

COUNCIL – 14 NOVEMBER 2024

REPORT OF THE LEADER OF THE COUNCIL

COUNCIL CONSTITUTION – RULE 46 (WAIVING CALL-IN) PROVISIONS

I wish to report that the Chair of the Overview and Scrutiny Committee (Children's Services and Safeguarding) gave her consent, under Rule 46 (Waiving Call-In) of the Access to Information Procedure Rules set out in the Council's Constitution. The report was in relation to the Procurement of a Temporary Package of Care and it was not subject to call-in on the basis that the decision could not be reasonably deferred because it would result in the breach of Public Contracts Regulations 2015, as the call-in period would delay the commencement of the re-procurement.

CABINET – 3 OCTOBER 2024

51. Procurement of a Temporary Package of Care

The Cabinet considered the report of the Executive Director - Children's Social Care and Education seeking approval to re-procure an existing care and support package for a child for up to a period of 6 months, to allow time to conduct a procurement to identify longer term care and support. The procurement exercise would call off the Pseudo Dynamic Purchasing System (PDPS) which had been approved for the Liverpool City Region. The report indicated that the current contract would expire on 12 October 2024 and also sought permission to procure longer term care and support for the child.

Decisions Made:

That

- (1) the Executive Director - Children's Social Care and Education, in conjunction with the Cabinet Member - 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 and Merseyside ICB Sefton Place who will be party to the procurement exercise;
- (2) any inflation or additional costs relating to the lifetime of the 6-month contract and the longer term 3-year contract which will follow be delegated to the Executive Director - Children's Social Care and Education, in consultation with the Cabinet Member - Children Schools and Families, within financial standing orders and within the current scheme of delegation;
- (3) the Executive Director - Children's Social Care and Education, in consultation with the Cabinet Member - 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 and Merseyside ICB party to the decision-making relating to this procurement;

- (4) the Executive Director - Children's Social Care and Education, in consultation with the Cabinet Member - Children Schools and Families, be delegated authority to enter longer term contracting arrangements of up to 3 years with Cheshire and Merseyside ICB for the care and support for the child. The Executive Director - Adult Social Care, Health and Wellbeing (Place Director) and the Cabinet Member – Adult Social Care and Health and Deputy Leader be consulted in respect of the longer-term arrangements leading to the transition to adult services;
- (5) the Executive Director - Children's Social Care and Education be delegated authority to identify another provider should the care break down over the life of the contract; and
- (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.

Reasons for the Decisions:

The recommended proposal would ensure that:

- (1) The Council carried out its duty in relation to cared for children under the Children Act 1989, to ensure they were safeguarded and welfare promoted.
- (2) It would allow adequate care support to be in place while an appropriate, longer-term placement was sought, in consultation with Adult Social Care.
- (3) The Council's spend was compliant with the Public Contracts Regulations following the expiration of the current waiver on 12 October 2024.
- (4) The re-procurement activity provided the opportunity to achieve better quality and value through increased competition.

Alternative Options Considered and Rejected:

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.