

LONDON BOROUGH OF CROYDON

To: all Members of the Council (via e-mail)
Access Croydon, Town Hall Reception

PUBLIC NOTICE OF KEY DECISIONS MADE BY THE CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE & LEARNING ON 30 OCTOBER 2018 UNDER SPECIAL URGENCY

In accordance with Regulation 11(1)(a) of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 the following key decision has been taken on behalf of the London Borough of Croydon under Special Urgency and is not subject to the referral process. The decision could not be reasonably deferred because:

- Following a competitive tendering process and contract award to the preferred bidder in August 2018, the provider is unable to provide sufficient assurance of continuity of service delivery from 1st November 2018. This is a statutory service and the Council must act to ensure it can fulfil its obligations and ensure continuity of service delivery to vulnerable children and families.
- The existing framework contract, which it is proposed to vary and extend to secure continuity of this service, expires on 31st October 2018.

The decisions may be implemented **immediately** in accordance with Part 4E paragraph 11.15 of the Constitution (Call-In – Exercise of the power to review a decision taken but not yet implemented).

The following apply to each decision listed below

Reasons for these decisions: are contained in the **attached** Part A report

Other options considered and rejected: are contained in the **attached** Part A report

Details of conflicts of Interest declared by the decision maker: none

KEY DECISION REFERENCE NO.: 3518CYPL

Decision Title: Contract Variation to Supervised Contact and Assessment Framework

Having carefully read and considered the Part A report, and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the reports, the Cabinet Member for Children, Young People & Learning in consultation with the Cabinet Member for Finance & Resources

RESOLVED:

1. To approve the variation of the Framework Agreement for Supervised Contact and Assessment (“the Framework”) to extend for a period of 12 months (1 November 2018 to 31 October 2019) for a value of £1.357m resulting in the total maximum contract value of £5,300,000.
2. To note that the Director of Commissioning and Procurement has approved the use of Regulation 18 c.ii and Regulation 29 of the Council’s Tenders and Contracts Regulations to vary the existing Framework.

For General Release

REPORT TO:	Cabinet Member for Children, Young People & Learning
SUBJECT:	Contract Variation to Supervised Contact and Assessment Framework
LEAD OFFICER:	Eleni Ioannides Executive Director Children, Families and Education Philip Segurola Director of Children Family, Family Intervention and Children’s Social Care
CABINET MEMBER:	Councillor Alisa Flemming Cabinet Member for Children, Young People & Learning and Councillor Simon Hall Cabinet Member for Finance and Treasury
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT/ AMBITIOUS FOR CROYDON	
<p>This framework meets the council’s statutory duty to provide contact between families for looked after children. It contributes to the administration’s ambition to enable children and families to be healthy and resilient and maximise their life chances.</p>	
FINANCIAL IMPACT	
<p>The costs associated with this framework contract extension are essential for service delivery and to fulfil the Council’s statutory responsibilities, and are funded from the Council’s Revenue Budget.</p> <p>The annual value of the framework contract for the extension period (1 November 2018 to 31 October 2019) is projected to be £1.357m.</p> <p>The service is demand led. However the extension of the framework contract does not commit the Council to any minimum spend.</p> <p>The 2018/19 projected overspend of £627,149 has been reported in Q2 and action plans to meet this pressure will be managed by the service. Projected overspend of £878,009 in 2019/20 will be met by the departmental Growth bid for 2019/20, which is yet to be finalised.</p>	
FORWARD PLAN KEY DECISION REFERENCE NO.: 3518CYPL	
<p>This is a Key Decision as defined in the Council’s Constitution.</p> <p>This decision is subject to Rule 32 Special Urgency. The special circumstances for non-compliance with Access to Information Regulations (items not to be considered unless a 28 day notice (key decision) has been issued or in any other case has been open to inspection for at least 5 days before the meeting). This decision cannot reasonably be deferred because:</p> <ul style="list-style-type: none"> • Following a competitive tendering process and contract award to the preferred 	

bidder in August 2018, the provider is unable to provide sufficient assurance of continuity of service delivery from 1st November 2018. This is a statutory service and the Council must act to ensure it can fulfil its obligations and ensure continuity of service delivery to vulnerable children and families.

- The existing framework contract, which it is proposed to vary and extend to secure continuity of this service, expires on 31st October 2018

The agreement of the Chair of the Scrutiny & Overview Committee has been obtained.

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below.

2. RECOMMENDATIONS

1. To approve the variation of the Framework Agreement for Supervised Contact and Assessment (“the Framework”) to extend for a period of 12 months (1 November 2018 to 31 October 2019) for a value of £1.357m resulting in the total maximum contract value of £5,300,000.
2. To note that the Director of Commissioning and Procurement has approved the use of Regulation 18 c.ii and Regulation 29 of the Council’s Tenders and Contracts Regulations to vary the existing Framework.

2. EXECUTIVE SUMMARY

- 2.1 Assessment and supervised contact are statutory services and have been delivered primarily through a framework contract for supervised contact and assessment since November 2014.
- 2.2 Our procurement strategy for these services, agreed in June 2017, was to retender both services separately. However, the procurement of supervised contact services has proved unsuccessful due to unforeseen circumstances concerning the provider/s. The procurement of assessment services is not scheduled until November 2018 with a new approved provider panel commencing in June 2019. It is therefore recommended that the existing framework contract is extended to allow for continuity of service whilst we review and implement a longer term procurement strategy for supervised contact from November 2019 and our agreed procurement strategy for assessment from June 2019.

CCB Approval Date	CCB ref. number
30/10/2018	CCB1417/18-19

3. BACKGROUND

- 3.1 In 2014 a contract award for the provision of supervised contact and assessments under a Framework Agreement was approved for a term of 2 years with an option to extend for a further 2 years at an estimated total value of £3.2m. The framework commenced on 1 November 2014 and therefore, with all extension options having been invoked, the contract will end on 31 October 2018.
- 3.2 A variation to the Framework value by £1.304m was agreed in November 2017 to account for additional spend during the final year of extension (November 2017 to October 2018) and enable the Council to deliver the required improvements in the service following the recent Ofsted inspection.
- 3.3 A procurement strategy report for supervised contact and assessment services was agreed by CCB on 13th June 2017 (reference CCB1241/17-18) recommending to split the parenting and families assessment service from the supervised contact service and tender each service separately due to the distinct nature of each service.
- 3.4 Since then, a competitive tender has taken place for supervised contact services leading to a contract award to a single provider for the provision of supervised contact for an initial term of two (2) years commencing on 1st November 2018 with the possibility to extend for a further period/periods of up to 12 months, three (3) years in total, based on available budget, performance and need.
- 3.5 Following the contract award to the preferred bidder in August 2018, the Council worked with the provider in the mobilisation period. Due to the lack of suitable premises for a contact centre to be established, it became clear that the level of risk to service delivery and consequently the impact on children and families was unacceptably high. There was no assurance that a new service could go live on 1st November 2018. As this is a statutory service to children and families (including looked after children), there is no option to delay commencement of the service and therefore the Council is unable to proceed with contract execution.
- 3.6 To ensure that the Council can continue to meet its statutory duty with regards to supervised contact, it is intended that the existing framework arrangements continue for a further 12 months with the incumbent provider/s. Therefore the extension of the framework contract is critical. We will review our procurement strategy for supervised contact from November 2018 to ensure that a longer-term high quality and cost effective approach to service delivery is in place from November 2019.

Assessment

- 3.7 The make or buy report for the assessment service was agreed by the Contracts & Commissioning Board on 2nd July 2018. The report recommended a mixed delivery model where a new framework agreement would be procured from the market to deliver specialist assessments for a

proposed 2 + 2 year term. During this time, the service will develop an in-house Friends and Family Service for the delivery of assessments under Reg 24 of the 2010 Care Planning Regulations, to be able to provide SGO, viability Form F, Connected Person assessments and Together and Apart assessments.

