

North Somerset Council Decision



Decision Of: Director of Children's Services

With Advice From: s151 Officer and Head of Strategic Procurement

Directorate: Children's Services

Decision No: CY03 2022-23 SCHEME

Subject: The Direct Award of the Support Service for Families for Children with Additional Needs Contract Aged 0-5

Key Decision: YES

Reason:

This contract over 5 years will incur higher spend than £500k.

Background:

Springboard Opportunity Group (SOG) are in the fifth year of delivering a contract on behalf of North Somerset Council (NSC) to support children and their families with additional needs, aged 0-5 years (which started on 30 September 2017).

There are no other providers within North Somerset who can deliver work on the scale that SOG do: they are a respected and established provider who are relied upon by parents, carers, and professionals to help navigate the Early Years journey for children with additional needs. SEND Ofsted inspections have been complementary of the work that SOG does in NS and NSC get a high level of value for money from our contribution of just over £100k per annum, of which NSC recoup £25k from the Clinical Commissioning Group.

Prior to the contract, SOG held a long-standing external commissioning arrangement for a support and play service grant, but this was changed to a contract due to the inclusion of KPIs in the SLA. It was tendered for following a procurement process and SOG were the only provider to apply, however several expressed an initial interest. We have had two one-year extensions to the initial term (in October 2020 and October 2021). *Please see P&C10 – 2017/2018 scheme, P&C95 – 2019/2020 scheme and CY25 2021/2022 Scheme for previous Decisions.*

SOG are a local charity that was set up over 20 years ago in North Somerset by a family of child with additional needs and they support much work that NSC deliver, outside of this contract. SOG receive multiple sources of grant funding streams, including Children in Need, this means that Springboard have their own base in North Somerset, as well as working from the Children's Centres including Ashcombe, the Healthy Living Centre and Castle Batch.

The work involves targeted family support work and a specialist service which includes early learning through play sessions with the provision of a range of specialist equipment. There is provision of one-to-one support and group work plus visits to the family home.

This holistic service works in close partnership with NSC Children's Centres and offers support and advice for parents/carers with appropriate sign posting to support decisions for ongoing educational needs and contributes to a smooth transition to school. Stay and Play groups are popular and staff also attend multi agency meetings.

The Direct Award of this contract will support our NSC policy objectives to be an empowering and caring council. The contract inherently protects the most vulnerable people in our community, young people, and their families with additional needs, and focusses on tackling inequalities and improving outcomes for them too. Springboard operates in partnership, with families, NSC departments including SEND and Education, other providers such as other Early Years Settings and employs local people.

Ultimately, this contract continues to offer a collaborate way of working with partners and families to support children to achieve their full potential, by laying down the building blocks of Early Years support.

Decision:

To Direct Award the *Support to Families with children who are 0-5 with Additional Needs* contract to Springboard Opportunity Group (SOG), the current provider, for 5 years from October 2022-September 2027.

Reasons:

The Direct Award, rather than going out to tender, is on the grounds of Exceptions to NSCs Contract Standing Orders (CSOs). SOG are providing the best value for money and are the only provider who can reasonably deliver this service in North Somerset (within the budget envelope).

Two suppliers did reply to an email enquiry assessing interest around a tender, however they both indicated that they would need funding for premises, which is not economically viable.

The Contracts and Commissioning and Procurement Teams have considered whether this work should sit under a grant agreement, but due to the nature of contract management and reporting on KPIs, a contract seems the most sensible way forward at this time.

NSC would like to offer the contract for a full 5 years to enable a degree of certainty for SOG's planning and this keeps below the threshold of the Light Touch Regime under the Procurement Contract Regulations 2015 and allows SOG to have a longer term base position to attract further grant funding opportunities to enhance the existing offer.

Eligible Exceptions (2017 Contract Standing Orders).

6.3.1 quantifiable and significant cost and efficiency savings can be achieved through seeking an alternative route.

Options Considered:

- **Do Nothing – Not an Option.** There is a need in North Somerset for this service, and there is a waiting list now where need has increased since the start of the current contract (due to a multiplicity of reasons).

- **Extend the current contracting arrangements – Not an Option.** NSC have already had the 1+1 extensions which were written into the original contract award.
- **Award a Grant – Was a Preferred Option,** however due to inclusion of KPIs and contract monitoring, as we have done throughout, is not the recommended option.
- **Award a Contract via Direct Award - Recommended Option.** This is due to the reasons stated above. There are no other providers in the area who can deliver, bringing the infrastructure and financial position that SOG already has locally.
- We would like to offer SOG a longer-term contract to aid with their financial planning for staff and attracting funding from other grants, for example, however due to the Light Touch Regime ceiling being £663,540 we can award for a maximum of 5 years, inclusive of 5% inflationary uplifts each year to help with ever increasing staff costs including the National Minimum wage increases.
- **Award a Contract via Competitive Tender – Not an Option.** SOG was the only one to tender a bid last time. There were other providers who Expressed an Interest, and these have all been contacted to see if they would be interested in tendering should we go out to tender. There are no viable expressions of interest this time around at the time of writing this Decision paper, due to needing a premises to be funded, therefore we would like to Direct Award to the incumbent provider, SOG, rather than using time and resource to tender in this market for this particular service, given the financial constraints and what VFM SOG brings to the wider picture.

Financial Implications:

The current contract is £100,727, of which £25k is recouped from the Bristol, North Somerset and South Gloucestershire Clinical Commissioning Group.

It is proposed that a inflationary uplift position is factored into the contract over the 5 years allowing for increases in National Minimum Wage and National Insurance Contributions.

Costs:

£556,579 as a maximum over a five-year period considering annual uplifts in line with the Council position on this decision every year.

Legal Powers and Implications:

The Early Years Foundation Stage (EYFS) is the statutory framework for children aged 0 to 5 years. All early year's providers **must** follow the safeguarding and welfare requirements of the EYFS and the learning and development requirements, unless an exemption from these has been granted (SEND Code of Practice, 2015: 78).

The service supports the Council to meet several statutory duties:

- The Child Care Act 2006 (updated in 2016) - describes choice that is to be available to parents to give their children the best start in life. Section 6 outlines the Duty to secure sufficient childcare for working parents.
- The Children Act 2004 - Part 2 "a duty to safeguard and promote the welfare of children within its area who are 'in need' and where it is safe to do so, promote the upbringing of such children by their families by providing a range and level of services appropriate to those children's needs."
- A child in need is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health

and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled.

- Promotion of services - duty as described in Section 5 of the Child Care Act 2016 and Section 30 of the Children and Families Act 2014 and will take such steps as are reasonably practical to ensure that those who might benefit from the service receive information.
- Care Act 2014 - Section 10 legal duty for Carers to be made aware of their rights and to ask for a carers assessment. Carer's assessment can be requested through the Care Act and the Children and Families Act. The assessment is in respect of the needs of a disabled Child to include an assessment of his or her carer's ability to provide care to the child, where the carer requests to do so.
- The Children and Families Act 2014 - established services that can be provided to the families of disabled children also sets out the legal requirement for respite services for carers of children with SEND.
- Chronically Sick and Disabled Persons Act 1970 - Section 1 "Information as to need for and existence of welfare services..." "...It shall be the duty of every local authority having functions under section 29 of the National Assistance Act 1948 to inform themselves of the number of persons to whom that section applies within their area and of the need for the making by the authority of arrangements under that section for such persons."
- The National Assistance Act 1948 – as above and Section 30 enables Local Authorities to provide a service by employing as their Agent any voluntary organisation or any persons carrying out professionally or by way of trade or business, the provision of service provided the organisation or person appears to the Authority to be capable of providing the service.

Climate Change and Environmental Implications:

SOG are a small local charity who employ local people which benefits the whole community. Contract meetings are extremely convenient at no cost of mileage as they are based in Clevedon and Weston, where NSC have their offices, however since the Covid-19 pandemic meetings have been held virtually via MS Teams. Therefore, travel is not required for NSC and SOG staff. Face to face meetings will be returned to at some point and a hybrid approach employed for reasons of productivity.

In relation to the reuse, reduce and recycle agenda, SOG has confirmed that their office furniture, as well as most of the IT equipment, is donated or purchased second hand. SOG are part of a local supermarket scheme where they collect food near its sell by date to use in the playrooms, reducing food waste. The Clevedon playroom also uses cloth towels to reduce paper towel waste (which is non-recyclable and goes to landfill).

Consultation:

Direct Award of the Contract has the support of the Head of Front Door and Family Wellbeing, the Children's Contracts and Commissioning team, as well as wider SEND colleagues, as well as Procurement on the grounds of exception to Contract Standing Orders as aforementioned. Springboard is spoken highly of in the SEND Programme Board meetings by not only internal colleagues at NSC, but wider colleagues in the Weston Area Health Trust Speech and Language Team, for example. The LJAR following the Ofsted Inspection did not yield any actions for Early Years provision in relation to SEND. SOG are well respected by parent carer groups also, as well as testimonials from families being compiled along with quantitative performance monitoring.

Risk Management:

Threats:

- It is the author's understanding that the CCG still have not announced their funding intentions for the duration of the proposed Direct Award (5 years), however they are committed to the joint commissioning of these services in the BNSSG footprint.
- The risk of the CCG not continuing to fund their element as part of the wider joint commissioning activity is that the £25,000 will need to be found from elsewhere in the Children's budget for the duration of the contract.
- The service has grown, and demand has further increased, partly due to the Covid-19 impact. The need to meet a continuum of demand will need to be kept under review.

Opportunities:

By Direct Awarding the contract, this allows SOG to recruit staff to deliver the service to children and families with additional needs and plan on a more long-term basis

Risk control measures (mitigation or maximisation):

Direct Award the contract, even if CCG funding intentions have not yet been announced.

Risk from not agreeing to the proposed action:

If NSC do not Direct Award the contract this places SOG in a vulnerable position in terms of securing other charitable grant monies which they need to be able to deliver the whole service. Soft market testing tells us that SOG are the only provider, due to their existing base and work they are delivering already, who can deliver the services required within the existing funding envelope.

Equality Implications:

Have you undertaken an Equality Impact Assessment? No.

Springboard are offering, by the nature of the service, an excellent service to children and families/carers who are affected by special educational needs and/or disability. Any impact is positive to marginalised and protected groups.

A new EIA can be undertaken if required.

Corporate Implications:

This service has positive cross service implications for the wider SEND team and education services, as SOG prepare children their families to transition to primary school, as well as supporting their health needs.

Appendices:

- Contract Award Decision and Decision P&C10 2017/2018
- P&C95 – 2019/2020 scheme (1 year extension from October 2020-September 2021)
- CY25 – 2020/2021 scheme (1 year extension from October 2021-September 2022)

Background Papers:

DLT paper January 2017.

Signatories:

Decision Maker(s):



Signed:

Title: Director of Children's Services

Date: 25.05.22

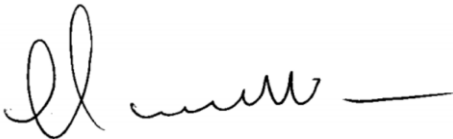
With Advice From:



Signed:

Title: s151 Officer

Date: 25.05.22



Signed:

Title: Head of Strategic Procurement

Date: 25.05.22

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