

	<h2>CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT</h2>
<p style="text-align: center;"><b>Title</b></p>	<p>Extension of Family Services Emotional Wellbeing and Mental Health Contracts 2021-22, to deliver early help as part of the Children and Adolescence Mental Health transformation programme.</p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Executive Director, Children and Young People In consultation with Chairman of the Children, Education and Safeguarding Committee</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>None</p>
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## Summary

This report seeks authorisation to:

- extend the current Counselling for Care Leavers contract for a period of 12 months from 1st April 2021 to 31<sup>st</sup> March 2022 and with an option to further extend for a 12-month period, subject to available funding with the current provider, **Terapia**.
- extend the current Counselling & Psychotherapy contract for a period of 12 months from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 and with an option to further extend for a 12-month period, subject to available funding, with the current provider, **Rephael House**.
- extend the current Positive Parenting Programme for family's contract from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 and with an option to further extend for a 12-month period, subject to available funding, with the current provider, **Barnet Mencap**.

- extend the current Information, Advice & Guidance for family’s contract from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 with the current provider and with an option to further extend for a 12-month period, subject to available funding, with the current provider **Barnet Mencap**.
- extend the Online Counselling for school pupils and front-line workers contract from 1<sup>st</sup> April 2021 to 30<sup>th</sup> September 2021 and with an option of a further 6 months extension subject to funding available, with the current provider, **Xenzone (Kooth & Qwell)**.
- extend the Space2Grow Children & Young People’s fund for voluntary and community groups working with children and young people contract from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 with the current provider and with an option of further 12 months subject to funding available, **Young Barnet Foundation**.

The local Transformation Plan for Children’s Emotional Wellbeing and Mental Health is supported by Transformation Fund from North Central London Clinical Commissioning Group (formally known as Barnet Clinical Commissioning Group). Family services receives a proportion of the fund to commission early help services. The existing contracts in place are performing well and evidencing clear outcomes in line with the Transformation Plan and Children and Young People’s Plan 20192024.

Following service reviews and evaluation of services, have informed future priorities and spending plans. This funding is confirmed from North Central London Clinical Commissioning Group on an annual basis, which makes it arduous to plan a procurement exercise in accordance with the Contract Procedure rules (CPR’s), the Public Contract Regulations 2015 (PCR) and the procurement toolkit.

The existing contracts are due to expire on 31st March 2021 and any existing extension options within the current framework contract have already been utilised. Extending the current contracts with the incumbent contractors will ensure that we have sufficient capacity within local services especially due to the impact of COVID-19 and subsequent lockdowns.

A contract extension will also be more efficient to draft and implement, than putting in place a new contract. Having sufficient market capacity and service continuity is essential as young people and families utilise these services throughout the year.

## Decisions

1. Extend the current Counselling for Care Leavers contract for a period of **12 months** from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 and with an option to further extend for a period of 12 months, subject to funding available, with the current provider, **Terapia** to the value of **£11,880**.
2. Extend the current Counselling & Psychotherapy contract for a period of 12 months from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 and with an option to further extend for a 12 month period, subject to funding available, with the current provider, **Rephael House**, to the value of **£54,636**.

<p><b>3.</b> Extend the current Positive Parenting Programme for family’s contract from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 and with an option to further extend for a period of 12 months subject to funding available, with the current provider, <b>Barnet Mencap</b>, to the value of <b>£35,000</b>.</p>
<p><b>4.</b> Extend the current Information, Advice &amp; Guidance for family’s contract from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 and with an option to further extend for a period of 12 months subject to funding available, with the current provider, <b>Barnet Mencap</b>, to the value of <b>£45,000</b>.</p>
<p><b>5.</b> Extend the current Online Counselling for school pupils and front-line workers contract from 1<sup>st</sup> April 2021 to 30<sup>th</sup> September 2021 and with an option to further extend up to 6 months subject to funding available, with the current provider, <b>Xenzone</b> (Kooth &amp; Qwell), to the value of <b>£64,000 &amp; £23,342</b> respectively.</p>
<p><b>6.</b> Extend the Space2Grow Children &amp; Young People’s fund for voluntary and community groups working with children and young people contract from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 with the current provider and with an option to further extend for a period of 12 months subject to funding available, <b>Young Barnet Foundation</b>, to the value of <b>£70,000</b>.</p> <p>All values are exclusive of VAT.</p>

## 1. WHY THIS REPORT IS NEEDED

- 1.1 Permission to contract outside of the terms of pre-approved awarded contract, terms is required through this report.
- 1.2 Extension of these contractual arrangements would enable us to continue delivery of high-quality services, ensuring no breaks to service delivery. These services play essential roles in developing family resilience and support to deliver the Transformation Plan.

## 2. REASONS FOR RECOMMENDATIONS

- 2.1 These services form part of our wider strategic plan to achieve positive outcomes for children, young people, and families by promoting emotional wellbeing, raising awareness of mental health and resilience.
- 2.2 The services were initially commissioned by Barnet CCG in 2018 in accordance with local needs and complement the Barnet Integrated Clinical Services offer, Early Help services within Family Services, Parenting Programmes and support for Autistic children delivered by BELS and the Council’s Resilient Schools programme. The London Borough of Barnet (LBB) entered into an overarching Section 75 Agreement which relates to North Central London Clinical Commissioning Group (NCL CCG) providing funding to LBB to deliver Children and Adolescents Mental Health Services (CAMHS) early help provision, as part of the borough’s CAMHS Transformation Plan, overseen by the CCG. The Section 75 is the collaborative working agreement relating to a framework for partnership working between North Central London Clinical Commissioning Group and the London Borough of Barnet (LBB).

2.3 The services cover a broad range of provision including counselling and psychotherapy to children and young people, parenting support and support for teaching staff. Counselling services are targeted at the level of early intervention and prevention (previously known as CAMHS tiers 1 and 2) and offer timely support for people with identified needs for professional support.

2.4 The North Central London Clinical Commissioning Group is currently undergoing a major internal reorganisation. The onset of COVID-19 has had substantial effects on colleagues in both Local and Central Government Authorities, and other governing health bodies such as the NHS and Public Health. This has caused significant delays in the North Central London Clinical Commissioning Group reorganisation exercise. As a result, long-term funding arrangements cannot be agreed upon, at time of writing.

2.5 This has meant that any funding commitments for existing service deliveries, can only be in effect for up to 12 months at a time. The ever-changing nature of the UK's economic health now, has also meant that Family Services', along with our colleagues in Health have had to adapt service practices to retain flexibility in line with the current economic circumstances. The Annual Procurement Forward Plan authorises 'the extension' under line item 222 of the APFP. There is also a line item to cover New procurement under 219, however, taking into consideration that these are section 75 contracts and the budget is not allocated until the end of the year by NCL CCG a new procurement activity would prove difficult, hence the reason for

this report.

2.6 The DPR is to agree continuation of service with the existing providers for a 1-year period and the option to extend for a further 12 months (subject to budget approval from NCL CCG as budget holder).

2.7 The word extension has been used because the service area wishes to continue using the same providers for the next 12 months and then potentially a further 12 months after this period (again subject to NCL CCG budget confirmation).

2.8 The total contract value for each of the service, including the additional contract term is listed below:

<b><u>Service</u></b>	<b>Contract Start Date with LBB</b>	<b>Current contract term incl. extensions (in years)</b>	<b>Total lifetime contract spends (from 1<sup>st</sup> April 2019 to date)</b>	<b>Length and timeframe for additional contract extension term</b>	<b>Total short-term contract 2021/2022 (not including inflation rate of 1.3%)</b>

Terapia	1 <sup>st</sup> April 2019	1 + 1	£66,070	1 year (12 months) 01 <sup>st</sup> April 2021 to 31 <sup>st</sup> March 2022.	<b>£11,880</b>
Rephael House	1 <sup>st</sup> April 2019	1 + 1	£94,872	1 year (12 months) 1 <sup>st</sup> April 2021 to 31 <sup>st</sup> March 2022.	<b>£54,636</b>
Barnet Mencap (Triple P & IAG)	1 <sup>st</sup> April 2017	3 + 1	£301,520	1 year (12 months) 1 <sup>st</sup> April 2021 to 31 <sup>st</sup> March 2022.	<b>£80,000</b>
Xenzone - Kooth	1 <sup>st</sup> April 2019	1 + 1	£237,800	6 months 1 <sup>st</sup> April 2021 to 30 <sup>th</sup> September 2021.  Option to extend for up to a further 12 months, subject to funding availability.	<b>£64,125</b>

Xenzone Qwell -	1 <sup>st</sup> April 2019	1 + 1	£68,457	6 months. 1 <sup>st</sup> April 2021 30 <sup>th</sup> September 2021.  Option to extend for up to a further 12 months, subject to funding availability.	<b>£11,671</b>
Young Barnet Foundation	1 <sup>st</sup> April 2019	1 + 1	£147,000	1 year. 1 <sup>st</sup> April 2021 to 31 <sup>st</sup> March 2022	<b>£70,000</b>

\*This is the annual budget calculated pro rata for the extension period.

### 3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 **Allow contracts to expire and not extend the contracts.** This option would require spot purchasing of provision and whilst this can work for volume based services, is not a viable option for any of these services as they operate under a fixed price; require a longer term commitment to retain staffing and have fixed costs for staffing and delivery. **This option poses significant risk relating to delivery of Transformation Plan outcomes and targets.**
- 3.2 **Tender services for 2021-22.** Due to the impact of COVID-19, procurement activities were significantly delayed across the Council for several weeks from March 2020. Procurement activities have resumed in adaptation to the current national circumstances however, this has not left enough time to carry out any tendering exercises in time for the start of the new financial year. **This option will cause gaps in the service. In turn, disrupting access pathways to mental health support for families and children.**
- 3.3 **Commit to long-term funding arrangement.** Like paragraph 3.2, the impact of COVID-19 has significantly obstructed an internal reorganisation for our colleagues in the NCL CCG. If a tender exercise were to be carried out, LBB would have the commitment of service delivery from the awarded provider. **This option poses substantial financial and legal risk if LBB as the buyer were unable to meet the financial obligation set out in the mutually awarded agreement; foreknowingly, due to budget uncertainty.**

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Once the decision has been approved, deeds of contract variations will be issued to the incumbent provider, for the timescales and maximum values detailed under section 2.
- 4.2 Options for future delivery for early help for Emotional Wellbeing and Mental Health will be scoped to inform the future commissioning and delivery model subject to long term funding confirmation from Barnet CCG.
- 4.3 Robust monitoring of services, quality, assurance and any risks or issues is in place for this service and continue for the periods of the contract extensions. The provider is required to report on key indicators and outcomes detailed in the contract.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 Barnet's Children & Young People's Plan 2019 - 2023 outlines the ambition of our Children & Young People's Partnership to create a Family Friendly borough in which communities are resilient, high quality education and affordable housing is available, families have access to safe and open spaces, children's rights and needs are respected and responded to and our services work holistically together to improve outcomes for Barnet's children.
- 5.1.2 In accordance with the Council's Corporate Plan, Barnet 2024, one of the outcomes is that residents live happy, healthy, independent lives with the most vulnerable protected. Under this outcome, the relevant key priority areas are to:
- Working towards improving services for children and young people and ensuring the needs of children are considered in everything we do
  - Integrating health and social care and providing support for those with mental health problems and complex needs.

### **Ensuring we are a family friendly borough**

- 5.1.3 These services support key outcomes within the new Children and Young People's Plan 2019 – 2024:
- Safe & Secure - Children and young people are safe and protected from harm
  - Family & Belonging – Families and children can be together and part of a community that encourages resilience
  - Health & Wellbeing - Children are supported to achieve a healthy start in life, enjoy a healthy lifestyle and to build resilience
  - Education & Learning – Children and young people can learn about the world around them
  - Culture – Our attitudes and behaviours enhance the way we work with children and young people
  - Cooperation & Leadership – We include children and young people in decision making
  - Communication – Information is shared effectively to children, young people, and families across the borough

- 5.1.4 To achieve the Transformation Plan outcomes and targets as well as Long term Plan, services must

focus on developing families' resilience, which evidence tells us, is pivotal to providing inclusive services that support all children and young people to be as independent as possible. Resilience based practice sits at the heart of improving outcomes for children and young people; an approach that is based on looking for strengths and opportunities to build on, rather than for issues or problems to treat.

## 5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 The total contract values for the contracts are detailed in section 2 of this report.

5.2.2 The contract extensions are costed within the Family Services Revenue Budget.

5.2.3 All the referenced CAMHS contracts have been included within the Annual procurement forward plan 2021-22.

### 5.2.4 **Procurement**

- These Contract Procedure Rules do not apply to any acquisition or disposal of any interest in land, or to any transaction in land under section 75 of the National Health Services Act 2006; arrangements between NHS bodies and the council are not subject to these Contract Procedure Rules though procurement activities undertaken under any such arrangements may be.
- Procurement have been consulted and procurement strategies have been or are being developed to enable enough time for comprehensive procurement exercises to take place, in line with the Public Contract Regulations 2015, Contract procedures rules and the procurement toolkit. Procurement activity is subject to correct authorisation being in place and confirmation of available budget.
- Where any of the contracts noted within this report do not fall under section 75 but require extension due to the impact of Covid-19 and requiring more time for procurement activity to be undertaken, activities have commenced and once the short-term contracts have been approved via this DPR, procurements will be run in line with allocated timeframes.

## 5.3 **Legal and Constitutional References**

5.3.1 The Council's Constitution Article 10, Table B outlines the authorisation and acceptance thresholds for procurements, including any variation or extensions acceptance and documentation. Any extension that is within budget, will be documented via a Full Delegated Powers report in the name of the relevant Chief Officer.

5.3.2 As outlined in the Schemes of delegation and Article 10, Chief Officers have delegated authority to make decisions in accordance with the powers delegated and other officers under the Schemes of Delegation maintained by the Chief Officers and published on the council's website. The Executive Director for Children's Services is defined in the constitution as a Chief Officer.



5.3.3 The Public Contracts Regulations 2015 (PCR) do still have to be considered where the council is procuring external services even if the funding for the services is from a pooled fund under a s75 Partnership Agreement with an NHS body.

5.3.4 Because of the nature of the services, the threshold (above which the full PCRs must be complied with) is £663,540. None of the contracts mentioned in this report are accumulatively above that threshold figure so the full requirements of the PCR do not have to be complied with.

5.3.5 However, Part 4 of the PCR does still apply and regulation 112 says that where a contract is awarded, the council must, within a reasonable period of time, publish on Contracts Finder the name of the Contractor, the date the contract was entered into, the value of the contract and whether the contractor is a small to medium enterprise or a non-governmental organisation that is value driven.

5.3.6 2.5 of the council's Contract Procedure Rules says that arrangements between NHS bodies and the council are not subject to those rules however the procurement activities undertaken under any such arrangements may be.

5.3.7 The authority of the chief officer in consultation with the relevant committee chairman for these contracts is sufficient.

5.3.8 The contract extensions should be documented in writing and HB Public Law should be contacted to undertake this administration.

## 5.4 **Insight**

5.4.1 Insight not required for this report.

## 5.5 **Social Value**

5.5.1 Social value will be delivered through these contracts in the following ways: • Local employers

- Flexible hours for staff to enable working.
- Ongoing training to staff
- Use of local suppliers
- Shared resources across LAs

## 5.6 **Risk Management**

5.6.1 High quality delivery of this service is fundamental to achieving the Family Friendly Barnet vision of Resilient Families: Resilient Children which aims to improve outcomes for all children and young people and their families.

5.6.2 The quality of the Resilient Children and Families vision will be assured through frequent contract monitoring of commissioned services, against a specified framework of key performance indicators (**KPIs**), unique to each service.

5.6.3 The risks of not implementing this recommendation would include:

- Lack of continuity of services – causing unnecessary stress for CYP's not able to access services; referrals not resulting in the offer of a service.
- Risk of providers increasing prices when operating out of contract- resulting in a cost pressure to the Council.

5.6.4 The specification and contract terms set out the requirements for the provider to ensure appropriate information sharing, confidentiality, data protection, data collection and analysis are in place. Policies and protocols will be in place to ensure that systems are robust and to ensure adherence to them. All aspects of information management and safeguarding, including policies and processes, will be examined, and checked as part of the provider's assurance and due diligence checks. CAMHS services are part of Local Authority Ofsted inspections.

5.6.5 To ensure monies are being spent effectively the contracts will be performance managed throughout the term of the contract using a robust monitoring system and monitoring visits. This system is in place for current contracts in Family Services.

## 5.7 Equalities and Diversity

5.7.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups

5.7.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services.

5.7.3 Equalities data is available on current users of services which can be used for monitoring purposes. This will be used to complete Equalities Impact Assessments for any services that require a change in offer of model.

## 5.8 Corporate Parenting

5.8.1 If LBB are unable to implement this provision it would risk increased demand in complex needs and specialist services. There may also be an increase in waiting times, as well complications in accessibility from children, young people, and family members to the service.

## 5.9 Consultation and Engagement

5.9.1 The extension of these contacts has been planned to enable sufficient time for robust stakeholder engagement when planning future commissioning activity and re-procuring contracts. Stakeholder engagement has been included in the commissioning project plans for these contracts.

### 6. BACKGROUND PAPERS

6.1 Policy and Resources Committee, link to the 2020-21 Family Services Procurement Forward Plan, row 38-39 <S:\SIC-098\Commissioning\Procurement\Forward Plan\Forward Plan 202122>.

6.2 Policy and Resources Committee, link to the 2020-21 Annual Procurement Forward Plan, lines 219, 222 and 231:

<https://barnet.moderngov.co.uk/documents/s62439/Appendix%201%20Annual%20Procurement%20Forward%20Plan%20202122.pdf>

Chairman: Councillor David Longstaff

Has been consulted

Signed

Date 27 April 2021

Chief Officer: Chris Munday, Executive Director of Children's Services  
Decision maker having considered the views of the Chairman



Signed

Date 11 May 2021