

Report of Commissioning Manager

Report to The Deputy Director of Children & Families (Social Work)

Date: 4th August 2020

Subject: Request to waive CPR 8.1 and 8.2 to enter into contracts with Barca-Leeds and The Cardigan Centre for delivery of targeted youth work services



Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s): Bramley & Stanningley , Headingley & Hyde Park ward, Weetwood,	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:	
Appendix number:	

Summary

1. Main issues

- The purpose of this report is to seek approval from the Director of Children & Families to waive CPR 8.1 and 8.2 and to award contracts to Barca-Leeds and The Cardigan Centre for delivery of Targeted Youth Work services in Bramley & Stanningley , Headingley & Hyde Park ward, Weetwood Wards.
- The current contracts between LCC and Barca-Leeds and The Cardigan Centre end on 30/09/2020. Both contracts are in scope of the Youth Work review, which is now due to be concluded in the summer of 2020, following which a tender exercise will be undertaken to procure new contracts to start circa 01/10/2021.
- It is proposed further 6 month contracts be awarded to Barca-Leeds and The Cardigan Centre for the period 01/10/2020 to 31/03/2021, with an option to extend by up to a maximum of 6 months.
- This contract award is in line with council wide spending restrictions due to COVID-19 because it is a priority in relation to Health & Safety (inc COVID-19 response).

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

- These services support the ambitions of the Best Council Plan and the ambitions of a Child Friendly City, including improving educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes; improving social, emotional and mental health and wellbeing; and helping young people into adulthood, to develop life skills and be ready for work.

3. Resource Implications

- The value of the proposed 6 month contracts are £31,875 for Barca-Leeds and £23,104.50 for The Cardigan Centre.
- The total potential value of the contracts, if the extension option is taken up is taken up in full, is £63,750 and £46,209 respectively.
- The budget for these contracts sit within the Head of Service for Looked After Children budget area. This budget is within scope of the review of youth work provision.

Recommendations

- a) The Deputy Director of Children and Families Social Work is recommended to approve the waiver of CPRs 8.1 and 8.2 in order to award the following contracts:
 - 6 month contract to Barca-Leeds in the sum of £31,875 for Targeted Youth Work. The contract shall commence on 01/10/2020 and expire on the 31/03/2021 [with the option to extend for a period of up to 6 months, equating to the total potential value of £63,750]. This is a significant operational decision relating to an intermediate value procurement (waiving CPR 8.1 and 8.2).
 - 6 month contract to The Cardigan Centre in the sum of £23,104.50 for Targeted Youth Work. The contract shall commence on 01/10/2020 and expire on the 31/03/2021 [with the option to extend for a period of up to 6 months, equating to the total potential value of £46,209]. This is a significant operational decision relating to intermediate value procurement (waiving CPR 8.1 and 8.2).

1. Purpose of this report

- 1.1 The purpose of this report is to seek permission to waive CPRs 8.1 and 8.2 to award contracts to Barca Leeds and the Cardigan Centre for the delivery of targeted youth work services.

2. Background information

- 2.1 Since 2014, youth work has been delivered under the agreed Framework of Geographically Targeted Youth Work for Leeds.
- 2.2 The Framework outlines the following principles and priorities for geographically targeted youth work:

- Due regard is given to equality & diversity
- Change is driven by the use restorative practice and outcomes based accountability
- Youth work opportunities are targeted at young people, aged 11-17 with some discretion to provide opportunities within the wider age group of 11-19yrs (to 24 years where young people have learning difficulties).
- Programmes are delivered predominantly in targeted neighbourhoods (i.e. 40% most deprived LSOAs)
- Delivery is predominantly characterised by group work, with provision taking place mainly outside of school hours (i.e. evenings, weekends and school holidays).
- Emphasis is on programmes which aim to address the needs of local young people, particularly the needs of the most disadvantaged and vulnerable, taking full account of equality and diversity issues; thereby reducing the demand for more specialist services.
- Programmes are evidence led, based on available data relevant to local priorities and what young people have told us they want.
- Young people are involved in a meaningful way in all elements of the delivery, including design, governance and quality assurance.

2.3 The majority of targeted youth work is delivered by the Leeds City Council Youth Service but third sector providers have contracts to deliver youth work in certain wards in the Inner West, Outer West and Inner North West areas of the city. Some of this third sector provision is delivered in partnership with the Council's Youth Service teams. The mixed provision in West Leeds is a legacy of historical funding streams and changes. There were numerous other, smaller contracts across the city that have naturally expired in recent years and the funding reinvested in other youth work related activity with external providers.

Review of Youth Work provision

- 2.4 A comprehensive review of youth work provision has been undertaken over the last two years to fully understand the needs and wishes of young people, to conduct a mapping exercise into how and where youth work is currently delivered and which groups of young people are accessing provision. This data has been used to inform proposals for a future model for delivery.
- 2.5 The contracts contained in this report are both in scope of the review. One of the outcomes of the review will be to agree a new commissioning model that may be open to a competitive tender process in line with Procurement Contract Regulations 2015 and Contract Procedure Rules.
- 2.6 Extensive consultation also took place during the summer of 2019, involving Leeds city council and third sector providers and their partners to shape and develop a clear vision for youth work in Leeds. This was concluded in late 2019 and Children and Families Leadership team approved a proposed new model of youth work delivery based on the vision and review findings/consultation to date. A subsequent report to the Executive Board to ratify these proposals has since been delayed due to the impact of the coronavirus pandemic.
- 2.7 A report is now due to go to the Executive Board in autumn 2020 and should this be approved, work will progress to implement recommendations and undertake appropriate procurement to secure new youth work arrangements.

COVID-19

- 2.8 This contract award is in line with council wide spending restrictions due to COVID-19 because it is a priority in relation to Health & Safety (inc COVID-19 response). We interpret this priority reason as safeguarding. Youth work provides a positive contribution to the safety of young people and allowing these contracts to expire would increase the risks to vulnerable young people in those areas of the city.
- 2.9 The National Youth Agency has just published a report “Out of Sight: Vulnerable young people COVID-19 Response (April 2020), which details how young people’s existing needs have increased or been caused by the restrictions placed on them due to COVID-19. The main concerns identified are; increased mental health problems; Missing from Education; and “At risk, at home”.
- 2.10 It is not appropriate to seek to make savings on these contracts at this time. Targeted youth work resource is allocated across the city based on deprivation indices and population so either young people in this area of the city would receive reduced or no youth work support or all wards would receive a reduction due to the internal LCC Youth Service needing to re-allocate work from other areas. Such a change would require further consultation with key stakeholders. TUPE would apply if these contracts expired and the LCC Youth Service had to provide targeted youth work in these areas, which would make it challenging to realise any savings in the short-term.
- 2.11 Re-allocating work to stretch the existing LCC Youth Service budget across all wards whilst minimising impact on young people and managing the TUPE transfer of staff into the council would both take longer than the time we have available before the contracts are due to expire. In addition, any decision to cease a commissioned contract with the third sector would need a reasonable notice period. The Compact for Leeds, an agreement between public and third sector partners, includes the principle that termination will ordinarily provide a minimum of six months’ notice.
- 2.12 It is proposed that six month contracts are awarded to allow sufficient time to consider and implement savings.

3. Main issues

Reason for contracts procedures rules waiver

- 3.1 The current commissioning arrangements were put in place as an interim measure to allow for the review of youth work provision to be undertaken. These arrangements are all due to expire on 30/09/2020 and there are no options to extend. The delay in the review timetable means that further short-term arrangements are needed to ensure continuity of provision.

Consequences if the proposed action is not approved

- 3.2 If approval is not granted to award these contracts, targeted youth work provision currently delivered by the third sector in parts of West Leeds would cease and the best value option would be for the LCC Youth Service to cover these areas. LCC Youth Service already has a presence in West Leeds and is well placed to offer youth work in these areas. This would likely have TUPE implications from third party to LCC. Such a change in arrangements would be

significant in terms of ending mixed sector provision and would not be desirable until the findings and recommendations of the youth work review have been ratified by Executive Board.

- 3.3 Going out to competitive tender to award short term contracts with external organisations would not represent good value given the officer resource needed and the time needed to fully mobilise contracts should new providers win the contracts.

Advertising

- 3.4 These contract opportunities have not been advertised for the reasons set out in this report. The contract values are below the 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. It is considered that due to the nature of the requirement, there would be no interest from other EU Member State.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The decision to award these contracts is being sought because services are in scope for the review of youth work provision, which will not be completed in time for new arrangements to start from 01/10/2020. A project team has been established for the review, including representatives from Commissioning and Market Management, Learning for Life, Citizens and Communities and Youth Offending Service. The review reports to the Children and Families Commissioning Review Board, chaired by the Chief Officer Partnerships and Health.
- 4.1.2 A Reference Group of internal and external providers has been established and meets at key milestones. This is chaired by Voluntary Action Leeds.
- 4.1.3 The Executive Member for Children and Families has been regularly briefed throughout the review and all Members have been consulted by way of Community Committee and ward briefings.
- 4.1.4 Procurement have been consulted to ensure compliance with Contract Procedure Rules and EU regulations.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 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. This is attached as an appendix.
- 4.2.2 A full assessment will be undertaken as commissioning models are developed and specifications consulted on for new provision commissioned.

