



## **CABINET**

16 March 2015

### **Report from the Strategic Director Children and Young People.**

Wards Affected:

ALL

### **Authority to award a contract for Independent Reviewing Officer Services**

#### **1.0 Summary**

- 1.1 This report requests authority to award a contract for the provision of Independent Review Officer Services to the Council as required by Contract Standing Order No 88. This report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

#### **2.0 Recommendations**

- 2.1 That the Cabinet award the contract for the provision of Independent Review Services for an initial contract period of two years from 1st April 2015 to 31st March 2017 to Aidhour Limited with an option for the Council to extend the contract by an additional 12 months subject to satisfactory performance.

#### **3.0 Detail**

## **Background**

- 3.1 In line with legislation, all looked after children have a care plan, which is a written document that sets out the arrangements for their care whilst they are looked after by the local authority. This care plan has to be reviewed by an independent person known as an Independent Review Officer (IRO) in line with timescales as set out in the Care Planning, Placement and Case Review (England) Regulations 2010. As such a review should occur within 28 days of a child becoming first looked after, then at 3 months and then on a 6 monthly basis thereafter. The role of the IRO, who chairs these Looked After Children Reviews, is to have a wider overview of the case including regular monitoring and follow-up between reviews. The IRO has a key role in relation to the improvement of Care Planning for Children Looked After (CLA) and for challenging drift and delay, quality assure and scrutinize each child's care plan and ensure that the child's voice is central to decision making and planning while he/she remains looked after.
- 3.2 During the last financial year Brent had 348 looked after children and a total of 987 looked after children reviews were carried out. 97.1% of reviews were undertaken within the required statutory time scale, with individual IROs completing 20-30 reviews each in any given month.
- 3.3 The service is managed by the council's IRO manager who oversees and monitors the council's contract with the incumbent provider (Aidhour Limited), ensures that all reviews take place in a timely manner, and collates and disseminates any learning arising from the reviews. The post holder also has a key role in managing any difference of opinion between the IROs and the social work teams in relation to the care plan. In addition, the IRO manager undertakes a limited number of reviews.
- 3.4 Following a report to the Cabinet on 10 November 2014, officers were authorised to invite tenders for a contract for Independent Review Officer Services and evaluate them in accordance with the approved evaluation criteria.

## **4.0 The tender process**

- 4.1 As a high value contract, the contract was tendered in accordance with council Contract Standing Orders.
- 4.2 A one stage or open tender process was followed. Advertisements inviting tenders were placed in the Municipal Journal and on the Council's E-procurement system, Due North. Despite a reasonable level of interest from

6 suppliers who raised questions, only one organisation, the current provider Aidhour Limited, submitted a tender by the tender return deadline date of 7 January 2015. Officers have spoken to some of the suppliers who indicated they were interested in tendering for the work but on reviewing the ITT, did not submit a tender because of financial and staff capacity restraints within their own organisations.

4.3 The tendering instructions stated that the tender would be evaluated to identify the most economically advantageous tender having regard to price and quality. The following high-level criteria were approved by Cabinet:

4.3.1 The Quality criteria listed below formed 40% of the evaluation weightings:

- Proposed business models.
- Proposed plans for ensuring effective quality management of the Services and maintenance of the Contract Standard, including self-monitoring and evaluation.
- Proposals for ensuring that the requirements of Child Protection legislation are fully applied in the delivery of the service
- Proposed approach for working in partnership with all stakeholders including the council, children, parents and their carers.
- Specific Health and safety matters relevant to the contract

4.3.2 Price consisted of 60% of the evaluation weightings.

4.4 Attached at Appendix 1 is a copy of the evaluation methodology detailing the criteria, the weighting attributable to each criterion and how the method statements forming part of the tender fed into the evaluation criteria.

4.5 Despite receiving only one bid officers carried out a full evaluation of the said bid to ensure it met all Council requirements and offered value for money and could therefore be recommended for award.

#### Evaluation process

4.6 Evaluation of the tender was carried out by a core panel consisting of three managers from the service area (including the Head of Service), an IRO manager and a senior social worker. Officers from Procurement, Legal, Health and Safety and Finance provided support to the evaluation panel.

