

REPORT TO: Executive Board

DATE: 19 September 2013

REPORTING OFFICER: Strategic Director, Children & Enterprise

SUBJECT: Contracted Services for Missing from Home and Care service for young people across Cheshire – 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), 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, to request the suspension of the relevant Procurement Standing Orders through 1.8.4 (c) where compliance with Standing Orders would result in a clear financial or commercial detriment to the Council, and 1.8.4 (f) where compliance with Standing Orders would be inconsistent with joint and Partnership working or special external funding arrangements, in respect of the contracted Missing from Home and Care Services. Procurement Standing Orders 3.1 to 3.7 be waived on this occasion in order to extend existing contract with Catch 22 for the provision of Missing from Home and Care services to children and young people across the four Local Authorities In Cheshire in order to ensure continuous care and support, 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 a Missing from Home and Care service in order to fulfil its responsibilities under the statutory guidance on children and young people who go missing from home or care. The

guidance serves to safeguard all runaways and to redress the imbalance that currently exists between services offered to runaways from the looked-after population and those who run away from home.

- 3.2 During 2010 and 2011 the Local Safeguarding Children Boards (LSCB'S) of Cheshire East, Cheshire West and Chester, Halton and Warrington with Cheshire Constabulary, have collaborated to produce a Pan Cheshire Joint Protocol for Children and Young People who run away or go Missing from Home or Care. The joint protocol seeks to identify and manage the risks and ensure a consistency in approach across borders and agencies.
- 3.3 During this time period the four local authority commissioners had a dialogue around the possibility of a pan Cheshire MFH service. All four local authorities agreed to go ahead with a joint commission with Halton being the lead authority, Catch 22 were the successful provider that started in 2012.
- 3.4 The Service works across all of the four local authority areas with clear links with Cheshire Constabulary's missing from home co-ordinators to support young people who have been notified as missing from home or care. There is a co-ordinated and organised response including return interviews will facilitate direct intervention work with children, young people and their families.

4.0 BUSINESS CASE FOR WAIVING STANDING ORDERS

4.1 Value for money and Competition

- 4.1.1 Although alternative provision may potentially be available however going forward with a new provider for a one year contract would have a significant negative impact from operational perspective which would disrupt service delivery and support offered to vulnerable children, young people and their families.
- 4.1.2 Cheshire East, Cheshire West and Chester and Warrington local authorities have all agreed to go forward for the next 12 months with the same provider. Continuing with this joint commissioning approach is the best cost effective option required to provide a specialist service as for Halton to have a stand- alone service it would be over double the cost.
- 4.1.3 In accordance with the approach taken by Cheshire around joint commissioning for missing from home and care there is further work required around the emerging links to child sexual exploitation, by recommending that existing arrangements continue, the Council will ensure continuous care and support for children and young people as well as exploring those links between missing from home and care and child sexual exploitation. 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 services 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 set out requirements in respect to 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 Operational Director Childrens Organisation and Provision would be responsible for the award of the contracts. The contracts and the award process are open to PPB Scrutiny and the 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 authority continues to have a statutory duty to provide services to looked after children within the authority.
- 5.2 The service supports the Pan Cheshire Missing from Home and Care Protocol with Cheshire Constabulary
- 5.3 The service will assist with key recommendations in the recent OFSTED report in February 2013.

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

This service directly relates to improving the safety and wellbeing of children and young people by reducing the incidents of missing and risky behaviour. This service supports key elements within Halton's Safeguarding and Children and Young People's Plans.

7.2 Employment, Learning and Skills In Halton

The provider will ensure that children and young people that go missing from home or care are supported in their learning and future employment and skills development.

7.3 A Healthy Halton

The service support people to minimise reduce the risks of harm, and access relevant services to improve their physical and mental health and wellbeing.

7.4 A Safer Halton

The service provides support to vulnerable children, young people and families to assist 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.

8.0 RISK ANALYSIS

The current contracts for these services are due to end on 31 March 2014; should the waivers not be agreed, the services will cease delivery of the provision.

If contracts for Missing from Home and Care are not in place, this may lead to the Council being unable to fulfil its statutory duty regarding looked after children. Failure to have this service in place will additionally lead to vulnerable children, young people and families being placed under increased pressure.

9.0 EQUALITY AND DIVERSITY ISSUES

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

10.0 REASON(S) FOR DECISION

Cheshire East, Cheshire West and Chester and Warrington local authorities have all agreed to go forward for the next 12 months with the same provider.

11.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Not applicable.

12.0 IMPLEMENTATION DATE

Not applicable.

13.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Equality Impact Assessment (2011)	Contracts & Commissioning Team, Second Floor, Rutland House	Barbara Butterworth