

**NORTH SOMERSET COUNCIL
DECISION**

**DECISION OF: DIRECTOR OF PEOPLE AND COMMUNITIES
WITH ADVICE FROM: S151 OFFICER AND HEAD OF STRATEGIC
PROCUREMENT
DIRECTORATE: PEOPLE AND COMMUNITIES**



DECISION NO: PC13 (2020/21 SCHEME)

**SUBJECT: RECOMMISSIONING DELAY - 12 MONTH EXTENSION TO CURRENT
INDEPENDENT FOSTERING AGENCY (IFA) FRAMEWORK 2021-2022**

KEY DECISION:

Yes

REASON:

The existing framework contract covers expenditure of more than £500,000. The average annual spends since 2016/17 is c. £2.5m and the actual spend for 2019/20 was c. £2.7m.

BACKGROUND:

The following framework contract is due to be recommissioned in line with Contract Standing Orders, however, due to the pandemic, this will impact on normal processes being followed within the planning timescales previously agreed. Normally there would be market engagement events and liaison with other Local Authorities, which cannot be completed effectively due to the pandemic in the timeframe required.

Independent Fostering Agency Framework (currently led by BANES) – contract end date 31st March 2021.

CSOs

6.3.2 reasons of extreme urgency mean that normal time limits cannot be met, including as a result of unforeseen emergency or disruption to Council services. This may include for example, storm damage to public buildings. Not having sufficient time to tender may not in itself constitute urgency.

DECISION:

To approve the extension of the current framework as follows:

Independent Fostering Agency Framework (currently led by BANES) for 12 months from 1st April 2021 to 31st March 2022.

REASONS:

Usually, recommissioning would be started at least 12 months before the required contract start date. The work that would normally be undertaken is not able to be effectively done, such as market engagement events and liaison with the other Local Authorities who make up the South West group of commissioners; therefore, we are seeking an extension of 12

months on the current framework arrangements. The Lead Local Authority, BANES, will be extending the framework for 12 months, at no additional cost to participating LA's.

OPTIONS CONSIDERED:

Extend current framework – preferred option. Extending the current framework arrangements with BANES as the Lead Local Authority allows existing arrangements to carry on whilst giving more time to commence the work required next year, when the pandemic will not be as prohibitive to joint working arrangements (we hope).

Do nothing – not an option, the current framework expires 31st March 2021 and placements need to be made in line with legislation and preferably not 'off framework' for a multitude of reasons, as would be the case if we did not extend.

Recommission new framework by ourselves – not an option. There are several pieces of work that need to be undertaken in conjunction with other Local Authorities with whom we form the SW commissioners' group to collectively recommission this framework. Commissioning this framework by ourselves would be not a viable option due to reasons already stated, around market engagement for example.

FINANCIAL IMPLICATIONS:

There is no direct financial implication from the decision to directly award and extend the contract for 12 months because the services will operate within their current funding commitments, which are variable. Actual spend for 2019/20 was £2.7m.

Costs

There will be no extra costs from the Lead LA BANES in extending the current framework arrangements for 12 months. There will be no associated costs to extending in relation to officer time: there will be officer time saved. In relation to framework spend, the average annual cost since 2016/17 is £2.5m but the actual spend for 2019/20 was £2.7m

Funding

The spend on this framework comes from budgets across services for Looked After Children. This will not be any different by extending current arrangements for 12 months.

LEGAL POWERS AND IMPLICATIONS

There are several key pieces of legislation underpinning LAs statutory requirement for Looked After Children¹ including but not limited to: The Children Act 1989, as amended by the Children and Families Act 2014, and the Children and Social Work Act 2017. The Care Act 2014 and Working Together to Safeguard Children 2018 are key for safeguarding C&YP. More widely, we have a statutory duty for NSC to have 'sufficient'² placements for those who are looked after. In house fostering arrangements are not plentiful enough in North Somerset, which means that other types of placements are required, such as IFA's and Registered Children's Homes.

¹ The terms Child Looked After and Looked After Child are often terms used interchangeably but for the purposes of this Decision shall both be taken to mean as defined in section 22 of the Children Act 1989 means a child (0-18 years of age) who is subject to a care order (or an interim care order) or who is accommodated by the local authority, who assume the role of Corporate Parent.

² Sufficiency Statutory guidance on securing sufficient accommodation for looked after children, March 2010
<https://www.gov.uk/government/publications/securing-sufficient-accommodation-for-looked-after-children>

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

As per current framework arrangements:

29. Environment

29.1 The Provider shall endeavour to ensure that during the performance of the Contract it uses working methods, equipment, materials and consumables that minimise environmental damage.

CONSULTATION

Strategic procurement were consulted with on various extensions due to Covid-19, including this framework. Other Local Authorities have also been consulted with and wish to extend the current framework.

RISK MANAGEMENT

If the extension is not granted, there are many risks to placing 'off framework' without a quality assured contract in place, not limited to insurances, full references and financial viability of a company being checked etc. Extending the current framework offers assurance that all the background checks would have been done with providers being placed with and that will not come at an increased cost from BANES, is our current understanding.

There is a challenge to the council's procurement method

- The current framework was procured in a transparent and robust process.
- It will open again to allow the opportunity to add new providers to the list during the lifetime of the process will reduce the need to award placements 'off-contract' and this reduces the risk of challenge.

EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? No. This is because a full EIA would have been completed at the start of the current framework.

CORPORATE IMPLICATIONS

None.

APPENDICES

None.

BACKGROUND PAPERS

- Market Position Statement Local Authorities' Framework Agreement for 2017-2022
- 20160811 Purchase Order for B&NES to lead on the framework
- 20170626 North Somerset Council - Independent Fostering Contractual Documents
- Pricing Schedule Nov 19 COMMERCIALLY SENSITIVE

SIGNATORIES:

DECISION MAKER(S):



Signed:

Title: Director, People and Communities

Date: 24.8.20

WITH ADVICE FROM:



Signed:

Title: S151 Officer

Date: 24.8.20



Signed:

Title: Head of Strategic Procurement

Date: 18.8.20

Footnote: Details of changes made and agreed by the decision taker since publication of the proposed (pre-signed) decision notice, if applicable:



