

**Decision Maker:** PORTFOLIO HOLDER FOR CARE SERVICES

**Date:** For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Tuesday 28 June 2016

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** AUTHORISATION FOR EXEMPTION TO CONTINUE THE CONTRACT FOR SUPPORT SERVICES TO CHILDREN AT RISK OF SEXUAL EXPLOITATION

**Contact Officer:** Anita Gibbons, Head of Safeguarding Quality Assurance, Children's Social Care  
Tel: 020 8313 4610 E-mail: [anita.gibbons@bromley.gov.uk](mailto:anita.gibbons@bromley.gov.uk)

**Chief Officer:** Kay Weiss, Interim Director of Children's Services  
Tel: 0208 313 4644 E-mail: [kay.weiss@bromley.gov.uk](mailto:kay.weiss@bromley.gov.uk)

**Ward:** All Wards

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1. Reason for report

- 1.1 The current contract for support services to children at risk of sexual exploitation is due to end on 30<sup>th</sup> June 2016. The service specification is to be reviewed to accommodate any outcomes from the current inspection of Children's Services. In the meantime, to ensure continuity of service and support to vulnerable young people, it is proposed to award a further nine month contract to the current provider via exemption to competitive tendering, approval of which is required from the Care Services Portfolio Holder due to the cumulative value of the contract.
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2. **RECOMMENDATION**

- 2.1 The Care Services Portfolio Holder is requested to approve a further award of contract to the existing provider, via an exemption to competitive tendering, for a nine month period, during which the contract will be retendered based on a revised specification.

### Corporate Policy

1. Policy Status: Existing Policy: Further Details; Safeguarding Children and Young People.
  2. BBB Priority: Children and Young People :
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### Financial

1. Cost of proposal: Estimated Cost : £55k
  2. Ongoing costs: Recurring Cost : Subject to future procurement
  3. Budget head/performance centre: 810170 & 132563
  4. Total current budget for this head: £20k (810170) and £35k (132563)
  5. Source of funding: Council's General Fund & Tackling Troubled Families Grant
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### Staff

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
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### Legal

1. Legal Requirement: Statutory Requirement : Further Details: Education Act 2002, Children's Act 2004, duty to safeguard and promote the welfare of children.
  2. Call-in: Applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 12 young people per year assessed as being at risk of sexual exploitation.
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

- 3.1 The Local Authority has a general statutory duty under the Education Act 2002 and Children's Act 2004 to safeguard and promote the welfare of children and to comply with relevant guidance issued by the Secretary of State (such as 'Tackling Child Sexual Exploitation 2015').
- 3.2 A contract is currently held with a provider to provide a specialist programme of support working with young people to divert them from the risk of sexual exploitation by engaging with them and reducing risk taking behaviours. The contract allows for up to twelve young people receiving the service at any one time, which includes one-to-one counselling, drop in sessions and group work. The contract also delivers training sessions to Bromley social workers as well as attendance at social work panel meetings.
- 3.3 The current contract is due to expire on 30<sup>th</sup> June 2016.
- 3.4 Retendering for the current contract commenced at the beginning of 2016. Proposals were received and were in the process of evaluation. Due to the sensitivity of the service and its client group, the service leads did not feel confident in completing the evaluation on the basis of written submissions alone and arrangements were put in place to conduct detailed interview assessments of the proposals. However, during this period the OfSTED inspection of Children's Social Care services commenced and initial feedback suggests that the current service specification may be insufficient to meet a wider range of identified service user needs.
- 3.5 Work will commence on service redesign following the published OfSTED inspection report expected on 27 June 2016. In the intervening period, there is still a requirement for ongoing specialist support from the current practitioner for the existing caseload of young people, an increase in capacity of the provision to accommodate the current waiting list of six children, and the continuation of planned training sessions for practitioners. Therefore it is proposed to continue with the existing provision and provider for a further period of nine months with an increase in capacity, via an exemption to competitive tendering, until a new contract is able to be put in place.
- 3.6 The contract has been held with the current provider since 2012/13. In the first year of operation, the service was provided at no cost to Bromley as part of a government funded initiative to develop and improve the services on offer to prevent child sexual exploitation.
- 3.7 Subsequently, the Council contracted with the current provider via exemption to competitive tender (as a specialist service and provider) in both 2013/14 and 2014/15; the contract was extended for a further year to the end of March 2016 with the intent to renew the contract for 2016/17 by way of a competitive tender. The contract was extended for a further three months to the end of June 2016 to accommodate delays in the retendering process for the contract.
- 3.8 The cumulative value to date of the contracts let to the current provider by exemption to competitive tendering or through extension to the existing contract is £112,395.
- 3.9 It is proposed to award a further nine month contract to the current provider via an exemption to competitive tendering to allow further review of the service requirements and specification to take into account any actions arising from the current inspection of Children's Services, whilst ensuring continuity of service for existing vulnerable children. The proposed value of the new contract is £55k (based on the pro rata of the annual contract value and an increase in capacity of the contract), which would lead to an overall cumulative value of £167,395.
- 3.10 Approval to award a new contract via an exemption to competitive tendering is required from the Portfolio Holder for Care Services.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 Budgetary provision is available in 2016/17 for the continuation of the contract with an overall budget of £20k funded from the Assessment & Family Support budget (810170) with the remaining funding from the 'Tackling Troubled Families' grant (132563), subject to drawdown.
- 4.2 The future contract is likely to be expanded in scope and volume and the service leads will work with Finance colleagues to establish appropriate and sustainable funding sources for this, including exploration of the 'Better Care' fund to support working with young adults.

#### **5. LEGAL IMPLICATIONS**

- 5.1 This report seeks the approval of the Portfolio Holder to extend the term of a contract, via a new contract awarded via exemption to competitive tendering, for the provision of support services to children at risk of sexual exploitation for a period of 9 months and a value of £55,000.
- 5.2 Rule 13 of the Contract Procedure Rules provides that where the value of the contract exceeds £50,000 Chief Officers may approve variations/extensions/exemptions to contracts subject to obtaining the agreement of, inter alia, the Director of Resources, the Finance Director and approval from the Portfolio Holder if over £100k.
- 5.3 The report states that, if the extension of time is awarded, the cumulative total of the contract will be £167,395. This is under the relevant financial threshold contained in the Public Contracts Regulations 2015 and Part 2 of the Regulations does not therefore apply.
- 5.4 Regulation 18 does apply and requires the Council to treat economic operators equally and without discrimination and to act in a transparent and proportionate manner. In this case the report states that a procurement is in process and continuity of service is required until a new contract is awarded.
- 5.5 The report states that these services are required pursuant to the general duties contained in the Education Act 2002, the Children's Act 2004 and statutory guidance such as 'Tacking Child Sexual Exploitation 2015'.
- 5.6 The extension of the term will be carried out by award of a new contract. The report author will need to consult with the Legal Department regarding the execution of the new contract.

#### **6. PERSONNEL IMPLICATIONS**

- 6.1 There are no direct Personnel Implications arising from this report as the staff engaged in delivering the service are not employed by the Council.
- 6.2 Further advice will be sought from Human Resources once the retendering process commences and any personnel implications arising will be subject to a separate report at that time.

<b>Non-Applicable Sections:</b>	Policy Implications
Background Documents: (Access via Contact Officer)	N/A