

Request to award a contract, using Contracts Procedure Rule 9.5 to Leeds Weekend Care Association for delivery of a weekend, targeted short breaks service.

Date: 03/02/2022

Report of: Commissioning Manager, Commissioning & Market Management Team

Report to: Director of Children & Families Directorate

Will the decision be open for call in? ☐ Yes ☒ No

Does the report contain confidential or exempt information? ☐ Yes ☒ No

### **What is this report about?**

#### **Including how it contributes to the city's and council's ambitions**

- This report seeks approval to use Contracts Procedure Rule (CPR) 9.5 to award a contract, without competition, to Leeds Weekend Care Association (LWCA) for delivery of a weekend activity scheme for children and young people (C&YP) with special educational needs and/or disabilities (SEND) on the grounds that they are genuinely the only provider that can meet the Council's specific requirements. This would be a continuation of an existing service (DN459827)
- The value of the contact will be £140,000 per annum and it will have a maximum length of 3 years (one plus one plus one) this means the maximum value over the contract period, should all extensions be utilised, will be £420,000.
- The current contract with Leeds Weekend Care Association (LWCA) is due to end on 31/03/2022 having been commissioned by LCC for a number of years. LWCA provides a weekend activity scheme for children & young people (CYP) who have an Education Health and Care Plan (EHCP) whose needs can't be met in other targeted short breaks or universal activities. LWCA is the only commissioned provider who delivers a weekend activity to this cohort of children and young people and the city-wide service is currently accessed by approximately 140 cyp.
- A robust offer of short breaks for C&YP with SEND is key to improving outcomes for children and ensures compliance with the Children Act 1989, the Breaks for Carers of Disabled Children Regulations 2011 and the Children and Families Act 2014. This service will help deliver the local ambition of becoming an inclusive Child Friendly City – to make Leeds the best city in the UK for children and young people to grow up in.
- This report also seeks approval to pay LWCA six monthly in advance. Payment in advance is crucial to this small, third sector organisation so that they can effectively manage budgets and cash flow to deliver the LCC commissioned service. This has been the payment method used over the last eight or so years whilst LWCA has been commissioned by Leeds City

Council. Payments will be made on a half yearly basis in April and October. LWCA will be subject to a financial checking process using the CreditSafe facility and any underspend will be monitored and clawed back at financial year-end.

## Recommendations

- a) Approve to award a contract using contract procedure rule 9.5 and award Leeds Weekend Care Association with a contract for the delivery of weekend short breaks activities on the grounds that they are genuinely the only provider that can meet the Council's specific requirements. The contract will run from 01/04/23 to 31/03/2024 initially and there will be the option to extend the contract by two further twelve-month periods. If all the extensions are utilized, the contract will end on 31/03/2026.
- b) Approve the annual expenditure of £140,000 per annum for twelve months with the option to extend for two further twelve-month periods (overall value including extensions will be £420,000).
- c) Approve the decision to pay the provider six-monthly in advance for this contract.

## Why is the proposal being put forward?

- 1 This proposal will ensure the continuity of the provision of a city-wide, weekend short breaks activity for children and young people who have an EHCP whose needs cannot be met in other mainstream or targeted short breaks services.

## What impact will this proposal have?

**Wards affected: city-wide**

Have ward members been consulted?

☒ Yes

☒ No

- 2 Should the report not be approved, some of our most vulnerable C&YP will not have access to any targeted short break service. This would inevitably lead to an increase in referrals for a specialist service such as direct payments, Independent Support Workers or overnight short breaks.
- 3 Delivery of Short breaks services is a statutory requirement and Leeds City Council would be in danger of not being able to meet this statutory requirement if this group of C&YP could not access a short breaks service. Families would be at an increased risk of breakdown.

## What consultation and engagement has taken place?

- 4 The current provider is happy to continue delivering a weekend activity and feedback from families and other stakeholders is that the provision is consistently deemed to be high quality and much needed.
- 5 Councillor Venner (Lead Member for Children & Families) has been briefed and indicated on 19/01/22 that she is happy with the proposal.

## What are the resource implications?

- 6 The value of the contract will be £140,000 per annum and it will have a maximum length of 3 years (one plus one plus one) this means the maximum value over the contract period, should all extensions be utilised, will be £420,000.
- 7 There is a budget of £140,000 per annum in place to cover the value of this decision over the potential three year period.
- 8 This option represents best value for money because it secures vital services to enable disabled children and their families to access targeted short breaks with the aim of preventing family breakdown or increased referrals to specialist services. It was also demonstrated during a previous competitive tender exercise that no other providers were able to provide the required service. The conclusion of the previous competitive tender exercise is that no reasonable alternative is currently available, LWA are genuinely the only provider that can meet the Council's specific requirements, and there are no savings or benefits to gain from considering a change of provider at this point in time.

### **What are the legal implications?**

- 9 The decision is a significant operational decision and will not be subject to call-in process under the Constitution. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.
- 10 Awarding a contract directly to LWCA without competition could leave the Council open to a potential challenge from other providers, to whom this contract could be of interest, that it has not been wholly transparent. However, the fact that the original tender opportunity was advertised on Yortender in 2019 for an April 2020 contract start date with no bidders demonstrates the lack of competition, and it is considered that such a challenge risk is low. It is unlikely there are any new or existing providers who are able to deliver a club to cyp with this level of need, especially given the impact of the pandemic and the relatively low value of the contract. Although there is no legal obstacle preventing the use of CPR 9.5, the above comments should be noted when making the final decision, and the decision maker should be satisfied that the course of action chosen represents Best Value for the Council.

### **What are the key risks and how are they being managed?**

- 11 Some personal data will be processed as part of this contract delivery and a privacy impact assessment will highlight how any risks will be mitigated.
- 11 Awarding a contract directly to LWCA in this way could leave the Council open to a potential challenge from other providers to whom this contract could be of interest, however this risk is considered low for the reasons explained in the legal implications section above.

### **Does this proposal support the council's three Key Pillars?**

☐ Inclusive Growth      ☒ Health and Wellbeing      ☐ Climate Emergency

- 12 Short breaks are a statutory requirement and are viewed as a preventative early help strategy which can ultimately help prevent family breakdown.

## **Options, timescales and measuring success**

### **What other options were considered?**

- 13 A competitive tender was considered but was disregarded because a tender was undertaken in 2019 for an anticipated April 2020 start date however no bids were received. It is not believed that any new or existing providers would be interested in undertaking this work considering the impact of the Covid pandemic over the last couple of years and given the high needs of the children and young people and the relatively low value of the contract. To carry out a full competitive tender at this point in time would not represent best use of Council funds or resources.

#### **How will success be measured?**

- 14 Leeds Weekend Care Association will continue to have quarterly monitoring meetings with a Commissioning Officer to discuss performance, cyp's outcomes, waiting lists etc as well as reviewing user satisfaction and supporting RADAR or other reviews such as Early Help where relevant.

#### **What is the timetable for implementation?**

- 15 The contract will start on 1<sup>st</sup> April 2022 for a twelve-month period with two options to extend for two further twelve month periods.

#### **Appendices**

- 16 N/A

#### **Background papers**

- 17 DPIA