

NOT PUBLISHED ON THE COUNCIL'S WEBSITE

NON-KEY DECISION TAKEN BY THE DIRECTOR OF CHILDREN'S SERVICES

Decision title: Peninsula Residential Framework Tender

Officer making decision: Julian Wooster, Director of Children's Services

Author Contact Details: Louise Palmer, Strategic Commissioner, Tel. 07818 529158

Date of Decision: 9/8/2018

Details of the decision:

That the Director of children's services authorises that Somerset County Council takes part in the South West Peninsula framework tender for residential placements, to be issued in August 2018. It is proposed that the framework would commence in January 2019 for a period of up to 48 months with an option to extend for a further 48 months.

Reasons for the decision:

Since 2006 the council has collaborated with the Peninsula to purchase residential placements from the independent sector. The current framework was awarded on 01 April 2013 for a period of four (4) years and was extended by the Peninsula for a further twelve (12) months beyond its initial term to 31st March 2018, at which point it was re-opened for new entrants and extended for a further six months to September 2018 to provide sufficient time for the procurement procedure to establish a replacement framework to be conducted.

Were we not to pursue a collaborative framework agreement with our Peninsula partners our alternatives would be to spot purchase residential placements with individual contracts with providers, which would not be compliant with our Contract Procedure Rules or the Public Contracts Regulations 2015. This would also give rise to undue administrative burdens across the service and beyond to colleagues within the Commercial and Procurement team, who would be involved in the raising of new contracts, as well as in relation to the monitoring and management of contracts. A second alternative would be to pursue our own fully compliant framework agreement or dynamic purchasing system. This, however, may give rise to higher costs for the Council due to the disaggregation of our spend from the wider Peninsula pot, as well as weaken our voice across the region as well as our position of being a strategically important customer to market participants.

The proposed framework will secure the supply of high quality, locally available placements. In order to achieve positive outcomes for vulnerable children and young people, there is a focus on supporting placement stability and permanence for children and young people, as well as ensuring residential providers will work closely with us on 'step-down' from residential to fostering or semi-independent living.

The framework agreement will also aim to achieve improved value for money for placing authorities through greater transparency of pricing and competition through call-off.

Background to the decision:

The Peninsula Commissioning and Procurement Partnership (PCPP) is a longstanding collaboration between Devon County Council, Plymouth City Council, Torbay Council and Somerset County Council. Devon County Council (DCC) is leading the joint procurement for Peninsula Residential Placements.

The aim of the tender is to award 'Lots' for different geographical locations of residential care, each for a duration of two years with an option to extend for a further two years. The framework is split into three geographical areas; Devon, Plymouth and Torbay; Somerset; Outside Peninsula Boundaries. The framework therefore intends to capture provision within the Peninsula, as well as bringing provision outside the Peninsula under a formal framework contract too. Bidders can bid for either or both local lots, or the outside boundary lot. The aim of the procurement process is to create approved ranking lists for each geographical area.

The timetable for the framework tender is as follows:

Stage	Date
OJEU notice	TBC
Launch Tender	TBC
Tender Closing date	TBC
Evaluation Process	20/08/2018 – 21/09/2018
DCC Cabinet (+Peninsula Cabinets)	November 2018
Prepare standstill letters	November 2018
Stand still period begins – ends	30/11/2018 – 10/12/2018
Implementation	January 2019

The service is expected to have a positive impact on children looked after in Somerset. The needs of each child are recorded and explored by the social worker, and these are represented when searching for a placement. The placement decision will depend on the child's identified needs, and if these cannot be met by the provision, then the child will not be placed there. This is routine practice, therefore no change and no adverse effects are expected. Each organisation's commitment to equality will be checked and enforced through the procurement and subsequent monitoring process. It has therefore been agreed with the Corporate Equality Manager that no Equalities Impact Assessment is required.

Members consulted; members informed :	N/A
Officer consultations completed:	Yes
Senior (including statutory) officer sign off completed	Yes
Public / other consultations undertaken	Not considered necessary
Financial, Legal, HR, Risk, Due regard implications considered	Yes

Background papers:

Somerset Sufficiency Statement for Children Looked After and Care Leavers 2016-2019

<http://www.somerset.gov.uk/childrens-services/care-and-chaperoning/children-in-care/>

Compliance section:

Members consulted; members informed :	N/A
Officer consultations completed:	Yes
Senior (including statutory) officer sign off completed	Yes
Public / other consultations undertaken	Not considered necessary
Do you have sufficient budget or additional funding available and approval to commit this budget or funding and has this been confirmed with the appropriate Finance Service or Strategic Manager?	Yes
Are there any legal considerations to be made?	Yes
Has Legal Services been consulted?	Yes
Are there any TUPE implications arising?	No
Has HR/OD been consulted?	Not considered necessary
Is the decision likely to lead to a procurement exercise?	Yes
Has the Commercial and Procurement Team been consulted?	Yes
Are there any risks arising?	Yes
Have mitigating actions already been taken?	Yes
Have all Due Regard implications been considered?	Yes
If ticked 'No' or 'not considered necessary' for any of the above, please provide your justification below:	

Note - that with immediate effect existing delegations for officer decision making have been suspended. Any officer decisions that propose a commitment to spend over £10k can only be approved by a relevant Strategic Manager, and spend over £25k by a relevant Service Director AND Richard Williams as Director for Commercial and Business Services.

Commercial and Business Services Director Approval: (please note all decisions to commence a procurement exercise or which involve a spend of greater than £25k must be approved by the Commercial and Business Services Director before the decision can be taken).

Sign-off date:

Member consultation completed:	Name(s)	Date
Relevant local County Councillors consulted where decision directly affects their Division	N/A	
Relevant Cabinet Member(s) consulted (if applicable)	N/A	
Opposition Spokesperson informed (if applicable)	N/A	
Chairman of relevant Scrutiny informed (if applicable)	N/A	

Decision Maker

I am aware of the details of this decision, have considered the reasons, options, representations and consultation responses (where applicable) and give my approval / agreement to its implementation.

Signed:

A handwritten signature in blue ink, appearing to read 'Julian Wooster', written over a horizontal line.

Name: Julian Wooster

Post: Director of Children's Services

Date: