

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker	Executive Lead Member for Children's Services
Date:	7 July 2021
Title:	Children's Services Procurement – Approval to Spend
Report From:	Director of Children's Services

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Purpose of this Report

1. The purpose of this paper is to seek approval to spend in relation to contracts listed in Appendix 1 whose value will be over £1,000,000 in accordance with the Council's Contract Standing Orders and Constitution.
2. This paper seeks to
 - Give relevant information on the planned procurement activities for 2021/22 and 2022/23 of Children's Services;
 - Give information on the value and Council spend of each mentioned procurement activity;
 - Request approval to spend in line with the Council's Contract Standing Orders.

Recommendation(s)

3. It is recommended that the Executive Lead Member for Children's Services gives the approval to spend for Overnight Respite framework to the value of £5,000,000.
4. It is recommended that the Executive Lead Member for Children's Services gives approval to spend for Independent Fostering Agency framework to the value of £84,000,000.
5. It is recommended that the Executive Lead Member for Children's Services gives the approval to spend for Adult & Community Learning framework to the value of £5,200,000.

Contextual Information

6. This report requests approval to spend for contracts which have a total value, or estimated value over the life of the contract, in excess of £1 million and therefore require Executive Member approval as per the scheme of delegation.
7. Children's Services procure services to complement in house delivery, or where an in-house delivery is either not possible or not desirable. Commissioners and category managers establish in advance the most effective procurement route, what kind of contractual agreements should be used and the type of procurement activity that needs to be undertaken to ensure a successful, competitive tender. Procurement activity also looks at how the resulting contracts will be monitored to deliver value for money, innovation and deliver the defined outcomes for children.
8. Approval to procure has previously been sought from Children's Services DMT for all three of these frameworks, in line with the scheme of delegation.
9. This report requests approval for a number of framework agreements. A framework is an agreement with providers to establish terms governing individual contracts that may be awarded during the life of the agreement. The value set against a framework is indicative of the expected spend. Whilst spend may be lower than this amount, total contracts awarded under a framework agreement will not exceed the total framework value approved.
10. **Framework for Overnight Respite**
Approval to spend is sought for up to £5,000,000 for the total framework value over the life of the contract. The framework is planned for two years with the option to extend by up to a further two years (four years in total). DMT have provided approval to procure as per the scheme of delegation.
11. The Breaks for Carers of Disabled Children Regulations 2011 brought into effect Paragraph 6(1)(c) of Schedule 2 to the Children Act 1989 (inserted by section 25 of the Children and Young Persons Act 2008), requiring local authorities to provide services 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.
12. The Childrens Act 1989 S17 (11) and The Breaks for Carers of Disabled Children Regulations 2011 state that "a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed".

13. The Breaks for Carers of Disabled Children Regulations 2011 also define short breaks with the caveat that provision shall be made, in so far as is reasonable and practicable, for a range of services which are sufficient to assist carers to continue to provide care or to do so more effectively. In particular the local authority must provide, as appropriate, a range of:
 - day-time care in the homes of disabled children or elsewhere;
 - overnight care in the homes of disabled children or elsewhere;
 - educational or leisure activities for disabled children outside their homes.

14. Hampshire County Council Children's Services is re-commissioning Overnight Respite in a residential setting for Children and Young People with a Disability. This provision is in the providers own accommodation units. Overnight Respite is offered to families for a period of time as part of a package of support to meet an assessed social care need. The number of nights offered depends upon the individual needs of the child and each family.

15. The proposed total value provides scope for cost increases and additional nights. For clarity this is spend from existing revenue budgets and is not committed spend.

16. **Framework with Independent Fostering Agencies (IFA's)**
Approval to spend is sought for up to £84,000,000 for the total framework value. The framework is planned for two years with the option to extend for a further two years (four years in total). It should be noted that this is not committed spend and that it is from existing revenue budgets. Approval to procure has already been sought from DMT as per the scheme of delegation.

17. Hampshire County Council Children's Services commissions fostering placements to safeguard and promote the welfare of looked after children. The Council has its own fostering service with in-house foster carers. Where this service does not have the capacity to place children, the Council commissions services from IFA's.

18. The statutory requirements relevant to fostering that the Council must fulfil are set out in the Care Standards Act 2000 and relevant regulations, the Children Act 1989 guidance and regulations, Volume 2: care planning, placement and case review" June 2015, and The Care Planning, Placement and Case Review (England) Regulations 2010, Schedule 5 "Agreement with an independent fostering agency relating to the discharge of the responsible authority's functions."

19. The Council currently has two Frameworks for IFA placements, which will both expire 31 March 2022. This framework will combine both of the existing frameworks.

20. **Framework for Adult and Community Learning**

Approval to spend is sought for up to £5,200,000 for the total available framework period. The framework is planned for two years and three months with the possibility to extend for a further two years (4 years, 3 months in total). This unusual contract duration is to enable alignment to the academic year. For clarity, this funding is grant funded from Education and Skills Funding Agency (ESFA) and is not utilising any additional HCC funding. The approval to procure was given by DMT, as per the scheme of delegation.

21. Hampshire County Council Children's Services commissions adult and community learning. This work is undertaken by the Hampshire Achieves service. Hampshire Achieves receive funding from the ESFA to deliver learning opportunities to adults aged 19+ across the whole of Hampshire. The framework supports two of three strategic priorities of the Hampshire Skills Strategy and Investment Plan to 2030.

22. The framework aims to:

- maximise access to community learning for adults, bringing new opportunities and improving lives, whatever people's circumstances.
- promote social renewal by bringing local communities together to experience learning and the pride that comes with achievement.
- maximise the impact of community learning on the social and economic well-being of individuals, families and communities.

Consultation and Equalities

23. Stakeholder engagement will be undertaken for each specific procurement exercise to ensure that services are designed effectively to meet need and are fit for purpose. This could involve service users, internal staff who place orders with the contract / framework such as social workers, officers from other local authorities, and health colleagues.

24. Equality Impact Assessments have been completed for these recommendations.

Other Key Issues

25. The Public Services (Social Value) Act 2012 requires the Council as public authority 'to have regard to economic, social and environmental well-being in connection with public services contracts'. The Social Value is either defined in the Service Specification for a contract, for example asking the provider to use apprentices or employ people from disadvantaged groups.

Alternatively, during the tender process, the provider is asked how it adds Social Value to a service.

26. The Modern Slavery Act 2015 requires the Council to incorporate human rights due diligence within procurement practices and supply chains and establishing shared awareness and common goals with providers in tackling modern slavery.
27. The Council, as contracting authority, has an obligation to shape their tendering processes to allow small to medium businesses fair access to winning contracts.

Climate Change

28. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does. The carbon mitigation tool and climate change adaptation tool were both considered but were deemed not applicable to this report because the projects detailed within will not have a carbon emissions impact and are not vulnerable to climate change.

Conclusions

29. It is recommended that the Executive Lead Member for Children's Services gives the approval to spend in relation to the three frameworks detailed in Appendix 1 whose value will be over £1,000,000.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	Yes
OR	

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> N/A	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u> N/A	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

2.1 Overnight Respite

Your reference number is EIA340316122.

Thank you for submitting Equality Impact Assessment

Name of project or proposal (required): CS16459 – Procurement of Overnight Respite Open (ONR) Framework

Is this project a Transformation project? (required): Neither

Name of accountable officer (required): Sarah Cross

Email (required): sarah.cross@hants.gov.uk

Department (required): Children's Services

Date of assessment (required): 07/06/2021

Is this a detailed or overview EIA? (required): Overview

Describe the current service or policy. This question has a limit of 700 characters; approximately 100 words (required): Overnight Respite services are part of the Short Break services that local authorities are required to offer to children with a disability and their families as part of their statutory duty. The Council currently has one in-house unit and a Framework Agreement with three providers in Hampshire and on the borders, providing overnight residential respite care to children with disabilities. There are also a small number of off contract residential respite providers providing placements to the council. The current level of need for Children to access respite is 76 Children and young people accessing 1860 nights of respite, and a further 11 children pending assessment or allocation.

Geographical impact (required): All Hampshire

Describe the proposed change. This question has a limit of 700 characters; approximately 100 words (required): The current overnight respite framework is due to cease in September 2021. A new framework is required from October 2021 to deliver overnight respite placements for new referrals. The delivery method of the service remains the same with no proposed changes. The council will review all relevant documentation including the service specifications to ensure all information is current and meets the identified needs.

Who does this impact assessment cover? (required): Service users

Has engagement or consultation been carried out? (required): Yes

Describe the consultation or engagement you have performed or are intending to perform. This question has a limit of 700 characters; approximately 100 words (required): Engagement and feedback happen continually at an operational level with Social Workers gaining the views of Children and Families at individual reviews. This information feeds into the commissioning strategy for future service provision. During the life of the current framework, contract management and supplier relationship management has been undertaken to ensure that the Council has a robust understanding of the Market capacity and capability in meeting the needs of children and young people with a disability and their families.

Age (required): Yes

Positive Impact (required): The Overnight Respite service will have a positive impact on children and young people with a disability and their families through the provision of individualised, age appropriate, respite packages which enable both the young person and their family to receive respite.

Disability (required): Yes

Positive Impact (required): The Overnight Respite service will have a positive impact on children and young people with a disability and their families through the provision of individualised, age appropriate, respite packages which enable both the young person and their family to receive respite.

Sexual orientation (required): Neutral

Neutral Race (required): Neutral

Religion or belief (required): Neutral

Gender reassignment (required): Neutral

Gender (required): Neutral

Marriage or civil partnership (required): Neutral

Pregnancy and maternity (required): Neutral

Poverty (required): Neutral

Rurality (required): Neutral

Any other brief information which you feel is pertinent to this assessment (optional): N/A

Please confirm that the accountable officer has agreed the contents of this form (required): Yes

2.2 Independent Fostering Agencies

Your reference number is EIA340340487.

Thank you for submitting Equality Impact Assessment

Name of project or proposal (required): CS16267 – Procurement of Independent Fostering Agencies (IFA) Framework Is this project a Transformation project? (required): Neither

Name of accountable officer (required): Sarah Cross

Email (required): sarah.cross@hants.gov.uk Department (required): Children's Services

Date of assessment (required): 07/06/2021

Is this a detailed or overview EIA? (required): Overview

Describe the current service or policy. This question has a limit of 700 characters; approximately 100 words (required): The Council has the duty, provided for in section 22(3) of the Children Act 1989, to safeguard and promote the welfare of looked after children. To fulfil this duty, the Council commissions fostering placements. The Council has its own Fostering Service with in-house foster carers. Where in-house carers cannot accommodate all referrals for children looked after who require a foster placement the Council enters into contracts with Independent Fostering Agencies (IFAs). At the moment, the Council has around 1,200 looked after children in foster care. About 250 are fostered by relatives or friends of the family, about 480 are fostered by HCC foster carers, about 460 are placed with IFAs.

Geographical impact (required): All Hampshire

Describe the proposed change. This question has a limit of 700 characters; approximately 100 words (required): The Council has a currently two frameworks with Independent Fostering Agencies, which will expire end of March 2022. The Council will re-procure the services and will tender for a new framework (or frameworks) within the next months. The new framework/s will allow looked after children to be placed individually, with siblings, or in parent & child placements.

Who does this impact assessment cover? (required): Service users

Has engagement or consultation been carried out? (required): Planned

Describe the consultation or engagement you have performed or are intending to perform. This question has a limit of 700 characters; approximately 100 words (required): The Council has set up a working group, which includes its own Social Workers and Fostering Service to create the appropriate requirements for the service, it will engage with Independent Fostering Agencies and their umbrella organisation, it will also engage with neighbouring Local Authorities that also commission foster services through Independent Fostering Agencies. The Council will also involve care experienced young people to inform requirements for quality and services of Independent Fostering Agencies.

Age (required): Neutral

Disability (required): Neutral

Sexual orientation (required): Neutral

Race (required): Neutral

Religion or belief (required): Neutral

Gender reassignment (required): Neutral

Gender (required): Neutral

Marriage or civil partnership (required): Neutral

Pregnancy and maternity (required): Neutral

Poverty (required): Neutral

Rurality (required): Neutral

Neutrality statement (required): The new framework/s will allow looked after children to be placed individually, with siblings, or in parent & child placements. The religion and beliefs of the child or young person and their families would be considered as part of any placement, where required. Services provided by Children's Services are required to meet assessed need, regardless of a family's income.

Any other brief information which you feel is pertinent to this assessment (optional):

Please confirm that the accountable officer has agreed the contents of this form (required): Yes

2.3 Adult Community Learning

our reference number is EIA340362365.

Thank you for submitting Equality Impact Assessment Name of project or proposal (required): Adult and Community Learning Framework CS10924A

Is this project a Transformation project? (required): Neither

Name of accountable officer (required): Rhys Powell

Email (required): rhys.powell@hants.gov.uk

Department (required): Children's Services

Date of assessment (required): 07/06/2021

Is this a detailed or overview EIA? (required): Overview

Describe the current service or policy. This question has a limit of 700 characters; approximately 100 words (required): Through the funding received by the Education and Skills Funding Agency (ESFA), Hampshire County Council Children's Services via Hampshire Achieves, require a framework of providers able to deliver learning opportunities for adults aged 19+ across the whole of Hampshire. Providers will be expected to deliver under one or more of the three learning categories which are: Thrives, Works, and Learns. This includes programmes that support English and Maths Skills, English to speakers of other languages, Digital inclusion and health and wellbeing.

Geographical impact (required): All Hampshire

Describe the proposed change. This question has a limit of 700 characters; approximately 100 words (required): Using Education and Skills Funding Agency (ESFA) funding, providers will be commissioned to deliver under one or more of the three learning categories which are: Thrives, Works, and Learns. This includes programmes that support English and Maths Skills, English to speakers of other languages, Digital inclusion and health and wellbeing. Providers will offer a face to face offering, online and blended delivery model.

Who does this impact assessment cover? (required): Service users

Has engagement or consultation been carried out? (required): No

Describe the consultation or engagement you have performed or are intending to perform. This question has a limit of 700 characters; approximately 100 words (required): N/a

Age (required): Positive

Impact (required): Adult Community Learning framework will maximise access to community learning for adults, bringing new opportunities and improving lives, whatever people's circumstances whilst maximising the impact of community learning on the social and economic well-being of individuals, families and communities.

Disability (required): Neutral

Sexual orientation (required): Neutral

Race (required): Neutral

Religion or belief (required): Neutral

Gender reassignment (required): Neutral

Gender (required): Neutral

Marriage or civil partnership (required): Neutral

Pregnancy and maternity (required): Neutral

Poverty (required): Neutral

Rurality (required): Neutral

Any other brief information which you feel is pertinent to this assessment
(optional): N/a

Please confirm that the accountable officer has agreed the contents of this form
(required): Yes

Appendix One

Project Title and description	Framework/ contract term & start date	Anticipated Council value (annual)	Anticipated Council value (total)	Approval required
Framework for Overnight Respite	1 October 2021 Two years with the option to extend for up to a further two years	£1,200,000 average	£5,000,000	Approval to spend
Framework with Independent Fostering Agencies (IFA's)	1 April 2022 Two years with the option to extend for up to a further two years	£21,000,000	£84,000,000	Approval to spend
Framework for Adult and Community Learning	1 May 2021 Two years and three months with the option to extend for up to a further two years Call off start date: 1 August 2021.	£1,300,000	£5,200,000	Approval to spend