4.3 Council policies and the Best Council Plan

- 4.3.1 The outcomes these services will be commissioned against are those within the Leeds Children and Young People's Plan 2018 – 2023. These contracts will contribute to a number of the outcomes and priorities within the plan including improving educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes; improving social, emotional and mental health and wellbeing; and helping young people into adulthood, to develop life skills and be ready for work.

Climate Emergency

- 4.3.2 The service specifications will require the services to meet all Legislation, Guidance and Good Industry Practice in environmental management and the objectives of the Authority's sustainability policies. Officers from Children and Families will work with the services through the established contract management process to ensure the services are proactively seeking to minimise its carbon footprint 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 The value of the proposed 6 month contracts are £31,875 for Barca-Leeds and £23,104.50 for The Cardigan Centre.
- 4.4.2 The total potential value of the contracts, if the extension option is taken up in full, is £63,750 and £46,209 respectively.
- 4.4.3 The budget for Targeted Youth Work services sit within the Head of Service for Looked After Children budget area. This budget is within scope of the review of youth work provision.
- 4.4.4 Performance, quality and impact will be closely monitored throughout the life of the contract to ensure value for money is achieved and essential learning is captured. Current contracts are monitored against key performance indicators which measure outcomes, quality and outputs. Both contracts are meeting targets and demonstrating positive impact on young people. The value of contracts is based on a price per youth work session, which has not been altered for a number of years.

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

- 4.5.1 This reports contains significant operational decisions and as such are not subject to call in.
- 4.5.2 Awarding contracts directly to these organisations via a waiver 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 nature of the services being delivered, the requirement to be physically located in Leeds and the relatively low value of these contracts, the Director of

Children and Families 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 these waivers, 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.
- 4.5.6 It should be noted that this report includes two separate decisions, which are included to ensure the decision maker has a full understanding of the context in which they are proposed.

4.6 Risk management

- 4.6.1 The potential risks identified above are mitigated by the fact that these contracts are short-term, providing a continuation of arrangements whilst the review of youth work provision is completed and longer-term arrangements are secured by using the appropriate procurement route.
- 4.6.2 The review project team are consulting existing and potential providers and other stakeholders as part of the review and a Reference Group of internal and external providers is involved at key stages throughout. The delays with the review have been widely communicated and the sector has been supportive of the pause in the review to focus on a new vision for youth work.
- 4.6.3 The Director of Children and Families is asked to accept this request for the reasons stated in this report.

5. Conclusions

- 5.1 This report seeks a waiver of contract procedure rules and so there is a degree of risk of challenge. However, this risk is mitigated by the short-term nature of the contracts needed during a period of review, where we are consulting widely and engaging closely with partners, including current and potential providers. The contracts concerned are for valuable preventative services, which are highly valued by stakeholders.

6. Recommendations

- 6.1 The Deputy Director of Children and Families Social Work is recommended to approve the waiver of CPRs 8.1 and 8.2 in order to award the following contracts:
- 6 month contract to Barca-Leeds in the sum of £31,875 for Targeted Youth Work. The contract shall commence on 01/10/2020 and expire on the 31/03/2021 [with the option to extend for a period of up to 6 months, equating to the total potential value of £63,750]. This is a significant operational decision relating to a high value procurement (waiving CPR 8.1 and 8.2).

- 6 month contract to The Cardigan Centre in the sum of £23,104.50 for Targeted Youth Work. The contract shall commence on 01/10/2020 and expire on the 31/03/2021 [with the option to extend for a period of up to 6 months, equating to the total potential value of £46,209]. This is a significant operational decision relating to intermediate value procurement (waiving CPR 8.1 and 8.2).

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 checked="" type="checkbox"/> No
To purchase supplies or services on particularly advantageous terms due to liquidation/administration.	<input type="checkbox"/> Yes	<input checked="" 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 checked="" type="checkbox"/> No
Other (please provide summary here)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No