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Meeting	Cabinet Resources Committee
Date	18 July 2013
<b>Subject</b>	<b>Family Services and Education and Skills Delivery Units Contract and Procurement Activity</b>
Report of	Cabinet Member for Education
Summary	<p>Family Services and Education and Skills Delivery Units are currently undertaking large amounts of work in relation to commissioning and procurement and are reviewing the contracts held by the services, with an aim to improve service quality and ensure value for money and cost efficiencies. As set out in the Contract Procedure Rules requirements, this report seeks the relevant authority to undertake procurement processes, authority to enter into new contracts and also makes applications for waivers of the Contract Procedure Rules where application of these rules prevents or inhibits the delivery or continuity of service.</p> <p>This report:</p> <ul style="list-style-type: none"><li>i) seeks extension of contracts with two providers of Independent Reviewing Officer services</li><li>ii) seeks extension of a contract for the provision of a Client Caseload Information System</li><li>iii) seeks waivers from relevant Contract Procedure Rules to enable i) and ii)</li><li>iv) seeks authority for the Council to enter into contracts with five providers of social care placements</li><li>v) seeks authorisation to undertake a competitive tender process for Short Breaks provision during 2013/14</li><li>vi) seeks authorisation for additional expenditure on an early intervention system and an e-finance system</li><li>vii) seeks authorisation for expenditure to deliver additional case management and e-finance capability for educational services</li><li>viii) seeks authorisation to deliver additional case management and e-finance capability for the two year old offer</li><li>ix) seeks authorisation to vary the contract with Tribal to include additional functionality as required</li><li>x) seeks authorisation to purchase licenses for Statistical Product and Service Solutions (SPSS)</li></ul>

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Status (public or exempt)	Public
Wards Affected	All
Key Decision	Yes
Reason for urgency / exemption from call-in	N/A
Function of	Executive
Enclosures	None
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## **1. RECOMMENDATIONS**

**That the Committee:**

- 1.1 authorise the extension of contracts with two providers of Independent Reviewing Officer services, as set out in paragraph 6.6, and authorise waivers of Contract Procedure Rules to enable this**
- 1.2 authorise that the contract with Careervision for the provision of a Client Caseload Information System is extended until 31 March 2014 up to the value of £40,000, with authorisation for a further 6 month extension if required up to the value of a further £30,000, and agree to vary the contract as needed to incorporate the requirements of Raising Participation age duties, and authorise waivers of Contract Procedure Rules to enable this**
- 1.3 authorise that the Council enter into contracts with five providers of social care placements as set out in paragraph 6.8 for a period of 12 months, with authorisation for a 6 month extension, if required, to enable sufficient time to develop suitable alternative arrangements**
- 1.4 authorise that a competitive tender process is undertaken for Short Breaks provision during 2013/14, with contracts to commence on 1 April 2014, up to the value of £3,500,000 over 3 years**
- 1.5 authorise additional expenditure up to a total of £200,000 over a five year period on an early intervention system, and of up to a total of £218,000 over a five year period on an e-finance system**
- 1.6 authorise expenditure of up to £350,000 for up to a five year period to deliver additional case management and e-finance capability for educational services, subject to the availability of funding being confirmed as set out in paragraph 6.10, and, as outlined in paragraph 9.6, to involve a single tender action subject to confirmation from the Commercial lead, or an alternative procurement route should this not prove possible.**
- 1.7 authorise expenditure of up to £50,000 for up to a five year period to deliver additional case management and e-finance capability for the two year old offer as set out in this report**
- 1.8 subject to 1.6 to 1.7 above, agree to vary the contract with Tribal to include additional functionality as required**
- 1.9 authorise the purchase of licenses for Statistical Product and Service Solutions (SPSS) each year and related training up to £30,000 over three years**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 21 June 2013, Director Delegated Powers Report, 2085, Decision to extend the contract with CL Hudson Independent Ltd for a period of 8 months to the value of £10,000 for the provision of IRO services**
- 2.2 18 April 2013, Cabinet Resources Committee, Children's Service Contract Arrangements and Extensions, authorised the extension of contract with 10 organisations to provide short breaks for disabled children and young people**
- 2.3 7 November 2012, Cabinet Resources Committee, Contract Procurement Plan, Agenda Item 7, approved provision of specialist chairs and independent reviewing**

officers for safeguarding meetings and other activities, to the value of £100,000 to be procured during the 2013/14 year.

- 2.4 Cabinet Resources Committee on 7 November 2012 agreed the Contract Procurement Plan, including £88,000 in relation to eCAF (early intervention system), and £160,000 in relation to an e-finance system.
- 2.5 7 November 2011, Cabinet Resources Committee, Children and Young People's Short Breaks Contract Awards authorised the award of contracts to 10 organisations to provide short breaks for disabled children and young people
- 2.6 19 June 2009, Director Delegated Powers Report, 839, authorised that Barnet, alongside Haringey, Enfield and Waltham Forest, appoint Careervision as the provider of the Client Caseload Information System (CCIS)

### **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 Safeguarding is a key priority across the Council and partners and is reflected in strategic partnership goals, including the Corporate Plan 2013-16. The provision of Independent Reviewing Officer (IRO) services supports the Corporate Plan outcome to create better life chances for children and young people across the borough. The provision of IRO services supports the Children and Young People Plan 2013-16 priority to protect children at risk of harm and support them to achieve their potential. This also supports the priority to ensure services are integrated to support young people as they transition to adulthood.
- 3.2 The Corporate Plan 2013-16 includes the strategic objective to support families and individuals that need it, promoting independence, learning and well-being. The provision of a Client Caseload Information System (CCIS) supports both this strategic objective and the Corporate Plan outcome to create better life chances for children and young people across the borough. The provision of a Client Caseload Information System supports the Children and Young People Plan 2013-16 priority to offer opportunities for engagement and support, recognising the needs of the individual and supporting them to achieve. This also supports the priority to ensure services are integrated to support young people as they transition to adulthood.
- 3.3 Providing services to vulnerable children, young people and their families is a key priority across the council and its partners. The Corporate Plan 2013-16 includes the strategic objective to support families and individuals that need it, promoting independence, learning and well-being. The provision of social care placements to children and young people in care supports both this strategic objective and the Corporate Plan outcome to create better life chances for children and young people across the borough. Provision of social care placements that meet the needs of children in care also supports the Children and Young People Plan 2013-16 priority to protect children at risk of harm and support them to achieve their potential.
- 3.4 The Corporate Plan 2013-16 includes the strategic objective to support families and individuals that need it, promoting independence, learning and well-being. The provision of short breaks supports both this strategic objective and the outcome to create better life chances for children and young people across the borough. Short breaks services also support the Children and Young People Plan 2013-16 priority to enable those with Special Educational Needs, Learning Difficulties and complex needs to achieve their potential.
- 3.5 Ensuring appropriate e-finance and case management systems are in place for educational services, including Educational Psychology, Early Years childcare and Special Educational Needs will enable the Council to better understand its customers and manage their data, supporting the Corporate Priority 2013-16 'Support families and individuals that need it – promoting independence, learning and well-being'. This will also contribute to the Children and Young People Plan 2013-2016 objective

'Targeted, personalised support for those most at risk of not achieving their potential, helping to reduce inequalities'.

#### **4. RISK MANAGEMENT ISSUES**

##### Independent Reviewing Officers

- 4.1 The provision of Independent Reviewing Officers (IRO) is a statutory requirement. If the council were to cease to provide this service, it would be in breach of its statutory duties and there would be a risk to looked after children that they would not receive the support they require to voice their views and opinions. It is appropriate for this provision to be delivered through a mixed arrangement of in house employees and external providers who are used when permanent staff are not available. There would be significant risks if the IRO contracts detailed in this report were not extended. It would be detrimental to children in care for there to be a change of IRO at this point in time. A child's IRO advocates for the child and provides stability to their experience in care and is a statutory function.

##### Client Caseload Information System

- 4.2 Barnet currently receives its Client Caseload Information System (CCIS) from Careervision, as part of a consortium arrangement with Barnet, Haringey, Enfield and Waltham Forest. This consortium arrangement may not continue beyond the current contract end date of 31 August 2013. Therefore, Barnet is seeking authority to extend and vary its contract directly with Careervision. There is a risk of cost increase if the consortium does not continue. However, Barnet will seek to negotiate costs with the provider to maintain or lower the cost. As this service provider is already providing the service, there are no identified risks associated with the extension of the contract. The contract will continue to be monitored during the extension period to ensure quality and value for money are achieved.

##### Social care placement providers

- 4.3 The Council has a duty to ensure sufficient accommodation to meet the needs of children in its care. If the Council did not enter into contracts with the social care placement providers identified in this report, it would risk not being able to fully meet the needs of all children in care.

##### Short breaks

- 4.4 The current contracts for short breaks provision will expire on 31 March 2014 and failure to re-commission this service and undertake a new procurement process will lead to the disruption of short break services for the families using the services. This could lead to additional stress for families with the potential risk of family breakdown and the need for significantly more costly services such as accommodation and social work intervention.

The Council has a statutory duty under the Breaks for Carers of Disabled Children Regulations 2011 to provide short breaks. There is the likelihood that the Council will be in breach of the statutory duty if there is any break in provision of or failure to provide the services. It will also put the Council at potential risk of judicial review and damage to its reputation both locally and nationally.

In order to mitigate these risks, it is recommended that authority is given to undertake a procurement process for short breaks services, with new contracts to commence from 1 April 2014.

##### IS systems: Tribal, e-finance systems and SPSS

- 4.5 If the Council keeps paper-based records, rather than an electronic case management system, and does not work in a more joined up way there is a risk that it will be unable to undertake better interactive planning, commissioning and delivery of services and will lead to inefficiencies and leave the Council unable to share information across different teams working with the same families. Extending the existing Tribal case management system will help to mitigate against this risk.

There is a statutory duty to administer the two year old offer of 15 hours free educational entitlement for eligible two year olds. Currently this is administered to approximately 20% of Barnet's population, but it is due to increase as the eligibility criteria has widened. If the Council does not have an appropriate system in place to administer this there is a risk that entitlements will not be processed in a timely way, with a consequent reputational risk for the Council.

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 Under current Equalities legislation the Council and all other organisations exercising public functions on its behalf are required, when exercising such functions, to have due regard to the need to: i) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Equality Act 2010; ii) advance equality of opportunity between those with a protected characteristic and those without; iii) promote good relations between those with a protected characteristic and those without. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.
- 5.2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to: i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 5.3 Having 'due regard' means: (i) consciously thinking about the three aims as part of the decision-making process; (ii) that an incomplete or erroneous appreciation of the duties will mean that due regard has not been given to them; and (iii) that the duty must be exercised in substance, with rigour and with an open mind.
- 5.4 This duty, also, applies to a person, who is not a public authority but who exercises public functions and therefore must, in the exercise of those functions, have due regard to the general equality duty. This includes any organisation contracted by a local authority to provide services on its behalf.
- 5.5 The Independent Reviewing Officer (IRO) providers included in this report are able to meet the needs of children from diverse backgrounds. Each has extensive knowledge of working with families and children from minority ethnic backgrounds. They also have the expertise working with children who have special educational needs. The IRO providers are able to challenge any poor practice, and contribute to the development of policy and best practice by leading on and project managing specific work streams in relation to specialist areas of practice and to oversee the implementation of recommendations and monitoring of outcomes. The IRO providers are able to ensure the implementation of the Council's Equalities Policies in relation to all aspects of service delivery and employment and to promote and implement departmental policies, procedures, practices principles and quality standards.
- 5.6 CCIS represents the key system in monitoring, recording and tracking young people that supports the service in delivering on its commitments. The CCIS enables the Youth Service to carry out a detailed analysis of the needs of young people in the borough, based on monitoring and outcomes data and disaggregated to understand the needs of different groups, focussing on race, gender, faith and those with learning difficulties and disabilities. In sum, the above will enable the Youth Service to be more effective in targeting its support to those who need it most.

- 5.7 Alere Care, Care Afloat, Advanced Child Care, Vitality Fostering and Footsteps a Path to Change deliver social care services to children and young people of all faiths and cultures and are committed to ensuring that there is equality of service provision to all to enable this cohort of young people to have a supported and positive transition into adulthood. The ongoing monitoring arrangements with these providers ensure that the service provision meets the diverse needs of Barnet's children and young people.
- 5.8 Short Break services support a diverse population of disabled children and young people with a wide range of physical and learning disabilities, sensory impairments, Autistic Spectrum Conditions and complex health needs including life limiting conditions. A thorough needs assessment will be undertaken prior to a tender process commencing which will provide up to date insight into the needs of Barnet's children and young people. The services to be commissioned will be based on this needs assessment to ensure that the needs of Barnet's children and young people are met, in line with the Council's statutory duties, to support them to achieve positive outcomes.
- 5.9 The services provided by educational psychologists, the Special Educational Needs team, the early years team and other education professionals help to meet the needs of children who require additional support. Appropriate case management systems will enable these areas to have better management and oversight of the data associated with these young people.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

### **Procurement, Performance, Value for Money and Sustainability**

#### Independent Reviewing Officers

- 6.1 Barnet has a mixed provision of Independent Reviewing Officers (IROs) which includes three in-house IROs, four independent external providers of IRO services and a call off contract with Aidhour. External IRO services are to be re-commissioned during 2013/14 with the aim of the Council bringing all provision of IRO services into alignment and to rationalise contracting arrangements within the Children's Service. Authorisation has already been given for IRO services to be re-commissioned during 2013/14, to enter into new contractual arrangements from 1 April 2014, as set out in paragraphs 2.1 and 2.4 of this report.

For the duration of the contract extensions sought in this report, the contracts will be regularly monitored to ensure that specified outcomes are met and that the contract represents value for money.

#### Client Caseload Information System

- 6.2 The procurement of Client Caseload Information System (CCIS) on behalf of Barnet has, to date, been led through the London Borough of Haringey on behalf of Barnet, Haringey, Enfield and Waltham Forest. The consortium has been preparing to re-procure the CCIS system. However, due to unforeseen circumstances within the consortium, the re-procurement of the CCIS contract has been delayed and the consortium arrangement may not continue beyond the current contract end date of 31 August 2013. Barnet is seeking authorisation to instead extend its contract directly with Careersision until 31 March 2014, with an approved option of a further 6 month extension if needed to put in place suitable alternative arrangements. A contract variation will also be undertaken for the length of the extension to meet the requirements of the Council's Raising Participation Age duties.

#### Social care placement providers

- 6.3 Where children cannot be placed with Barnet's own foster carers, due to the specific needs of the child, placements are sought with external agencies. The Council

currently has an approved framework agreement in place, the London Care Placements Framework, which contains a number of providers of services for Children's Social Care, covers Independent Fostering Agencies (IFA), Residential Children's Homes, and a number of Residential Family Centres. Cabinet Resources Committee has also recently (24 June 2013) given authority for Barnet to accept the West London Alliance Framework Agreement for IFA provision. Where providers on these frameworks are not able to provide a suitable placement to meet an individual child's needs, or where a decision has been taken outside of Barnet's control, for example directed by a court or a Children's Guardian, relevant authority will be sought to enter a contractual relationship with a new provider who is not part of an already approved framework. All placements are made with the appropriate due diligence and safeguarding checks are undertaken.

#### Short breaks

6.4 The current Short Breaks contracts were competitively tendered but these contracts expire on 31 March 2014, as set out in paragraph 9.5 of this report. The Council will be required to provide Short Breaks services beyond the end of the current contract date. To ensure the services provided meet the current needs of Barnet's children and young people, and to meet requirements of procurement regulations, it is necessary to re-commission Short Breaks provision through a competitive tendering exercise. This report seeks authority to undertake a procurement process and award contracts to commence on 1 April 2014.

#### IS systems: Tribal, e-finance systems and SPSS

6.5 An e-finance functionality will allow the local authority to better analyse spend on SEN placements and other services to ensure that value for money is being achieved.

Extending use of and upgrading the existing system as a single tender action will be more cost-effective than implementing a new system. In line with the Procurement Code of Practice, authority will be sought from the Commercial Lead to agree a single tender action for part of this spend relating to the existing Tribal system and for any other spend this relates to. A single tender action is necessary for technical reasons, as only Tribal has the expertise to add additional modules to the existing system, and exclusive rights, as only Tribal can do it due to patents/copyright and so on.

Authorisation for a single tender action will also be sought in relation to the online ECS product developed by Northamptonshire County Council, which links with Department for Work and Pensions data to allow eligibility checking for the two year old offer without manual intervention. This is the only product of its type on the market.

Likewise, IBM are the only providers of the SPSS software and so a single tender action will be sought.

#### **Finance**

##### Independent Reviewing Officers

6.6 Contract extensions are sought with two external providers of Independent Reviewing Officer services as set out below.

<b>Name of Contract</b>	<b>Current expenditure to date (contract period to date)</b>	<b>Value of extension (time period)</b>	<b>Total Spend including extension (total contract length)</b>
Jon Stroud Ltd	£43,450 (3 years)	Up to £15,000 (9 months, 1 July 2013 to 31 March 2014)	£58,450 (3 years, 9 months)
K Tiplady Ltd	£24,113 (2 years)	Up to £15,000 (7 months 1 September 2013 to 31 March 2014)	£39,113 (2 years, 7 months)



These two IRO contracts are call off agreements and therefore the council is not committed to spend with these providers. Spend will be contained within existing Family Services Delivery Unit budgets.

#### Client Caseload Information System

6.7 This report seeks authority to extend Barnet's contract with Careervision from 1 September 2013 to 31 March 2014. The existing contract value is £155,634. The extension value is up to £40,000 to take account of the need for additional functionality. This report also seeks approval for a further 6 month extension up to the value of £30,000, if required to put in place suitable alternative arrangements. This cost will be contained within existing Family Services Delivery Unit budgets.

#### Social care placement providers

6.8 The table below details five providers of social care placements and semi-independent accommodation for which authority is sought to enter into contracts. Paragraph 9.4 of this report outlines the rationale for entering into contracts with each provider. These contracts are call off agreements and do not commit the Council to spend with these providers. The projected value of spend with each provider is based on the number of young people who are anticipated to require this type of provision. All spend will be contained within existing Family Services Delivery Unit budgets.

<b>Provider name</b>	<b>Length of contract</b>	<b>Contract Value</b>	<b>Value of additional 6 month extension option</b>	<b>Contract Value if 6 month extension option exercised</b>
Alere Care	12 months	£45,084	N/A	N/A
Care Afloat	12 months	£234,000	£117,000	£351,000
Advanced Child Care	12 months	£205,400	£102,700	£308,100
Vitality Fostering	12 months	£80,600	£40,300	£120,900
Footsteps a Path to Change	12 months	£187,200	£93,600	£280,800

This report also seeks authority to extend the contract term by 6 months, subject to satisfactory performance of the services by the provider during the initial term and at the Council's discretion, if an extension is required, to enable sufficient time to develop suitable alternative arrangements in relation to Care Afloat, Advanced Child Care, Vitality Fostering and Footsteps a Path to Change. Approval has been given by Cabinet Resources Committee on 24 June 2013 to develop a Barnet approved list or framework to provide a more coordinated approach to the provision of accommodation to young people leaving care and accommodation to children in care, to supplement the provision available through the West London Alliance Framework.

#### Short breaks

6.9 Authority is requested to undertake a competitive tender process for Short Breaks provision, with contracts to commence on 1 April 2014, up to the value of £3,500,000 over 3 years. This will be contained within existing budgets. This value is an upper limit based on the previous annual value of short breaks contracts. However, it is the intention of the Family Services Delivery Unit to seek to make financial savings during this tender and assessment process, while ensuring that it continues to meet its statutory duties and the needs of Barnet's children and young people.

## IS systems: Tribal, e-finance systems and SPSS

### 6.10 *Early Intervention and prevention*

Capital funding of £200,000 is included in the capital programme.

#### *Two year old offer*

£50,000 is contained within the DSG for procurement of additional functionality for existing systems and ongoing support to enable administration of the two-year old offer.

#### *e-finance*

Capital funding of £218,000 is include in the capital programme.

#### *Educational support systems*

Authority is requested for expenditure of up to £350,000 for up to a five year period to deliver additional case management and e-finance capability, subject to the availability of funding being confirmed.

Within the £350,000 there are two elements:

- £202,000 is required to fund initial project work on the existing systems, and to procure new modules for existing case management and e-finance systems in relation to education support. £40,000 of this funding is in existing budgets within the SEN budget. The Schools Forum is due to take a decision in July 2013 on allocation of £102,000 to the project, and the Education and Skills Delivery Unit is identifying additional funding streams to secure £60,000.
- It is anticipated that £148,000 will be required for the additional support and maintenance of the new education support systems procured and this will be found from within existing budgets.

Associated project management costs and ongoing licensing fees will be contained within budgets. A phased approach to the project will be taken; project scope and expenditure will be in line with confirmed funding.

#### *Statistical Product and Service Solutions (SPSS)*

The purchase of five SPSS licences for Performance and Insight Officers, and Analysts, within the Analysis, Performance and Strategy team each year plus training will allow the team to undertake statistical testing, linear modelling, providing much more intelligent and robust data analysis to the whole Children's Service. Funding of approximately £10,000 per annum (£30,000 over three years) will be contained within existing Children's Service budgets.

## **Staffing, IT and Property**

6.11 The Education and Skills Delivery Unit and Family Services Delivery Unit currently use the Tribal system. Additional functionality would extend the capability of the existing system.

6.12 There are no Staffing, IT or Property implications for the Council in relation to any other contracts reference in this report.

## **7. LEGAL ISSUES**

7.1 Social Care services fall within Part B of Schedule 3 of The Public Contracts Regulations 2006 (as amended) ("the Regulations"). These Regulations implement the, relevant, European Directive into domestic law.

The procurement of Part B services are not subject to the full European procurement regime, however contracting authorities are required to comply with the Treaty on the Functioning of the European Union (formerly the EC Treaty principles) in the way they carry out procurements and also to obtain value for money. These principles apply to all procurements with a "cross-border interest", whether or not the full procurement

regime applies. The Council must act transparently, fairly and in a non discriminatory way in securing the continued provision of the service.

- 7.2 Procurement of Computer and Related Services falls within Part A of Schedule 3 of the Regulations and it will be necessary to comply with European procurement regime where the contract value exceeds the relevant EU threshold (£173,943). Where the contract value is below the threshold the Council must comply with the Treaty principles and must act transparently, fairly and in a non-discriminatory way in securing the continued provision of the service
- 7.3 The Public Contracts Regulations 2006 permit the use of the negotiated procedure without publication of a contract notice when, for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the public contract may be awarded only to a particular economic operator;
- 7.4 The arrangements for reviews for looked after children derive from the Children Act 1989 and associated regulations. The role of the IRO is specified in section 25A and 25B of the Children Act 1989 as well as in the Care Planning, Placement and Case Review (England) Regulations 2010. The statutory provisions confer a specific duty on the IRO to monitor the delivery of the care plan for the child and to address issues that may contribute to drift and delay. Achieving permanence quickly for children is a key government objective with further legal changes anticipated to support increased expectations for local authorities for example in the area of adoption. The role of the IRO is crucial to ensuring these arrangements are delivered.
- 7.5 Local authorities have existing responsibilities to support young people into education or training, which are set out in the following duties:
- Secure sufficient suitable education and training provision for all young people aged 16-19 and for those aged 19-24 with a Learning Difficulty Assessment in their area (sections 15ZA and 18A of the Education Act 1996 (as inserted by the Apprenticeships, Skills, Children and Learning Act 2009)).
  - Make available to young people aged 13-19 and to those aged 20-24 with a Learning Difficulty Assessment support that will encourage, enable or assist them to participate in education or training (Section 68 Education and Skills Act (ESA) 2008).

There are two duties placed on local authorities by Section 68 of the ESA 2008 relate to 16- and 17-year-olds. These are:

- to ensure that its functions are (so far as they are capable of being so) exercised so as to promote the effective participation in education or training of persons belonging to its area to whom Part 1 of ESA 2008 applies, with a view to ensuring that those persons fulfil the duty to participate in education or training;
  - to make arrangements to enable it to establish (so far as it is possible to do so) the identities of persons belonging to its area to whom Part 1 of ESA 2008 applies but who are failing to fulfil the duty to participate in education or training.
- 7.6 Section 9 Children and Young Persons Act 2008 inserts a new section 22G into the Children Act 1989. The new section imposes a general duty on the Council to secure that sufficient accommodation is made available for children it is looking after.
- 7.7 From 1 April 2011, under the Breaks for Carers of Disabled Children Regulations 2011, local authorities provide regulation as to the way in which Local Authorities discharge the duty owed to carers of disabled children under paragraph 6(1)(c) of Schedule 2 of the Children Act 1989 which places a duty on local authorities to *'assist individuals who provide care for disabled children to continue to do so, or to do so more effectively, by giving them breaks from caring.'*

- 7.8 Part IV, Chapter 1 (sections 312-349) and Schedules 26 and 27 of the Education Act 1996, and the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (SI 2001/3455), contains provisions relating to local authorities statutory duty in relation to Special Educational Needs, including duty to identify and assess Special Educational Needs, including making and reviewing Special Educational Needs statements.
- 7.9 In October 2012 the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2012 set out the eligibility criteria for the first phase of the two-year-old entitlement to free early education from September 2013.
- 7.10 Additional functionality purchased for educational support systems and the two year old offer will adhere to the relevant legislation, including the Data Protection Act 1998.
- 7.11 All new contracts or contract extension will be documented in a written contract, specifying the terms and conditions for the provision of the services and executed by the parties.

## **8. CONSTITUTIONAL POWERS**

- 8.1 Council Contract Procedure Rules outline that any procurement that has not been authorised in the Annual Procurement Forward Plan must be authorised in accordance with Table A in Appendix 1 of the Contract Procedure Rules. Cabinet Resources Committee can authorise values of £500,000 and above.

This report seeks authority to undertake a competitive tender process for Short Breaks provision during 2013/14, with contracts to commence on 1 April 2014, up to the value of £3,500,000 over 3 years; this decision is within the acceptance level for Cabinet Resources Committee.

- 8.2 Council Contract Procedure Rules outline that acceptance of contracts in all cases is subject to budgetary provision; a compliant procurement process; and confirmation of acceptable financial status of the service provider.

This report seeks authority to enter into contracts with five providers of social care placements. These contracts are on a 'call off' basis and will be contained within existing Family Services Delivery Unit budgets. As outlined in paragraph 6.3 of this report, entering into contract with social care placements providers to meet individual children's needs (recommendation 1.3) constitutes non-procurement activity. Appropriate due diligence checks will be undertaken with each provider before entering into contract to ensure appropriate financial status of the provider organisations.

This report also seeks authority to purchase licenses for Statistical Product and Service Solutions (SPSS); this decision is within the acceptance level for Cabinet Resources Committee and a single tender action will be utilised in line with 8.10 of this report.

- 8.3 Council Contract Procedure Rules section 14.2 outlines that contracts may only be extended or varied if all of the following conditions have been met:
- the initial contract was based on a Contract Procedure Rules compliant competitive tender or quotation process;
  - the value of the extension or variation added to the value of the original contract does not exceed the original Authorisation threshold as defined in Appendix 1, Table A. (This criterion may be disapplied in respect of Placement Agreements for individuals in Social Care. Contract Procedure Rule 14.1 provides that such Placement Agreements may be varied or extended without reference to the Variation or Extension Acceptance levels and documentation set out in TABLE A, Appendix 1.;
  - the extension or variation has an approved budget allocation;

- the extension or variation is in accordance with the terms and conditions of the existing contract;
  - if the initial contract was subject to EU tender procedure, that the extension option was declared within the OJEU notice and the original Acceptance (Delegated Powers Report/Cabinet Resources Committee Report); and
  - the contract has not been extended before
- 8.4 In relation to the extensions sought in this report for Independent Reviewing Officers with Jon Stroud Ltd and K Tiplady Ltd five out of six of the above criteria are met. Acceptance thresholds for contract extensions and variations are met as set out in Table A, Appendix 1 of the Contract Procurement Rules and Cabinet Resources Committee can approve the contract extension values. However, contracts with Jon Stroud Ltd and K Tiplady Ltd have been extended before and, as such, a waiver of the Contract Procedure Rules is required.
- 8.5 Similarly, in relation to the contract variation and extension sought for the contract with Careervision, five out of six of the above criteria are met. Acceptance thresholds for contract extensions and variations are met as set out in Table A, Appendix 1 of the Contract Procurement Rules and Cabinet Resources Committee can approve the contract extension values. However, the contract with Careervision has been extended before and, as such, a waiver of the Contract Procedure Rules is required.
- 8.6 Paragraph 15.1 of the Contract Procedure Rules state that in the event that the application of these rules prevents or inhibits the delivery or continuity of service, Directors or Assistant Directors and Lead Commissioners may apply for a waiver. All applications for a waiver of these Contract Procedure Rules must be submitted to Cabinet Resources Committee specifically identifying the reason for which a waiver is sought.
- 8.7 Justification of the required waivers of the Contract Procedure Rules in relation to contracts with Jon Stroud Ltd and K Tiplady Ltd are set out clearly in paragraph 9.2 below.
- 8.8 Justification of the required waivers of the Contract Procedure Rules in relation to the contract with Careervision is set out clearly in paragraph 9.3 below.
- 8.9 In relation to the variations sought in this report for Tribal and e-finance, these are within the acceptance levels for Cabinet Resources Committee.
- 8.10 The Contract Procedure Rules outline that a single tender action is not allowed unless approved by the Commercial Lead.

## **9. BACKGROUND INFORMATION**

- 9.1 Family Services and Education and Skills Delivery Units are currently undertaking large amounts of work in relation to commissioning and procurement and are reviewing the contracts held by the service, with an aim to improve service quality and ensure value for money and cost efficiencies. As set out in the Contract Procedure Rules requirements, this report seeks the relevant authority to undertake procurement processes, authority to enter into new contracts and also makes applications for waivers of the Contract Procedure Rules where application of these rules prevents or inhibits the delivery or continuity of service.

### Independent Reviewing Officers

- 9.2 The provision of robust Independent Reviewing Officer (IRO) services ensures the scrutiny and monitoring of the delivery of services to looked after children and in particular care planning arrangements. This ensures that any obstacles to achieving good outcomes for this vulnerable group of children are identified and addressed on

an individual basis as well as via the identification of themes and patterns. The IRO forms part of the wider quality assurance function of the Safeguarding Division.

Barnet has a mixed provision of IRO's which includes three in-house IRO's, four independent external providers of IRO services and a call off contract with Aidhour. Barnet uses external providers for the following reasons:

- to ensure statutory timescales for chairing child protection conferences and child in care reviews are adhered to
- to cover urgent reviews in order to meet performance indicator deadlines
- to manage capacity for in house IROs
- to cover sickness and annual leave of in-house IRO's
- to match an IRO to a specific child on the basis of equalities requirements
- to provide a service of reviewing children when there are demands eg., big sibling groups
- to cover reviews which are out of borough and geographically closer to them which is cost effective
- they are flexible, and can be used on a 'call off' basis

In relation to the extension of contracts with Jon Stroud Ltd and K Tiplady Ltd, a waiver of the Contract Procedure Rules is justified to bring all provision of IRO services into alignment and to rationalise contracting arrangements within the Children's Service. During the 2013/14 year a procurement exercise is being undertaken in relation to external provision of IRO services. This procurement will cover IRO services currently provided by another larger IRO call off agreement which the council is currently contracting with Aidhour. This procurement will also cover the services provided by the two above mentioned external IRO providers and will aim to rationalise the number of contracts for the provision of external IRO services and to enter into a new contracts from 1 April 2014. To enable this, it is necessary to extend the current arrangements with the above mentioned external IRO providers. There would be significant risks if the IRO contracts detailed in this report were not extended. It would be detrimental to children in care for there to be a change of IRO at this point in time. A child's IRO advocates for the child and provides stability to their experience in care and is a statutory function. If the waiver is approved and the above mentioned contracts are extended, a planned transition can take place where necessary.

#### Client Caseload Information System (CCIS)

9.3 CCIS is used to track young people's participation in education or training and to identify which young people are likely to require additional support to ensure they continue in education or training post-16, as well as to ensure that the correct post-16 learning provision can be commissioned to meet the needs of these young people. This monitoring and recording of activity and non-activity is required to meet the National CCIS Management Information Requirement.

The database improves the way in which the council works with employers and training providers by ensuring all the management information in this area is up to date so that we can then match the vacancies with those young people are Not in Employment, Education or Training. Tracking is also very important for those young people who are in care, young offenders and those with special needs. This ensures that we keep close contact with these young people and work intensively with them to ensure positive outcomes. The CCIS system will also help the Council to meet the requirements of the Raising Participation Age duties, to promote young people's participation up to the age of 17 by 2013 and 18 by 2015.

In July 2009, following a tender process, Careervision was appointed as the preferred provider of the Client Caseload Information System for Barnet as part of a consortium of four Boroughs (Barnet, Haringey, Enfield and Waltham Forest). In 2012 the contract was extended for a further year and continued to be led by Haringey. Due to unforeseen circumstances within the consortium, the re-procurement of the CCIS

contract has been delayed. A waiver of the Contract Procedure Rules is justified to enable Barnet to extend their contract directly with Careervision to mitigate any risks of this provision being interrupted, while exploring suitable alternative arrangements. This contract will also be varied to ensure the requirements of the Raising Participation Age duties are met. If this contract with CCIS was not extended, Barnet's ability to target Information, Advice and Guidance to often vulnerable young people and their ability to meet Raising Participation Age requirements would be compromised.

#### Social care placement providers

9.4 The social care placement providers outlined below, with whom authority is sought to enter into contracts, are required to meet the needs of particular children and young people. There are some specific circumstances which have led to the need for young people to be placed with these providers, including the rights of children and young people to have their views and opinions heard in relation to where and with whom they live while they are in the Council's care.

Alere Care provide 24 hour supported accommodation within a shared house setting within the Kent area, for young people who wish to remain in the Kent area. A contractual relationship with this provider is needed to support a young person until they move on to independence.

Care Afloat is a crisis intervention placement with a possible move on plan to one of their residential settings. They provide crisis intervention, solo and shared small residential homes, floating children's home, holistic health assessment & therapy, strategic transition from secure-community, safeguarding from exploitation, education, emergency beds. All of their homes are based outside of London which offers high quality provision for those young people for whom this is beneficial.

Advanced Child Care provides placements outside of London for children for whom this is beneficial. Care and education pathways are provided for young people, enabling them to achieve good outcomes. Advanced Child Care's range of services enables looked after children to gain the skills and confidence to progress from specialist residential homes to family placements, such as fostering, or independent living.

Vitality Fostering is an Independent Fostering Agency that has carers relatively local to the Barnet area; they have carers that can care for sibling groups and young people with difficult behaviour.

Footsteps a Path to Change is a specialist small accommodation unit for young people who have specific, challenging behavioural difficulties, based outside of London.

#### Short breaks

9.5 A competitive tender process was undertaken in 2011 for Short Breaks provision and contracts were awarded to 10 organisations for the period January 2012 to March 2013. These contracts were across three lots:

- Lot 1 - Group based services - Out of school provision including weekend and holiday schemes
- Lot 2 - Overnights
- Lot 3 - Enablers (Personal assistants and buddies)

As the providers were performing well against the contracts, a further decision was taken to extend these contracts to 31 March 2014.

The Council will be required to provide Short Breaks services beyond the end of the current contract date of 31 March 2014. To ensure the services provided meet the current needs of Barnet's children and young people, and to meet requirements of

procurement regulations, it is necessary to re-commission Short Breaks provision through a competitive tendering exercise. This report seeks authority to undertake a procurement process and award contracts to commence on 1 April 2014.

Officers within Children's Service are discussing the strategic vision for short breaks commissioning in view of the changing landscape of priorities, and legislation (the Children, Services and Families Act 2010). There will be a review and assessment of need which will pull together the funding streams and the different strands of current service provision. As part of this, there will be consultation with parents, carers and children, as well as service providers, to inform new service design.

### IS systems: Tribal, e-finance systems and SPSS

#### 9.6 *Early intervention and e-finance systems*

The procurement forward plan (see previous decision detailed in paragraph 2.5 of this report) included expenditure of £88,000 in relation to eCAF (early intervention system), and £160,000 in relation to an e-finance system. As outlined in paragraph 6.10 of this report, additional funding has since been agreed to cover spend on these systems and associated project management and ongoing costs for a period of five years. As such, authority is sought for expenditure of up to £218,000 on e-finance over a five year period and of up to £200,000 on early intervention over a five year period.

An early intervention system is required to deliver an IT solution which brings together existing information in one place and eliminates the need for records to be kept in excel and access databases. An e-finance system is required to process financial transactions that are linked to clients and to allow better reporting on financial data.

#### *Additional case management and e-finance capabilities for education support*

Authority is requested for expenditure of up to £350,000 for up to a five year period to deliver additional case management and e-finance capability across education support areas. This is subject to the availability of funding being confirmed, as set out in paragraph 6.10 of this report.

The work will consist of four parts:

- work to develop and update existing modules of our current case management system for education support systems (Tribal)
- procurement of additional modules for existing system in relation to educational support
- procurement of additional modules for existing system to administer two year old offer
- extending the use of e-finance systems to cover more areas

The scope of the project will be in line with confirmed funding, and associated project management costs and ongoing licensing fees will be contained within.

In line with the Procurement Code of Practice, authority will be sought from the Commercial Lead to agree a single tender action for parts of spend relating to the existing Tribal system, and for any other relevant spend. A single tender action is necessary for technical reasons, as only Tribal has the expertise to add additional modules to the existing system, and exclusive rights, as only Tribal can do it due to patents/copyright and so on. Subject to this being agreed, authority is sought to vary the contract with Tribal to include additional functionality. If for any unforeseen reason this is not possible, an appropriate procurement process would be followed.

#### *Two year old offer*

From September 2013, there is a statutory duty to administer the two year old offer of 15 hours free educational entitlement for eligible two year olds. From September this will be administered to approximately 20% of Barnet's population, but it is due to further increase from April 2014 to approximately 2,000 places as the eligibility criteria



widen. At present settings with early years places are logged on the Tribal system, but the children accessing these places are on an access database. Checking eligibility is done manually.

In order to ensure that data on children and settings is integrated and streamlined it is necessary to purchase additional functionality that integrates with the existing system, Tribal. Following a market scoping exercise, one functionality (that of checking eligibility for the two year old offer without manual intervention) can only be purchased from Northamptonshire County Council who have developed the online ECS product that links with Department for Work and Pensions data. However, this product does not provide a database to store and retain data on eligible families or provides the facility to manage claim data from settings (of children attending a free place or facilitate a payments mechanism).

*Statistical Product and Service Solutions (SPSS)*

SPSS (originally, Statistical Package for the Social Sciences, later modified to read Statistical Product and Service Solutions), is a statistical package commonly used by health researchers, government, and education researchers. IBM is the only provider of this software. Five licences for Performance and Insight Officers, and Analysts, within the Analysis, Performance and Strategy team each year plus training will allow the team to undertake statistical testing, linear modelling, providing much more intelligent and robust data analysis to the whole Children's Service. For example, the package will be used to map pathways in Troubled Families, which will lead to improved understanding and evaluation of the impact of services. In Education, the team could also start to assess the impact of educational pilots. Not only will the package enable new pieces of work to be undertaken, adding value to the service, but it will also ensure that existing work can be completed more efficiently.

**10. LIST OF BACKGROUND PAPERS**

10.1 None

<b>Cleared by Finance (Officer's initials)</b>	<b>John Hooton</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>Stephen Dorian</b>