

Date of meeting:	03 rd October 2024		
Report to:	Cabinet		
Report of:	Executive Director of Children’s Services		
Portfolio:	Cabinet Member – Children, Schools and Families		
Wards affected:	Not applicable		
Is this a key decision:	No Due to the level of expenditure pre-procurement authority needs to be obtained from Cabinet to comply with Contract Procedure Rules.	Included in Forward Plan:	No.
Exempt/confidential report:	No		

1. Summary

- 1.1 This report seeks approval to re-procure an existing care and support package for a child for up to a period of 6 months to give time to conduct a procurement to identify longer term care and support. The procurement exercise will call off the Pseudo Dynamic Purchasing System (PDPS) which has been approved for the Liverpool City Region. The current contract expires on the 12th of October 2024.
- 1.2 This report also seeks permission to procure longer term care and support for this child.

2. Recommendation(s):

- (1) That the Executive Director of Children’s Services in conjunction with the Cabinet Member for Children, Schools and Families be delegated the authority to conduct a procurement exercise for an individual package of care and enter a contract with the selected provider for a maximum period of 6 months (until the end of the 2023/24 financial year) with an annual value of up to £811,200 whilst longer term arrangements are procured. This care and support arrangement is jointly funded between Sefton Council and NHS Cheshire & Merseyside ICB Sefton Place who will be party to the procurement exercise.
- (2) That any inflation or additional costs relating to the lifetime of the 6-month contract and the longer term 3-year contract which will follow is delegated to the Executive Director of Children’s, Schools and Families in consultation with the Cabinet Member within financial standing order and within the current scheme of

delegation.

- (3) That the Executive Director of Children's Services in consultation with the Cabinet Member for Children, Schools and Families be granted delegated authority to award the contract resulting from the procurement exercise outlined above and the procurement of the long-term care, with Cheshire & Merseyside ICB party to the decision making relating to this procurement.
- (4) That the Executive Director for Children, Schools and Families in consultation with the Cabinet Member for Children, Schools and Families is delegated authority to enter longer term contracting arrangements of up to 3 years with Cheshire and Merseyside ICB for the care and support for this child. The Executive Director of Adult Social Care and Wellbeing and Cabinet Member for Social Care be consulted in respect of the longer-term arrangements leading to the transition to adult services.
- (5) That the Executive Director for Children, Schools and Families is delegated authority to identify another provider should the care breakdown over the life of this contract.
- (6) It be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Children's Services and Safeguarding) had given their consent under Rule 46 of the Overview and Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call in" on the basis that it would result in the breach of Public Contracts Regulations 2015, as the call-in period would delay the commencement of the re-procurement.

3. The Rationale and Evidence for the Recommendations

- 3.1.1 On the 13th of July 2024, a decision was taken to direct award a package of care due to an urgent requirement for a child in Sefton.
- 3.1.2 This report seeks permission to re-procure the package of care and support prior to the expiration of the current contract on the 12th of October 2024. The recommendation is to put in place a contract of up to 6 months whilst longer term care and support is identified which would meet the complex needs of this young person. The exercise would ensure best quality and focus on improving longer term outcomes for the child whilst at the same time, achieving better value and compliant spend in line with The Public Contracts Regulations 2015.
- 3.1.3 The procurement would be in consultation with the Director of Adult Social Care, Health and Wellbeing as the child is within the transition to adulthood process. The Council's Children's and Adult's Social Care Teams will work together to deliver a provider event in October 2024 which will engage several providers in anonymously discussing the child and how they can work with the Council and Services to meet the child's immediate and longer-term needs, and outcomes, which includes education. The Services involved with supporting the child will come together to ensure there is a robust transition plan in place, with an aim to commence the transition by January 2025.

4. Reasons for the Recommendation(s):

The recommended proposal will ensure that:

- (1) The Council carries out its duty in relation to cared for children under the Children Act 1989, to ensure they are safeguarded and welfare promoted.

- (2) It will allow adequate care support to be in place while an appropriate, longer-term placement is sought, in consultation with Adult Social Care.
- (3) The Council's spend is compliant with the Public Contracts Regulations following the expiration of the current waiver on the 12th October 2024.
- (4) The re-procurement activity provides the opportunity to achieve better quality and value through increased competition.

5. Financial Implications

The current total weekly cost of the package of care exceeds the delegation of the Executive Director of Children, Families and Schools. The package is currently joint funded by Children's Social Care and Cheshire & Merseyside ICB Sefton Place. The current costs of provision are reflected in the services budget monitoring statement for the year as reported previously to cabinet therefore this does not increase the pressure in the service.

6. Legal Implications

- 6.1 As stated in **Reasons for the Recommendation(s): 1 & 3.**

7 Risk Implications

- 7.1 Overall, there is low—moderate risk associated with the recommendations within the report however it must be noted that a change to eligibility for contribution from Cheshire and Merseyside ICB who are jointly funding this arrangement may lead to a potential budget pressure within the Council.
- 7.2 There is a risk around the potential transfer of care to a different provider. If the package of care were awarded to a different provider, the social work team and the commissioning team and the quality team involved in the care and support of the child would put a transition plan in place to help mitigate the risk.
- 7.3 There is a risk around the short timescales in which the re-procurement exercise needs to be completed and how this provides limited time for prospective bidders to respond to the invitation to tender. This will be mitigated by immediate engagement with a range of providers suitable to manage the complexity of the arrangement. Cheshire and Merseyside ICB Place Team would be involved in selecting the provider.
- 7.4 A decision to reject the recommendations within the report would cause the Council to be in breach of The Public Contracts Regulations 2015. This would result in current waiver being allowed to expire without re-procurement of the package of care.

8 Staffing HR Implications

- 8.1 There are no risks associated to Financial, IT, Staffing and Assets.

9 Conclusion

- 9.1 For Cabinet to endorse the recommendations set out in the report, as the decision to reject them would pose financial, reputational and Legal risk.

10 Alternative Options Considered and Rejected

- 10.1 **Option 1 – To extend the current waiver.** Extending the current waiver by any more than 2 days would take the contract amount over the threshold and would be in breach of the Contract Procurement Regulations.

Equality Implications:

There are no equality implications.

Impact on Children and Young People:

No wider impact on children and young people.

Climate Emergency Implications:

The recommendations within this report will have a neutral (or negligible) impact.

As part of the mini-competition, bidders will be expected outline how they will achieve Social Value, which makes of 10% of the scoring, of which the environment and sustainability is evaluated.

What consultations have taken place on the proposals and when?**(A) Internal Consultations**

The Executive Director of Corporate Services & Commercial (FD.7786/24) and the Chief Legal and Democratic Officer (LD.5886/24) have been consulted and any comments have been incorporated into the report.

The Procurement Team, Legal Services and NHS Sefton Place have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not applicable.

Implementation Date for the Decision:

With immediate effect. The Chair of the Overview and Scrutiny Committee (Councillor Hardman) has given approval under Rule 46 of the Overview and Scrutiny Procedure Rules for the 'call-in' period to be waived in respect of the executive decision.

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Appendices:

There are no appendices to this report.