

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker	Executive Lead Member for Children's Services
Date:	17 September 2021
Title:	Approval to Spend – New Procurements
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 Care Support Framework which has a value over £1,000,000, in accordance with the Council's Contract Standing Orders and Constitution.
2. This paper seeks to
 - Give information on the value and Council spend
 - Request approval to spend in line with the Council's Contract Standing Orders.

Recommendation

3. It is recommended that the Executive Lead Member for Children's Services gives approval to spend for a Care Support for Children with a Disability contract for a total period of six years (four years with two one-year extension options). The total value of the contract is £6,450,000, of which approval is sought for £6,000,000 of Hampshire County Council spend.

Contextual Information

4. 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, the kind of contractual agreements that should

be used and the type of procurement activity that needs to be undertaken to ensure a successful, competitive, and compliant process. 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.

5. This report requests approval for spend on an open framework for Care Support. 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 forecasted spend. Whilst actual spend may be lower than this amount, total contracts awarded under a framework agreement may not exceed the total framework value approved. An open framework is one whereby providers can join during the life of the contract and not just at the start. This enables us to benefit from new entrants to the market and those who have improved CQC registrations to join once they meet the minimum criteria. Approval to procure was requested of DMT on 8th September 2021.
6. Approval to spend is sought for up to £6,450,000 for the total framework value over the life of the contract. The framework is planned for an initial period of four years with two options to extend by up to a further year (six years in total).
7. For information, Isle of Wight Children's Services will be named on the framework as a potential purchaser. This will enable them to call off the contract during its lifetime. Their potential spend figures are included in Appendix 1. Portsmouth City Council were asked if they would like to join but have declined.
8. 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.
9. 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".
10. 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.
11. Hampshire County Council Children's Services is re-commissioning Care Support for children and young people with a disability. This support service is provided in the child's home, in the community, or a combination of both.
 12. The framework will enable Disabled Children's Team (DCT) Social Workers to commission individual packages of support for the children and families they support with the knowledge that the providers on the contract have met minimum standards and quality requirements. The tender ensures that any due diligence has been undertaken in advance and that pricing is agreed upfront enabling them to call off with confidence and without the need for case by case negotiation which is time consuming for both parties and can lead to delays in service delivery.
 13. The spend is from existing revenue budgets and is accounted for. The total spend figure allows for price increases at point of tender, inflation uplifts, as well as an increase in packages.

Consultation and Equalities

14. Stakeholder engagement will be undertaken for the procurement exercise to ensure that the service is designed effectively to meet need and be fit for purpose. This could involve providers, service users and families, internal staff who commission Care Support such as Social Workers, officers from other local authorities, and health colleagues.
15. An Equality Impact Assessment has been completed for this recommendation and is included in full below.

Other Key Issues

16. 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.
17. 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.

18. The Council, as contracting authority, has an obligation to shape the tendering processes to allow small to medium businesses fair access to winning contracts.

Climate Change.

19. 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

20. It is recommended that the Executive Lead Member for Children's Services gives the approval to spend in relation to the Care Support for Children with a Disability. The total value is £6,450,000 of which £6,000,000 is Hampshire County Council Children's Services spend.

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

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.)

<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 Care Support

EIA 111 - Tender for Care Support Service for Children with a Disability

Status

Approved

Department

Childrens Services

Service Area

Access, Resources & Business Development

Author

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No

[Linked EIA](#)

[Savings Programme EIA:](#)

No

Ref:

[Service Affected](#)

Care Support for Children with a Disability

[Service Description](#)

Hampshire County Council Children's Services is re-commissioning Care Support for children and young people with a disability. This service is provided to support children and families with a range of tasks and activities dependent on assessed need. The support could be provided in the child's home such as help with washing, dressing and feeding, or in the community; or in some cases it may be a combination of both types of support in order to meet the needs of the child and the family.

[Service Change](#)

Tendering the service and putting a contract in place will enable Disabled Children's Team Social Workers to commission individual packages of support for the children and families they support, with the knowledge that the providers on the contract have met minimum standards and quality requirements. The tender ensures that any due diligence has been undertaken in advance and that pricing is agreed upfront enabling Social Workers to call off with confidence and without the need for case by case negotiation which is time consuming for both parties and can lead to delays in service delivery.

[Geographic Impact](#)

All Hampshire

[Engagement/Consultation](#)

No, but intend to or planned

[Additional Information](#)

The service detailed in this Equality Impact Assessment (EIA) is an existing service that is available to eligible families. There are no proposed changes to the existing service or its criteria. This EIA is to support the re-tendering of the service to ensure that a new contract is in place for July 2022.

Overview Statement

Impact Assessment

Age

Public Impact

Positive

Staff Impact

Positive

Decision Rationale

This service will have a positive impact on eligible children and young people. The positive impact on staff is the availability of support to create bespoke packages of care.

Mitigation/Actions

Disability

Public Impact

Positive

Staff Impact

Positive

Decision Rationale

This service will have a positive impact on eligible children and young people with a disability and their families.

Mitigation/Actions

Gender Reassignment

Public Impact

Neutral

Staff Impact

Neutral

Decision Rationale

No impact has been identified for this characteristic as it is not relevant to the service detailed within this assessment.

Mitigation/Actions

Pregnancy & Maternity

Public Impact

Neutral

Staff Impact

Neutral

Decision Rationale

No impact has been identified for this characteristic as it is not relevant to the service detailed within this assessment.

Mitigation/Actions

Race

Public Impact

Neutral

Staff Impact

Neutral

Decision Rationale

No impact has been identified for this characteristic as it is not relevant to the service detailed within this assessment.

Mitigation/Actions

Religion or Belief

Public Impact

Neutral

Staff Impact

Neutral

Decision Rationale

No impact has been identified for this characteristic as it is not relevant to the service detailed within this assessment.

Mitigation/Actions

Sex

Public Impact

Neutral

Neutral

Staff Impact

Decision Rationale

No impact has been identified for this characteristic as it is not relevant to the service detailed within this assessment.

Mitigation/Actions

Sexual Orientation

Public Impact

Neutral

Staff Impact

Neutral

Decision Rationale

No impact has been identified for this characteristic as it is not relevant to the service detailed within this assessment.

Mitigation/Actions

Marriage & Civil Partnership

Public Impact

Neutral

Staff Impact

Neutral

Decision Rationale

No impact has been identified for this characteristic as it is not relevant to the service detailed within this assessment.

[Mitigation/Actions](#)

Poverty

[Public Impact](#)

Positive

[Staff Impact](#)

Neutral

[Rationale_POVERTY](#)

Care Support is a Tier 4 Specialist Service which is provided to eligible families at no cost to them.

[Mitigation/Actions](#)

Rurality

[Public Impact](#)

Neutral

[Staff Impact](#)

Neutral

[Decision Rationale](#)

No impact has been identified for this characteristic as it is not relevant to the service detailed within this assessment.

[Mitigation/Actions](#)

Item 1. Selected.

Tender for Care Support Service for Children with a Disability

Department: Childrens Services

Status: Approved

Service Area: Access, Resources & Business Development

Approved: 25/08/2021

Appendix One

Project Title	Contract term & start date	Anticipated Hampshire County Council value (annual)	Anticipated Hampshire County Council value (total)	Total potential framework value (includes IOW spend)	Approval required
Care Support for Children with a Disability	6 years 15 July 2022 start date	£1,000,000	£6,000,000	£6,450,000	Approval to spend