



Report of Commissioning Manager, Children and Families

Report to Head of Service, One Adoption West Yorkshire

Date: 4th March 2021

Subject: Approval to waive CPRs 8.1 and 8.2 and enter into a contract with Highton Consultancy to provide independent advice to the OAWY Adoption Board

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 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
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

- Adoption Panels are responsible for complex decisions that must be taken in a timely manner. During the Covid-19 pandemic, the number and complexity of cases taken to One Adoption West Yorkshire (OAWY) Panel has increased.
- Highton Consultancy was appointed on 24th July 2020 on a nine month contract to provide independent advice and quality assurance to the Panel. The appointment of the consultant has been a valuable resource, and the OAWY Senior Leadership Team has approved funding to enter into a new twelve month contract with the company to maintain the service in response to the ongoing capacity challenges as the pandemic continues.
- The awarding of the contract requires the waiver of CPR 8.1 and 8.2 Intermediate Value Procurements.

2. Best Council Plan implications

- Supporting families to give children the best start in life
- Improving social, emotional and mental health and wellbeing

3. Resource implications

- The contractor is paid a fixed rate per panel. The total contract value will be a maximum of £48,000
- Funding for the contract will be covered by the OAWY revenue budget and will not create additional budgetary pressure on the Council.

Recommendations

- a) The Head of Service, One Adoption West Yorkshire approves the waiver of CPRs 8.1 and 8.2 and to award a twelve month contract from 1st April 2021 up to a total potential value of £48,000 to Highton Consultancy to provide independent advice and quality assurance to the OAWY Adoption Panel.

1. Purpose of this report

- 1.1 The report seeks authority to waive CPRs 8.1 and 8.2 and award a twelve month contract to Highton Consultancy to continue to provide independent advice and quality assurance to the OAWY adoption panel.

2. Background information

- 2.1 The Covid-19 pandemic increased the number of cases considered by the Adoption Panel.
- 2.2 In July 2020 the government awarded OAWY grant funding to support its services affected by pandemic, and this was partly used towards funding a contract with Highton Consultancy to adoption panels and provide independent advice and quality assurance to the Panel to ensure the paperwork meets regulatory requirements, is of a high standard and effective decisions are taken.
- 2.3 The support provided by Highton has been invaluable, and the consultant has worked to understand the OAWY procedures and developed strong relationships with the Panel members and contributing social workers.

3. Main issues

- 3.1 The ongoing pressures of the pandemic has maintained the higher workload of the Adoption Panel and it is anticipated that consultancy support will be required for up to a further twelve months.
- 3.2 Once the effects of the pandemic on child protection and adoption cases has reduced, and the Panel's caseload is back to normal, it is expected that the consultancy support will no longer be required and their role will be managed by the OAWY team.

Reason for Contracts Procedure Rules Waiver

- 3.3 A waiver of CPRs 8.1 and 8.2 is required as the OAWY Board wish to retain the expertise in the OAWY processes Highton Consultancy has gained over the last six months and maintain the relationships they have built.
- 3.4 The contract is for a relatively short period and the work allocated to the contractor is expected to decline over the term as the Panel's caseload returns to normal.

- 3.5 Highton Consultancy has provided an exceptionally high level of service and their rates are in line with the industry standard.

Consequences if the proposed action is not approved

- 3.6 Consideration has been given to completing a full tender exercise for a new twelve month contract. Appointing a new consultant to the role would increase the burden on OAWY officers in terms of the time taken for induction and training and risks a gap in provision from April while this is undertaken.

Advertising

- 3.7 There is no proposal to undertake a formal tendering exercise for the service due to the reasons set out in this report.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Consultation has been carried out with the Adoption Panel and OAWY Board who are supportive of the continued appointment of Highton Consultancy in this role.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 Adoption protects the most vulnerable children and supports them to find permanent families to grow up in; the contractor supports the Adoption Panel to review the equality and diversity considerations relating to each case.

4.3 Council policies and the Best Council Plan

- 4.3.1 Supporting families to give children the best start in life
4.3.2 Improving social, emotional and mental health and wellbeing

Climate Emergency

- 4.3.3 The work of the contractor is currently delivered online with little impact on the climate emergency. Should the Panel start to meet in person, the contractor shall be asked to consider the impact on the environment of their travel arrangements.

4.4 Resources, procurement and value for money

- 4.4.1 Funding for the contract is from the OAWY revenue budget and will not impact LCC finances. The contractor's fees are in line with consultancy rates for the complexity of the work and experience required for the role.

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

- 4.5.1 The decision is a significant operational decision and is not subject to call-in. The report does not contain any exempt or confidential information.

- 4.5.2 Awarding a contract directly to the provider in this way could leave the Council open to a potential challenge from other providers to whom this contract could be of interest. The contract falls within the supply and service under the Public Contracts Regulations 2015 (Regulations). The total value of the contract is below the threshold set down by the Regulations. However, 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 is appropriate.
- 4.5.3 Head of Service, One Adoption West Yorkshire has to consider the nature of the services being delivered, and relatively low value of the contracts being offered, and is satisfied that it would not be of interest to providers should it be advertised to the wider market
- 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 Although there is no overriding legal obstacle preventing the waiver of CPR 8.1 and 8.2, the above comments should be noted. In making their final decision, the Head of Service, 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 main risks of not awarding the contract, or completing a full tender exercise is that the workload of the Adoption Panel would increase and there would be a delay in placing vulnerable children with new families, or approving adoption cases.
- 4.6.2 There remains a risk of challenge to the decision however it is low for the reasons stated above.
- 4.6.3 The risk of cost increase has been mitigated by maintaining the fixed price.

5. Conclusions

- 5.1 The Covid-19 pandemic has increased the number and complexity of cases being considered by the Adoption Panel.
- 5.2 The receipt of government funding to help services manage the impact of the pandemic has enabled OAWY to appoint a consultant to provide independent advice and quality assurance and increase the capacity of the Adoption Panel process.
- 5.3 The consultant from Highton Consultancy has quickly embedded themselves as a key member of the Adoption Panel support team and has enabled the flow of cases to be maintained despite the increase in numbers and complexity.
- 5.4 Awarding a new contract directly to Highton Consultancy will provide consistency as the Panel continues to manage the effects of the pandemic and remote working.

6. Recommendations

- 6.1 The Head of Service, One Adoption West Yorkshire approves the waiver of CPRs 8.1 and 8.2 and to award a twelve month contract from 1st April 2021 up to a total potential value of £48,000 to Highton Consultancy to provide independent advice and quality assurance to the OAWY Adoption Panel.

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.