- 3.8 The procurement strategy for commissioning the new assessment framework agreement will be considered by CCB in October 2018 and Cabinet in November 2018. It proposes that an approved provider panel is designed under the PCR Light Touch Regime and is in place for 2 + 2 years with a refresh of providers after the initial 2 years. A prior information notice (PIN) will be issued, alerting the market to this opportunity.
- 3.9 The need to abort the supervised contact procurement and resort to the existing framework to ensure the statutory provision of service is maintained, will be considered in light of the PCR 2015 and Tenders & Contracts Regulations (despite the original tender published under the CPR 2006, part B services). Consideration of Regulation 72(1)(c) PCR 2015 provides for changes arising from circumstances which could not have been foreseen, as long as the change does not alter the overall nature of the contract, and each increase in price does not exceed 50% of the value of the original contract or framework agreement. To mitigate the risk of challenge, we will issue a PIN alerting the market to the re-procurement of the assessment service and the procurement strategy for supervised contact if appropriate.
- 3.10 It is estimated that an additional 12 month extension to the current framework, under the existing terms and conditions and tender prices, would be in the region of £1.357m.

3.11 Options considered for supervised contact and assessment:

1	Proceeding with award of contract for supervised contact to a new provider following the re-procurement	
	Benefits	Competitively tendered
	Risks	Unacceptable level of risk that there will be no service available from 1 st November 2018.
2	Vary the existing framework agreement	
	Benefits	No mobilisation period is required so service continuity is guaranteed
		Extending the framework agreement to all providers on the framework reduces the risk of challenge
		Extending the framework agreement for assessments helps control costs and quality of assessments while the new procurement strategy is launched and service tendered.
Risks	May receive challenge from other providers in the market that framework agreement has been varied. This risk can be reduced by issuing a PIN for the new procurement as soon as the procurement strategies have been approved	
3	Directly award contract to 1 provider on the framework	
	Benefits	Directly awarding to one current provider means no

		mobilisation period is required so service continuity is guaranteed.
	Risks	Potential for challenge from other providers on framework Assessment service would have to spot purchase assessments from the market and be unable to control costs and quality

3.12 This report seeks authority to variate the contract value and duration with the providers set out in paragraph 3.14, to ensure continuity of service.

3.13 The recommended providers on the Framework Agreement for Supervised Contact and Assessment for Social Care and Family Support, Lots A-K are detailed below. These providers submitted evidence of best value in terms of quality and price and were therefore the most economically advantageous tenderers.

Lot	Service Provision Activity	Recommended Providers to be awarded the Framework Agreement
Supervised contact		
Lot A	Supervised Contact Workers	1. Humane Recruitment Ltd [Now known as Yvonne Lewis] 2. SWIIS International 3. CF Social Work
Lot B	Supervised Contact Venues	1. Red Gables Family Centre 2. Croham/SFC 3. SRoberts Consulting
Lot C.1	Supervised Contact Workers & Contact Venues WITH Transport / Escorted Transport	1. St. Mary's 2. Croham/SFC 3. Red Gables Family Centre 4. One Social Care
Lot C.2	Supervised Contact Workers & Contact Venues WITHOUT Transport / Escorted Transport	1. St. Mary's 2. Croham/SFC 3. S Roberts Consulting 4. Red Gables Family Centre 5. One Social Care
Assessments		
Lot D	Parenting assessments	1. Core Assets 2. St. Mary's 3. CF Social Work
Lot E	Special Guardianship Order Assessments	1. One Social Care 2. Core Assets 3. CF Social Work
Lot F	Viability Assessments	1. Coral 2. Core Assets 3. One Social Care
Lot G	Assessments of Parents with Mental Health & Learning Difficulties	1. CF Social Work 2. Core Assets

		3. Atkinson Lewis
Lot H	Form F Assessments (Foster Carers)	1. CF Social Work 2. One Social Care 3. Core Assets
Lot I	Connected persons Assessments	1. CF Social Work 2. Core Assets 3. Wills Palmer
Lot J	Residential Parenting Assessments	1. One Social Care 2. St Michael's Fellowship
Lot K	Reverse Residential Parenting Assessments	1. CF Social Work 2. Symbol Family Support Services Ltd

A number of providers have since ceased to operate and therefore will not be included in the extension of this framework. These are:

