY, which comprises 5 local authorities; Bradford, Calderdale, Kirklees, Leeds and Wakefield. As such, the responsibility for commissioned adoption services within West Yorkshire also sits with Leeds City Council.
- In 2019 a project group was formed to determine whether the online matching service should be subject to a competitive tender process.
- The Leeds City Council Corporate ICT representative advised that, as this service is very specialised and widely used by other regional adoption agencies and voluntary adoption agencies, it would not be in the best interests of the service users for OAWY to commission a service through a separate provider.
- A decision was made to put the competitive tender on hold until other regional adoption agencies and voluntary adoption agencies have been consulted
- This service is still required whilst the consultation takes place, therefore it is proposed that OAWY enter into a 12 month arrangement plus an option to extend

for up to 12 months to ensure continuity of service, carry out the consultation, review and apply the most appropriate competitive route to procurement.

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

- The outcomes this service will be commissioned against are those within the Leeds Children and Young People's Plan. 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 and safely. It also makes a significant contribution to the key obsession to safely and appropriately reduce the number of Children Looked After

Climate Emergency

- This service provides a web based portal, therefore has a low carbon footprint.
- The Contractor will be required to consider other areas of environmental impact through their service delivery, including sustainable transport for staff and a robust recycling policy

3. Resource Implications

- The value of the service from 1 May 2020 – 30 April 2021 including the extension is £ 93,984.00 overall (£46,992 per year). This includes a discount of 20% as OAWY are an existing licence holder
- OAWY will also receive one month free service provided Link Maker Systems Ltd are in receipt of the full payment prior to the current licence expiration date of 1 May 2020

Recommendations

The Head of One Adoption West Yorkshire is recommended to

- a) Approve the waiver of contract procedure rules 8.1 and 8.2 Intermediate Value Procurements and award a contract to Link Maker Systems Ltd in the sum of £93,984.00. The contract shall commence on the 1 May 2020 and expire on the 30 April 2021 plus an option to extend for up to 12 months

1. Purpose of this report

- 1.1 The proposed approach set out in this report seeks to ensure compliance in respect of waiving CPRs and seek approval for the award of a contract to Link Maker Systems Ltd for the Link Maker Matching Licence

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. The West Yorkshire regional adoption agency One Adoption West Yorkshire (OAWY) was formed to deliver this agenda
- 2.3 The current agreement with Link Maker Systems Ltd brings together the separate commissioning arrangements that the five regional local authorities held with Link Maker Systems Ltd into one agreement, held by One Adoption West Yorkshire
- 2.4 The web based Link Maker matching service provides adoption features for both local authorities and potential adopters, increasing placement choice for children awaiting adoption and creating a UK-wide pool of available adopters. The service includes registration to an online portal, which assists in finding prospective adopters for children and young people. This service is only available under licence
- 2.5 A National Adoption Register was due to be developed, which would replace the requirement for the Link Maker online matching portal. However, this development was abandoned, resulting in the requirement for OAWY to continue the arrangement with Link Maker on behalf of the region
- 2.6 The Link Maker matching service is used by the majority of regional adoption agencies (RAAs) and voluntary adoption agencies (VAAs) to assist in identifying suitable prospective adopters, therefore continuing to commission this service will ensure consistency of provision prior to testing the desire for RAAs and VAAs to engage in a wider spread competitive tender process

3 Main issues

- 3.1 The current arrangement with Link Maker Systems Ltd expires 30 April 2020.
- 3.2 The responsibility for adoption support across West Yorkshire transferred to Leeds City Council on 1st April 2017 when the West Yorkshire regional adoption agency One Adoption West Yorkshire (OAWY) was formed. Leeds City Council became host to OAWY, which comprises 5 local authorities; Bradford, Calderdale, Kirklees, Leeds and Wakefield. As such, the responsibility for commissioned adoption services within West Yorkshire also sits with Leeds City Council.

- 3.3 The provision of the Link Maker matching service will assist the One Adoption West Yorkshire Regional Adoption Agency in ensuring the best possible chance of matching children and young people with prospective adopters.
- 3.4 In 2019 a project group was formed to determine whether the online matching service should be subject to a competitive tender process. The Leeds City Council Corporate ICT representative advised that, as this service is very specialised and widely used by other regional adoption agencies and voluntary adoption agencies, it would not be in the best interests of the service users for OAWY to commission a service through a separate provider.
- 3.5 A decision was made to put the competitive tender on hold until other regional adoption agencies and voluntary adoption agencies have been consulted
- 3.6 This service is still required whilst the consultation takes place, therefore it is proposed that OAWY enter into a 12 month arrangement to ensure continuity of service, carry out the consultation, review and apply the most appropriate competitive route to procurement.
- 3.7 As an existing licence holder OAWY receives a 20% discount in continuing this arrangement with Link Maker Systems Ltd.
- 3.8 OAWY will also receive one month free service provided Link Maker are in receipt of the full payment prior to the current licence expiration date of 1 May 2020.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The proposal to continue the arrangement with Link Maker Systems Ltd has been agreed by all five Local Authority members of OAWY, via the OAWY board
- 4.1.2 Leeds City Council's Corporate ICT team has been consulted regarding the feasibility of subjecting the service to a competitive tender process. Their recommendation, based on research undertaken for similar services, is that the current Link Maker Systems Ltd service appears to be the most appropriate for OAWY's needs
- 4.1.3 Further consultation will involve contacting regional adoption agencies and voluntary adoption agencies to establish service need, suitability of current service and alternative solutions. The Leeds City Council Corporate ICT team will provide details of the research they have carried out for similar services, which will feed into an options appraisal.

