

Meeting	Cabinet Resources Committee
Date	20 June 2012
Subject	Early Intervention and Prevention Services
Report of	Cabinet Member for Education, Children and Families
Summary	<p>EIP contracts for the period 1 April 2011 to 31 March 2012: Community Barnet Parenting Consortium and 2) Relate were allowed additional expenditure to exceed 10% of original contract values.</p> <p>Cabinet Resources Committee is requested to note the action taken by the Children's Services Director to allow waiver of Contract Procedure Rules 5.6</p>
Officer Contributors	<p>Stav Yiannou, Divisional Manager, Early Intervention & Prevention Team</p> <p>Zahid Parvez, Business Manager, Early Intervention & Prevention Team</p> <p>Usha Chadha, Grant Monitoring and Evaluation Officer, Early Intervention & Prevention Team</p>
Status (public or exempt)	Public
Wards Affected	N/A
Key Decision	No
Reason for urgency / exemption from call-in	Cabinet Resources Committee
Function of	Executive
Enclosures	None
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1. RECOMMENDATIONS

- 1.1 That the Committee note the action of the Children's Services Director under Delegated Powers to extend the Community Barnet contract and the Relate contract for more than 10% of their original value in accordance with Contract Procedure Rules 5.6 and 5.7

- Community Barnet contract (1 November 2011 – 31 March 2012)
Original value - £64,220 Total Contract Value Incl Extended value - £84,220
- Relate contract (1 November 2011 – 31 March 2012)
Original value - £5,000 Total Contract Value Incl Extended value - £6,000

2. RELEVANT PREVIOUS DECISIONS

- 2.1 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'
- 2.2 Delegated Powers Report no 1625 – 30 March 2012 – decision taken by the Children's Services Director.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The services for consideration will contribute towards the key priorities and objectives of the Council's 2012-2013 Corporate Plan:
- Better services with less money;
 - Sharing opportunities, sharing responsibilities and
 - A successful London suburb.

Services will also contribute to the priorities outlined in the Children and Young People's Plan 2011-2014:

- intervene early to strengthen families;
- 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;
- refocus work around early years standards to ensure appropriate support, training and challenge, helping to narrow attainment gaps;
- 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.

4. RISK MANAGEMENT ISSUES

- 4.1 The increased 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.
- 4.2 Relate and Community Barnet currently provide services for the Early Intervention and Prevention Division
- 4.3 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).
- 4.4 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.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 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.
- 5.2 Service users will be able to access services, irrespective of their ethnicity, religion, disability, age, gender, or other differences. This will be checked during regular performance monitoring of contracts which measures service-user profile. Where monitoring data identifies hard-to-reach communities are not being sufficiently supported, plans to refocus delivery will be implemented with providers.

6. USE OF RESOURCES and IMPLICATIONS

- 6.1 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 increasing the number of Strengthening Families Strengthening Communities facilitators for the period up to 31 March 2012.
- 6.2 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.
- 6.3 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.

- 6.4 A competitive tender process was carried out using the 'open procedure' to ensure compliance with the relevant Treaty principles before the contracts were awarded to Relate and Community Barnet Parenting Consortium.
- 6.5 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. LEGAL ISSUES

- 7.1 With reference to the full European procurement rules, the EIP contracts fall within Category B of Schedule 3 to the Public Contracts Regulations 2006. Although procurement of the services under this contract does not trigger the application of the full EU procurement rule the EU treaty principles of non-discrimination, equal treatment, transparency, proportionality and mutual recognition do apply and paragraph 6.4 confirms that a competitive tender process was undertaken.

8. CONSTITUTIONAL POWERS

- 8.1 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
- 8.2 The Acceptance parameters for contract additions, extensions and variations are set out in Section 5.6 of the Council Constitution Contract Procedure Rules and contract variations are also subject to the Council notifying and agreeing the variation in writing with the contractor; and on the basis that any additional expenditure necessarily incurred does not exceed 10% of the initial contract.
- 8.3 Council Constitution, Contract Procedure Rules – Table 5-2, sets out the thresholds for contract extensions and variations and provides that Director/Head of Services may authorise and accept contract of a value of £156,441 or less.
- 8.4 Contract Procedure Rules 5.7 authorises the Directors/Heads of Service to 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, 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

9. BACKGROUND INFORMATION

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 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 to secure extra sessions for 2011/12 to help meet demand.
- 9.5 The Children's Service Director agreed an urgent waiver by DPR as under spend was identified in February 2012 and was required to be allocated before close of financial year 2011/12. Failure to allocate the funds in time would have implied loss of opportunity to reach more families.
- 9.6 Contract terms, already agreed in both existing contracts will remain unchanged.
- 9.7 Contract values and targets will increase to reflect increased contract values and increased volume of delivery.

10. LIST OF BACKGROUND PAPERS

None

Cleared by Finance (Officer's initials)	MC
Cleared by Legal (Officer's initials)	PD