

**REPORT TO:** Executive Board

**DATE:** 19 September 2013

**REPORTING OFFICER:** Strategic Director, Children & Enterprise

**SUBJECT:** Contracted Services for Children and Young People's Emotional Wellbeing and Mental Health Services, Early Intervention and Targeted Provision (*Hear4u*) — Waiver of Tendering Standing Orders

**PORTFOLIO:** Children, Young People and Families

**WARDS:** Borough-wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To request the suspension of the relevant Procurement Standing Orders 3.1 to 3.7 (tendering/competitive requirements), in accordance with the provisions of Standing Order 1.8.4 under the exceptional circumstances set out in this report, which places a requirement on the Council to tender or obtain quotes for contracts set up with external providers.

## **2.0 RECOMMENDATION: That**

- 1) in light of the exceptional circumstances set out below, Procurement Standing Orders 3.1 to 3.7 be waived on this occasion through 1.8.4 (c) where compliance with Standing Orders would result in a clear financial or commercial detriment to the Council, in respect of the contracted Children and Young People's Emotional Wellbeing and Mental Health Services, Early Intervention and Targeted Provision. The waiver is requested to ensure that children and young people receive continuous care and support whilst a review of this service area is undertaken by Halton Children's Trust partners in order to determine the requirements for future provision; and
- 2) the Strategic Director, Children and Enterprise be authorised, in conjunction with the portfolio holder for Children, Young People and Families, to enter into the above contract for one year from April 2014 to the end of March 2015.

### **3.0 SUPPORTING INFORMATION**

- 3.1 Since 2008 Halton has commissioned Children and Young People's Emotional Wellbeing and Mental Health services focused upon the provision of individual and family counselling and linked therapies. Since April 2012 this provision has been commissioned from Barnardo's as the *Hear4u* service.
- 3.2 The service has consistently received a high volume of referrals from partner agencies across Halton Children's Trust and demonstrates the continuing level of need in Halton for this provision. Ongoing performance management and data analysis implemented by the Contracts and Commissioning Team evidences a 41% increase in referrals in 2012-2013 against the previous year – a trend which has continued throughout the first quarter of 2013/14. Nearly 20% of the children and young people accessing the service have a disability or learning difficulty/disability.
- 3.3 Due in part to the demand for this service from children, young people and their families, a comprehensive review of children and young people's emotional wellbeing provision is currently being undertaken by Halton Children's Trust partners. This review will determine the needs in this service area and the provision required to meet these needs.
- 3.4 The contract for the existing service will end on 31 March 2014, and there is no further facility for an extension within the contractual terms and conditions. This would entail the therapists working within the service being put 'at risk' by Barnardo's in accordance with employment law, which would potentially result in staff losses. Due to clinical requirements and safeguarding considerations, the service would need to close to new referrals in December 2013 as it is inappropriate to start a course of therapy with a child, young person or family unless there is a reasonable expectation that it can be completed by the same therapist.
- 3.5 The waiver is requested for one year so that service delivery can continue without disruption during the period in which the review of children and young people's emotional wellbeing provision is progressed, thus ensuring continuous care and support for some of our most vulnerable families. Once the review has been completed, it will inform future tendering requirements.

### **4.0 BUSINESS CASE FOR WAIVING STANDING ORDERS**

#### **4.1 Value for money and Competition**

- 4.1.1 Although an alternative provider may be available, going out to tender for a new contract to start in April 2014 would result in significant disruption to the service due to the need to close for referrals during the

three month period from December 2013. As well as exerting a significant negative impact upon the care and support provided to vulnerable children, young people and their families, this would also place additional demands upon other services working with the families concerned and therefore impact negatively upon the operational and financial capacity of those services.

- 4.1.2 By waiting until the current review has determined and reported its findings before going out to tender, the Council will ensure that the future service specification will accurately reflect the needs and service requirements for this area of provision. This will support both value for money and competition considerations.
- 4.1.3 Through this recommendation, the Council will ensure continuous care and support for children, young people and their families. However, officers will keep the situation under review, particularly in respect of emerging information regarding alternative provision and costings, to ensure that desired outcomes continue to be achieved and that the method of service delivery remains the most cost effective option for the Council.

## **4.2 Transparency**

In order to ensure transparency, it is proposed that the service will continue to submit performance reports to named lead commissioning officers. The frequency and detail will be agreed by the relevant Commissioning Manager as part of the contract compliance process. Subject to issues of commercial confidentiality, information about the contracts would be accessible under the Freedom of Information Act and under the annual audit process.

## **4.3 Propriety And Security**

The extension of this contract complies with Halton Borough Council's standing orders and procurement processes. The contract specification sets out requirements in respect of minimum standards for the delivery of care and support and will include comprehensive standards relating to the safeguarding of children and young people. The cost of entering into this contract will be contained within existing available budgetary provision.

## **4.4 Accountability**

The Operational Director for Children's Organisation and Provision would be responsible for the award of the contracts. The contracts and the award process are open to PPB Scrutiny and internal and external audit.

## **4.5 Position of the contract under the Public Contracts Regulations 2006**

As these contracts are for educational and social care services, they are exempt from the 2006 Regulations so there is no need to advertise for expressions of interest in the official Journal.

## **5.0 POLICY ISSUES**

- 5.1 The emotional health and well-being of children and young people is a key priority for Halton Children's Trust and Halton's Health and Wellbeing Board, and within the range of plans that have been agreed by both Boards.

## **6.0 OTHER/ FINANCIAL IMPLICATIONS**

Financial implications of this contract will be met from existing budgetary provision.

## **7.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **7.1 Children and Young People in Halton**

The delivery of early intervention and targeted emotional health and well-being services to children and young people supports Halton's focus upon Early Help, together with the agreed priorities of Halton Children's Trust and Halton's Health and Wellbeing Board including the Health and Wellbeing Board Mental Health Action Plan.

### **7.2 Employment, Learning and Skills In Halton**

A lack of sufficient service provision is likely to impact adversely upon children and young people with emotional health needs, which will subsequently impact upon their learning and future employment and skills development.

### **7.3 A Healthy Halton**

Emotional health and well-being services impact directly upon the health and well-being of children and young people with an identified need in this area of development.

### **7.4 A Safer Halton**

The service provides support to children with additional needs and their families, and helps them to access appropriate service provision within their local communities. This links to satisfaction with services and overall perception of the area in which people live.

## **7.5 Halton's Urban Renewal**

None identified.

## **8.0 RISK ANALYSIS**

The current contract for this service is due to expire on 31 March 2014; should the waiver not be agreed, referrals into the provision will cease for a significant period of time. Failure to have this service operating at full capacity will lead to vulnerable families being placed under increased pressure and will also exert a negative impact upon the achievement of priority outcomes agreed by Halton Children's Trust and the Halton Health and Wellbeing Board.

In addition, tendering for a new service before the review has reported its findings will impede the development and delivery of a service specification that would most accurately and effectively meet local needs.

## **9.0 EQUALITY AND DIVERSITY ISSUES**

The contract specified within this report relates to the needs of individuals and families with protected characteristics as defined within the Equality Act 2010.

## **9.0 REASON(S) FOR DECISION**

Not applicable.

## **10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Not applicable.

## **11.0 IMPLEMENTATION DATE**

Not applicable.

## **12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Equality Impact Assessment (2011)	Contracts & Commissioning Team, Second Floor, Rutland House	Kelly Byrne