

DELEGATED POWERS REPORT NO.

1625

SUBJECT: Contract Variation – Early Intervention and Prevention Services

Control sheet

All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to the Governance Service for publishing

All reports		
1. Governance Service receive draft report	Name of GSO Date	Andrew Charlwood 21.03.12
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Andrew Charlwood 29.03.12
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Fin. officer Date	Kerry-Anne Smith 29.03.12
4. Procurement clearance obtained (<i>report author to complete</i>)	Name of Res. officer Date	Martyn Carter 22.03.12
5. Trade Union response received (Staffing issues only)	Name of TU rep. Date	NA
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Phillipa Dieobi 05.04.12
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 30.03.12
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Julie Pal 30.03.12
9. The above process has been checked and verified by Director, Head of Service or Deputy	Name Date	Jay Mercer 30.03.12
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of GSO Date	Andrew Charlwood 30.03.12
11. Report published by Governance Service to website	Name of GSO Date	Andrew Charlwood 11.04.12
12. Head of Service informed report is published and can be implemented.	Name of GSO Date	Andrew Charlwood 11.04.12

ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER (COUNCIL FUNCTION)

Subject **Early Intervention and Prevention Services**

Officer taking decision Director of Children’s Services

Date of decision 30 March 2012

Summary	This report seeks approval to increase funding to existing EIP contracts for the period 1 April 2011 to 31 March 2012: 1) Community Barnet Parenting Consortium and 2) Relate and waive Contract Procedure Rules clause 5.6.2.2 to allow for additional expenditure to exceed 10% of original contract values
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Officer Contributors Zahid Parvez, Business Manager
Usha Chadha, Grant Monitoring and Evaluation Officer

Status (public or exempt) Public

Wards affected All

Enclosures None

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Serial No. 1625

1. RELEVANT PREVIOUS DECISIONS

- 1.1 Cabinet Resources Committee - 27 September 2011 – Decision item 8 – Report of the Cabinet Member for Education, Children and Families, 'Early Intervention and Prevention Commissioned Contracts'

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 Current early intervention and prevention services contribute towards the key priorities and objectives of the Council's 2011-2013 Corporate Plan:

- Better services with less money;
- Sharing opportunities, sharing responsibilities and
- A successful London suburb.

Services also contribute to the priorities outlined in the Children and Young People's Plan 2011-2013:

- intervene early to strengthen families; and ensure the early identification of children and families to enable appropriate preventative interventions through the Common Assessment Framework (CAF);
- ensure every child has a good start to life by providing access to high quality early years provision and support;
- promote access for all children and young people to positive activities;
- reduce economic disadvantage through tackling child poverty:
 - a) Ensuring access to affordable and suitable childcare;
 - b) Supporting parents to build confidence and skills;
 - c) Addressing health, including mental health, both as a cause and consequence of poverty.

3. RISK MANAGEMENT ISSUES

- 3.1 The increase funding of the contracts will not carry additional risk to the Council; as the terms and conditions of the contracts will remain the same, but delivery volume shall increase.
- 3.2 Relate and Community Barnet currently provide services for the Early Intervention and Prevention Division
- 3.3 All contracts are in accordance with the Contract Procedure Rules set out in the Council's Constitution. Details are provided in section 7 (Constitutional Powers).
- 3.4 In accordance with Contract Procedure Rules and to ensure value for money all contracts will continue to be performance managed throughout the term of the contract using a robust monitoring system.

4. EQUALITIES AND DIVERSITIES ISSUES

- 4.1 The Equality Act 2010 requires a public body in the exercise of their functions must have due regard to the need to: (a) eliminate discrimination, harassment,

victimisation and any other conduct prohibited by the Act; (b) advance equality of opportunity between different groups; and (c) foster good relations between different groups. The Council in award of the contracts and in the proposal for extension of the contracts has considered the potential impact on the protected groups, pursuant to the Equality Act 2010 and is of the view that extended funding will facilitate better services for a larger number of Barnet residents.

- 4.2 Service users will be able to access services, irrespective of their ethnicity, religion or disability. This will be checked during regular performance monitoring of contracts which measures reach by ethnicity, religion and disability. Where monitoring data identifies hard-to-reach communities are not being sufficiently supported, plans to refocus delivery will be implemented with providers.

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 5.1 The value of the current Community Barnet contract is £64,220 over the period 1 November 2011 to 31 March 2013. The extended value is a further £20,000. This will allow for set up costs already incurred to increase the number of Strengthening Families Strengthening Communities facilitators for the period up to 31 March 2012.
- 5.2 The value of the current Relate contract is £5,000 over the period 1 November 2011 to 31 March 2013. The extended value is a further £1,000 to be allocated for further training to counsellors as part of the Safer Families project for the period up to 31 March 2012.
- 5.3 Funding for the two contracts has been identified from other early intervention and prevention contracts who have underperformed and subsequently underspent, the council will re-use this funding to fund the increased contract values.

6. LEGAL ISSUES

- 6.1 With reference to the European procurement rules, the EIP contracts fall within Category B of Schedule 3 to the Public Contracts Regulations 2006. Although the Council need not follow the European procurement regime but a competitive tender process was carried out using the European 'open procedure' to ensure compliance with the, relevant, Treaty principles before the contracts were awarded to Relate and Community Barnet Parenting Consortium.
- 6.2 The variation of the contracts will be made in accordance with the terms and conditions of the main contract and the Council's Contract Procedure Rules

7. CONSTITUTIONAL POWERS

- 7.1 Council Constitution, Part 3, Responsibility for Functions, Section 6, Powers Delegated to Officers – provides that Chief Officers can take decisions without consultation with the Cabinet Member concerned where it is a decision authorised to be taken by the Chief Officer under the Contract Procedure Rules
- 7.2 Council Constitution, Contract Procedure Rules – Table 5-2, 'Acceptance thresholds for contract extensions and variations' stipulates the level of acceptance for contracts less than £156,441 is the Director or Head of Service

7.3 Council Constitution, Contract Procedure Rules – Section 5.6 details the acceptance parameters for contract variations and novation and provides that:

5.6.2.1 the variation is notified to and agreed in writing with the contractor;

5.6.2.2 any additional expenditure necessarily incurred does not exceed 10% of the initial contract

7.4 Contract Procedure Rules 5.7 provides that the Directors/Heads of Service may take decisions on urgent or emergency matters as set out in the Leader's Scheme of Delegation providing they report afterwards to the relevant decision making body setting out the reasons for the urgency where this is justified on the basis of urgency and one or more of the matters of the following:

- that the nature of the market for the works to be carried out or the supplies or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of Contract Procedure Rules is justifiable; or
- that the contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
- that the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or English Law); or
- that there are other circumstances which are genuinely exceptional

8. BACKGROUND INFORMATION

8.1 The Early Intervention and Prevention division in Children's Services awarded a series of contracts for the period 1 November 2011 to 31 March 2013. All contracts were awarded as a result of open and competitive tendering.

8.2 Contracts have been robustly monitored against delivery and financial targets and rated red, amber or green depending on their level of performance. Some contracts did not achieve contractual targets and this resulted in a small amount of under spend. This subsequent underspend will be re-used to fund increased contract values for Community Barnet's Parenting Consortium contract and Relate's Counselling contract.

8.3 Community Barnet's Parenting Consortium contract provides parenting programmes for hard-to-reach communities delivered in community languages. The increased funding will be allocated to set up costs used to increase the number of trained facilitators available to deliver Strengthening Families Strengthening Communities accredited programmes to traveller communities. The set up costs have already been spent in 2011/12 to meet an emerging need in the borough and a waiver of Contract Procedure Rules is required in order for the extra funding to be used within 2011/12.

8.4 Relate delivers counselling sessions to women at risk of escalating domestic violence through access to the Safer Families project. The funding will be allocated to set up costs used to improve the availability of qualified counsellors. There is currently a waiting list of clients waiting to receive counselling sessions; this funding is required urgently to secure extra sessions for 2011/12 to help meet demand.

8.5 Contract terms, values and targets already agreed in both existing contracts will remain unchanged.

9. LIST OF BACKGROUND PAPERS

9.1 None

10. OFFICER'S DECISION

10.1 I authorise the following action

Signed	Jay Mercer <hr/>
Date	On behalf of Director of Children's Services 30 March 2012 <hr/>