4.2 Equality and diversity / cohesion and integration

- 4.2.1. The equality, diversity, cohesion and integration screening form is attached as Appendix 2. 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 The outcomes this service will be commissioned against are those within the Leeds Children and Young People's Plan. 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 and safely. It also makes a significant contribution to the key obsession to safely and appropriately reduce the number of Children Looked After

Climate Emergency

- 4.3.2 This service provides a web based portal, therefore has a low carbon footprint.
- 4.3.3 The Contractor will be required to consider other areas of environmental impact through their service delivery, including sustainable transport for staff and a robust recycling policy

4.4 Resources, procurement and value for money

- 4.4.1 The value of the service from 1 May 2020 – 30 April 2021 plus an option to extend for up to 12 months is £93,984.00. This includes a discount of 20% as OAWY is an existing licence holder
- 4.4.2 OAWY will also receive one month free service provided Link Maker are in receipt of the full payment prior to the current licence expiration date of 1 May 2020. Making this advance payment represents value for money for OAWY and supports the council's value of spending money wisely.
- 4.4.3 The OAWY finance officer has confirmed there is funding to cover this agreement, including extensions, within the OAWY base budget
- 4.4.4 Corporate financial regulations stipulate that payments should be made in arrears. Making a payment in advance of the formal contract start date is deemed an advance payment. Agreement to the payment being made in advance of the current licence expiring has been obtained from Finance in order to benefit from an additional month of service free of charge.

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

- 4.5.1 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
- 4.5.2 Awarding this contract directly to Link Marker Systems Ltd in this way 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 case law suggests that the Council should always consider whether contracts of this value should be subject to a degree of 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 Due to the relatively low value of this contract, the Council 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.

- 4.5.4 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 Whilst there is no legal obstacle preventing this waiver, the above comments should be noted when making the final decision. The Head of One 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 The risk of making an advance payment for this service is considered to be very low as Link Maker is currently the preferred option for the majority of regional adoption agencies and voluntary adoption agencies. The Link Maker Systems Ltd licence agreement that Leeds City Council signs on behalf of OAWY has been reviewed and approved by the council's legal advisor.
- 4.6.2 In the event that this proposal is not approved, continuity of service for children and families currently receiving the service would not be possible. This disruption would leave an unacceptable gap in the OAWY service offer and have a negative impact on the council's priorities as outlined in the Child and Young People's Plan.

5 Conclusions

- 5.1 This report seeks approval to waive contract procedure rules 8.1 and 8.2 Intermediate Value Procurements and award a contract to Link Maker Systems Ltd in the sum of £93,984.00. The contract shall commence on the 1 May 2020 and expire on the 30 April 2021 plus an option to extend for up to 12 months
- 5.2 This contract will support OAWY to place more children for adoption. This will support the Leeds Children and Young People's Plan outcome to ensure all young people are safe from harm and the priority to help children live in safe and supportive families.

6 Recommendations

- 6.1 The Head of One Adoption West Yorkshire is recommended to
- 6.1.1 Approve the waiver of contract procedure rules 8.1 and 8.2 Intermediate Value Procurements and award a contract to Link Maker Systems Ltd in the sum of £93,984.00. The contract shall commence on the 1 May 2020 and expire on the 30 April 2021 plus an option to extend for up to 12 months

7 Background documents¹

- 7.1 None

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.

What is your reason for waiving CPRs?

There is a genuine, unforeseeable emergency meaning there is no time to go through a procurement process e.g. to deal with the consequences of extreme weather.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
To purchase supplies or services on particularly advantageous terms due to liquidation/administration.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Requirement to put a contract in place with a current provider whilst a review of the services is completed.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ran out of time to undertake a new procurement exercise	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other (please provide summary here)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being or has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Children and Families	Service area: One Adoption West Yorkshire
Lead person: Michelle Whippey	Contact number: 0113 3785422

1. Title: Contract award direct to Link Maker Systems Ltd for the Link Maker Matching Licence
Is this a:
<input type="checkbox"/> Strategy / Policy <input checked="" type="checkbox"/> Service / Function <input type="checkbox"/> Other
If other, please specify

2. Please provide a brief description of what you are screening
<p>A contract will be awarded direct to Link Maker Systems Ltd for the Link Maker Matching Licence.</p> <p>The web based Link Maker matching service provides a range of functionality, including an online portal which assists in finding prospective adopters for children and young people. This service is only available under licence</p> <p>The service is used by the majority of regional adoption agencies and voluntary adoption agencies</p> <p>The proposal to continue the arrangement with Link Maker Services Ltd has been</p>

agreed by all five Local Authority members of OAWY, via the OAWY board

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies and policies, service and functions affect service users, employees or the wider community – city wide or more local. These will also have a greater or lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		x
Have there been or likely to be any public concerns about the policy or proposal?		x
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		x
Could the proposal affect our workforce or employment practices?		x
Does the proposal involve or will it have an impact on <ul style="list-style-type: none">• Eliminating unlawful discrimination, victimisation and harassment• Advancing equality of opportunity• Fostering good relations		x

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (**think about** the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

<ul style="list-style-type: none"> • Key findings (think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)
<ul style="list-style-type: none"> • Actions (think about how you will promote positive impact and remove/ reduce negative impact)

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.	
Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

6. Governance, ownership and approval Please state here who has approved the actions and outcomes of the screening		
Name	Job title	Date
Sarah Johal	Head of One Adoption West Yorkshire	
Date screening completed		02/03/2020

7. Publishing Though all key decisions are required to give due regard to equality the council only publishes those related to Executive Board, Full Council, Key Delegated Decisions or a Significant Operational Decision. A copy of this equality screening should be attached as an appendix to the decision

making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to Governance Services	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent: