

DELEGATED POWERS REPORT NO.

1903

SUBJECT: Careworks Ltd Licence Agreement

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**

<b>All reports</b>		
1. Governance Service receive draft report	Name of GSO Date	Andrew Charlwood 09/01/2013
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Andrew Charlwood 16/01/2013
3. Finance clearance obtained ( <i>report author to complete</i> )	Name of Finance officer Date	Collette Sutton 15/01/2013
4. Staff and other resources issues clearance obtained ( <i>report author to complete</i> )	Name of Resource officer Date	N/A
5. Strategic Procurement clearance obtained ( <i>report author to complete</i> )	Name of SPO Date	Kevin Bates 21/01/2013
6. Legal clearance obtained from ( <i>report author to complete</i> )	Name of Legal officer Date:	Sheila Saunders 21/01/2013
7. Policy & Partnerships clearance obtained ( <i>report author to complete</i> )	Name of P&P officer Date	Andrew Nathan 09/01/2013
8. Equalities & Diversity clearance obtained ( <i>report author to complete</i> )	Name of officer Date	Andrew Nathan 09/01/2013
9. The above process has been checked and verified by Director, Head of Service or Deputy	Name Date	Jay Mercer 06/03/2013
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of GSO Date	Andrew Charlwood 07/03/2013
11. Report published by Governance Service to website	Name of GSO Date	Andrew Charlwood 08/03/2013
12. Head of Service informed report is published	Name of GSO Date	Andrew Charlwood 08/03/2013
<b>Key decisions only:</b>		
13. Expiry of call-in period	Date	N/A
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet Members & Head of Service	Name of GSO Date	

**ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER  
(EXECUTIVE FUNCTION)**

**Subject** **Careworks Ltd Licence Agreement, and Provision of Software (Raise YOT) including Software Support/Maintenance**

**Officer taking decision** Deputy Director of Children's Services

**Date of decision** 6 March 2013

<b>Summary</b>	To authorise retrospective purchase of software support and maintenance from Careworks for the provision of Youth Offending Team (YOT) Case Management System and completion of a two year licence agreement up to 31 March 2014.
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**Officer Contributors** Dave Evans – Information and Performance Manager

**Status (public or exempt)** Public (with separate exempt report)

**Wards affected** All

**Enclosures** None

**Reason for exemption from call-in (if appropriate)** N/A

**Key decision** No

**Contact for further information:** Flo Armstrong - Head of Youth & Community ext: 7846

Serial No. 1903
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## **1. RELEVANT PREVIOUS DECISIONS**

1.1 None

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

2.1 The Corporate Plan 2012 -13 states that “we will continue to drive costs out of the Council through transforming our internal organisation” and that we will focus on “...addressing challenges in the borough and make the best use of our collective resources”. To meet the Council’s corporate priority of “Better services with less money” there is a strategic goal to maximise improvements and savings in back office functions.

2.2 Through clarified staff roles and responsibilities in the Youth Offending Service (YOS) and appropriate deployment of skills and capabilities in the team, the CareWorks Raise Youth Offending Team (YOT) case management system has the functionality to share information between internal staff and also able to export relevant information via email to partner agencies. Effective use of this functionality enables us to make better use of staff and resources within the YOT, be organised and prepared for our Youth Court at Willesden Magistrates Court, as well as avail of the services of partner agencies and the voluntary sector.

2.3 The use of CareWorks within YOS will need to be included in the current review of Children’s Service systems.

## **3. RISK MANAGEMENT ISSUES**

3.1 A licence is in operation and it has been confirmed that this is to be regarded as the contract agreement for the provision of ongoing support, the contract is required to enable payment to be released for support and maintenance to continue.. It is essential to secure this support to mitigate the risk of loss of this system and ensuring external compliance and uninterrupted service delivery. It is essential that ongoing hardware maintenance, software upgrades, technical assistance and bug fixes are available in a timely, cost effective basis to the Council.

3.2 A further risk is that the case management system provides the YOT with evidence of work taking place which is part of the execution of its statutory duties, loss of the system would prevent delivery of this duty. Work taking place covers the recording of pre and post-court disposals, assessments and interventions and evidence of general case management, the provision of management information to be used by strategic partners as well as Youth Justice Board for England and Wales (YJB). The YOS need to both safeguard sensitive information about young people who may be vulnerable and/or high risk to members of the public. Careworks is a secure, password protected system which is only accessible to those working within the YOS.

3.3 The risk of not having an electronic case management system for the YOS is that we would not be in a position to robustly evidence the work and interventions taking place with young people, provide defensible management information reports or be able to consistently and securely share information with HMCS, Police, Probation,

YJB and the secure estate. It is part of our statutory duty to appropriately share and safeguard information of this nature.

- 3.4 I do not consider the issues involved are likely to raise significant levels of public concern or give rise to policy considerations.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

- 4.1 Pursuant to the Equality Act 2010, public sector organisations have a responsibility to consider equality as part of every procurement. The council, also, has a public sector duty to: have due regard to eliminating unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between those with a protected characteristic and those without; 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 elimination discrimination.
- 4.2 For the purposes of this contract, primary focus will be given to the young people aged under 18 years, although there are some court orders (Referral Orders and Detention and Training Orders) we can take responsibility for beyond the young person's 18<sup>th</sup> birthday. It is for this reason the YOT works with some 18 and 19 year old young people.
- 4.3 Formalising arrangements with CareWorks supports the Council in being able to meet its statutory duty as the CareWorks Raise YOT system will collect relevant data on young people with statutory court orders as well as pre-court disposals. The Council can extract analysis reports from CareWorks which includes the 'protected characteristics' detailed in the Equalities Act. This information can also be used to help engage young people and parents from particular backgrounds who can make use of services provided by the voluntary sector. CareWorks Raise YOT is the only case management system used by the Council to support young offenders in the community, in custody and at risk of entering the Youth Justice System.

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

- 5.1 Procurement: There are two software providers of case management systems for YOS and both have been approached to provide quotations; Careworks and CACI.. The quotations were reviewed with regard to continued provision of a case management system for Barnet YOT which could be delivered within the available budget. Data migration risks were also considered, with the continued use of the case management system mitigating the need to migrate data which could impact operations and robustness around management information.
- 5.2 The review of quotations identified that continued provision of case management system through, Careworks, would deliver within the budget available the

recommendation from this exercise is to authorise entering a licence agreement for a two year period.

- 5.3 In addition due to an oversight payment for maintenance and support received over the previous two years is outstanding. This requires retrospective authorisation to facilitate payment within the financial period ending March 2013. Due to this requirement and the nature of case management services that have been provided it is appropriate to seek a waiver of the contract procedure rules under 5.7 as urgency exists to mitigate risk of loss of service provision and enable the outstanding payment to be made promptly. A retrospective report will be prepared for the Cabinet Resources Committee meeting April 2013 to notify the committee of this waiver in accordance with Contract Procedure Rules 5.7.
- 5.4 Finance: The cost of this case management system is met within the budget of the Youth Support Service. The cost of supply of youth offending case managements systems provided through quotation is provided in the exempt report.
- 5.5 Performance & Value for Money – The provider of the case management system will only support the current and one previous version which for continued use of the software requires payment for upgrade at least every two years. There is an additional charge in advance for development of the system. The contract maintenance/support and upgrade costs are within the budget provision for the YOS.
- 5.6 Staffing – there are no staffing implications.
- 5.7 IT – Web based system, hosted locally in London Borough of Barnet premises on a database server and web server, the system is only accessible from within the local authority's firewall.
- 5.8 Property – no property implications.
- 5.9 Sustainability – no sustainability implications.

## **6. LEGAL ISSUES**

- 6.1 The public procurement regulations make a distinction between two categories of services. Schedule 3 to the Public Contract Regulations 2006 contains two lists of categories of services. The first list, which appears in Part A, contains description of services which are subject to the application of the rules under the public procurement regulations. If a service in Part A exceeds the relevant threshold, £173,394, it is subject to the full public procurement regulations, such as the obligation to subject the service to advertisement before an award of contract. The maintenance/support and upgrade of the Careworks System software falls within the description of services in Part A; however, the stated value of the proposed contract is below the relevant threshold.
- 6.2 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. This means that the contracting authority is expected

to ask itself whether there is a market for these services in other member states and if so what form of appropriate notification and advertisement should apply before an award of contract.

- 6.3 The stated value of the proposed contract for the maintenance for the software is below the threshold. Therefore, it seems unlikely that there will be a sufficient degree of cross-border interest for the duty to advertise to be engaged.
- 6.4 The authorisation of licence agreement between the council and CareWorks will be for a period of two years. The value of the contract, over the two years, will be below the relevant threshold for the purposes of European procurement rules. If the two year period is added to the contract period, to date, there would be a risk of a challenge but such a risk is considered to be low given that CareWorks is owned and offered exclusively and cannot be purchased through other suppliers.

## **7. CONSTITUTIONAL POWERS**

- 7.1 Constitution, Part 3, Responsibilities for Functions, paragraph 6.1 states that Chief Officers can take decisions, without consultation with the Cabinet Member concerned, where it is in respect of operational matters within the Chief Officers sphere of managerial or professional responsibility and is not significant in terms of budget or policy; and to authorise and accept quotations for contracts to the limits placed on Chief Officers by Contract Procedure Rules for approved schemes with sufficient estimate provision.
- 7.2 Constitution, Contract Procedure Rules, Section 5 – authorise a Director to authorise accept contracts for works, supplies or services up to the value of £173,933 where the tender/quotation represents value for money and is the best available option for the Council.
- 7.3 Constitution, Contract Procedure Rules, Section 6 – provides that for contracts with an estimated value of between £25,000 and £74,999 two or more written quotations must be obtained with a minimum of two returned.
- 7.4 In accordance with the Waiver of Contract Procedure rules, where urgency/emergency does not apply, Clause 5.7 “Directors/Assistant Directors 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. Such decisions include waiver of the Contract Procedure Rules where this is justified on the basis of urgency and one or more of the matters set out in 5.8. In this instance 5.8.1 ‘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”

## **8. BACKGROUND INFORMATION**

- 8.1 It is a statutory requirement for each Youth Offending Service to have a case management system in place to evidence the work taking place as part of the

execution of its statutory duties. This is for the recording of pre and post-court disposals, assessments and interventions and evidence of general case management, as well as provision of management information to be used by strategic partners and the Youth Justice Board.

- 8.2 The software provided by Careworks meets the requirements of the Youth Offending Service and represents continued value for money compared to provision by an alternative provider. Careworks have also been providing support and maintenance for their software.
- 8.3 The recommendation of this report is to formalise the contractual licence agreement between London Borough of Barnet and Careworks is the incumbent provider and their Software Raise has been used by Barnet Youth Offending Service over the last few years. The user license was purchased as part of the initial formal agreement, this has subsequently lapsed with support and maintenance provided to London Borough of Barnet on a 'goodwill' basis since. The requirement to continue with service delivery is for a retrospective payment and authorisation to enter a new licence agreement for a two year period.
- 8.4 Formalising arrangements with CareWorks supports the Council to meet its statutory duty as the CareWorks Raise YOT system will collect relevant data on young people with statutory court orders as well as pre-court disposals. The Council can extract analysis reports from CareWorks which includes the 'protected characteristics' detailed in the Equalities Act. This information can also be used to help engage young people and parents from particular backgrounds who can make use of services provided by the voluntary sector.
- 8.5 CareWorks Raise YOT is the only case management system used by the Council to support young offenders in the community, in custody and at risk of entering the Youth Justice System.
- 8.6 Current business processes are aligned closely with Careworks case management system with staff fully trained to support these business functions. Continued use of the system at this time mitigates data migration risks which could impact operations and robustness around management information.

## **9. LIST OF BACKGROUND PAPERS**

- 9.1 None

**10. OFFICER'S DECISION**

**I authorise the following action:**

- 10.1 For London Borough of Barnet to make retrospective payment to Careworks for software support and maintenance services provided and to enter into a licence agreement with Careworks to continue with the licence, support and maintenance of Raise YOT software for a two year period until 31 March 2014**

**Signed**

**Jay Mercer**

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**Deputy Director of Children's Services**

**Date**

**6 March 2013**

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