Supervised contact		
Lot B	Supervised Contact Venues	1. Red Gables Family Centre 2. Croham/SFC
Lot C.1	Supervised Contact Workers & Contact Venues WITH Transport / Escorted Transport	3. Croham/SFC 4. Red Gables Family Centre
Lot C.2	Supervised Contact Workers & Contact Venues WITHOUT Transport / Escorted Transport	5. Croham/SFC 6. Red Gables Family Centre

- 3.14 The Framework contains clearly defined contract management and performance management arrangements. Quarterly performance management reports and monthly monitoring reports are submitted by awarded providers who are actively delivering services. This is supported by regular engagement with key providers.
- 3.15 The Framework is well utilised for supervised contract, with the contract management team working with providers to increase capacity so that less off contract spend occurs. With the closure of the Croham Centre, 46 families were transferred to other providers, and from all accounts the transition was dealt with well. Feedback is continually being sought from social workers and families on how services are performing. A new pilot to develop a multi-disciplinary holistic family assessment is also being trialed with one of the providers on the framework.
- 3.16 There is a high proportion of off contract spend for assessment services due to unprecedented demand for this service, and a spike in CP cases following the Ofsted inspection resulting in an increased pressure for assessments, especially for (adult) parent and child cases where a fostering placement cannot be found in house.

4. CONSULTATION

- 4.1 Consultation was undertaken with officers in Children Social Care, Legal, Finance and Governance with regards to this variation and extension.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/2222 £'000
Revenue Budget available				
Expenditure	565	791		
Income				
Effect of decision from report				
Expenditure	1,192	1,669		
Income				
Overspend budget	<u>627</u>	<u>878</u>		
	*Nov 18 – Mar 19	**Apr 19 – Oct 19		

- 5.1 The costs associated with this framework contract extension are essential for service delivery. The 2018/19 projected overspend of £627,149 has been reported in Q2 and action plans to meet this pressure will be managed by the service. Projected overspend of £878,009 in 2019/20 will be met by the departmental Growth bid for 2019/20.

Approved by: Josephine Lyseight, Head of Finance

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

- 6.1 The Solicitor to the Council comments that the legal considerations relevant to the recommendation are contained in the body of this report and given the need to ensure the continuity of a statutory service, the recommendations are supported by the legal team.

Approved by: Sean Murphy, Head of Commercial and Property Law and Deputy Monitoring Officer on behalf of the Director of Law and Monitoring Officer

7. HUMAN RESOURCES IMPACT

- 7.1 This report recommends a variation to extend an existing framework agreement. This means the service provisions would remain as they are, and there are no human resources or TUPE implications arising from this report.

Approved by: Nadine Maloney, Head of HR; Children, Education and Families.

8. EQUALITIES IMPACT

- 8.1 A detailed/full Equality Analysis has not been undertaken beyond the initial screening, as there is no identified negative impact on any protected characteristic group as a consequence of the extension of this framework.
- 8.2 The equality considerations were taken into account as part of the requirements defined within the original Invitation to Tender (including terms and conditions of contract) whereby there is a need for the Tenderers to demonstrate compliance with the Equality Act. A question on diversity and meeting the needs of the community was included in the tender.

9. ENVIRONMENTAL IMPACT

- 9.1 There are no direct environmental impacts. However, as part of the proposed Framework Agreement the recommended Providers have agreed to the Council's terms and conditions of contract which includes the obligation to comply with sustainability/environmental regulations.

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There are no crime and disorder reduction implications associated with the proposed recommendations and subsequent services.

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 11.1 The extension period will enable continuity which is vital for this statutory service for children and families.
- 11.2 The extension is being sought at short notice due to the failure of the re-procurement of this service during the mobilisation phase. The successful bidder was able to provide assurance of service delivery from 1st November 2018 due to the lack of a suitable premises to establish a contact centre.

12. OPTIONS CONSIDERED AND REJECTED

- See section 3.14

CONTACT OFFICER:

Deborah Sewell, Category Manager
Sarah Risby, Category Manager

APPENDICES TO THIS REPORT

None

BACKGROUND PAPERS:

None