- 4.7 All panel members read through the tender areas allocated to them using evaluation sheets and noted down comments on how well each of the award criteria were addressed by the tenderer.
- 4.8 The core panel then met to agree scoring. It will be noted from Appendix 2 that for the quality criteria the tenderer scored 24.16% out of a possible 40%. As the only bidder, Aidhour Limited received the maximum score of 60 per cent for price. The overall score was therefore 84.16% ( see Appendix 2 ).
- 4.9 Officers evaluated the financial aspects of the tender rigorously to ensure it represents value for money. Tenderers had been asked to submit fixed prices for each of the first two years of the contract. Aidhour Limited's tender indicated a total price for this period of £335,100. Based on the current spend of £170k per annum or £340k over two years, this equates to a small saving of £4,900k on the current price paid.

#### Evaluation Conclusions

- 4.10 Having evaluated and scored the tender, Officers consider that the tender from Aidhour Limited indicates that it will be able to provide the relevant services to a high standard and deliver savings to the Council. Whilst not part of the evaluation, it should be mentioned that as the current supplier, Aidhour Limited have consistently met all targets set within the contract.

### **5.0 Financial Implications**

- 5.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £250k or works contracts exceeding £500k shall be referred to the Cabinet for approval of the award of the contract.
- 5.2 The proposed contract award to Aidhour Limited for the financial years April 2015 to March 2017 has a contract price for the service of £ £335,100 ie £167,550 per annum. The council has the option to extend the contract with Aidhour Limited for an additional 12 months up to 31<sup>st</sup> March 2018 and a new contract price for the extended period if required will be set in accordance with the terms set out in the contract.
- 5.3 The contract will be funded from the existing budget for the IRO service within the Children's Social Care budget.

## **6.0 Legal Implications**

- 6.1 The procurement of IRO Services commenced prior to the Public Contracts Regulations 2015 coming into force. As a result, the procurement was conducted in accordance with the Public Contracts Regulations 2006 (the “EU Regulations”).
- 6.2 The estimated value of the contract for the provision of Independent Review services exceeds the EU Regulations threshold for Services. The provision of Independent Review services are however classed as Part B Services for the purposes of the EU Regulations and as such are subject to partial application of the EU Regulations, including:
- (i). Non-discrimination in the technical specification.
  - (ii). Notification of the contract award to the EU Publications Office.

The contract is not therefore subject to the full tendering requirements of EU Regulations.

- 6.3 The estimated value of this contract is above the Council’s Standing Orders threshold for High Value Service Contracts of £250,000, and the award of the contract is consequently subject to the Council’s own Standing Orders and Financial Regulations in respect of High Value contracts. As a result, Cabinet approval is required for the award of the contract.
- 6.4 As the recommendation is to award the contract to Aidhour Limited who are the current supplier, there are no implications relating to the Transfer of Employment (Protection of Employment) Regulations 2006 (“TUPE.”)

## **7.0 Diversity Implications**

- 7.1 The proposals in this report have been subject to screening and Members are referred to the Equalities Impact Assessment at Appendix 3. It will be noted that no negative impact on protected groups has been identified.
- 7.2 Equalities issues are a core requirement for this contract and formed an important part of the evaluation of the tendering organisations’ technical capacity through the assessment of the PQQ and in the assessment of the quality of service both in the written tenders and questions from the panel during the tenderer’s presentation.

- 7.3 Brent IRO service monitors usage of its services, and the progress and achievement that young people make, across a variety of parameters. Specific management information exists by gender, ethnicity and disability.
- 7.4. Consultation on the service is provided by annual surveys such as 'tell us what you think', feedback following looked after reviews and through the young people care in action group, looking at case studies, feedback from partners in written and verbal form, complaints and compliments.

## **8.0 Staffing/ Accommodation Implications**

- 8.1 This service is currently provided by an external contractor Aidhour Limited and the proposal is to award to the same contractor. There are no implications for Council staff arising from retendering the contract and staff delivering the current contract will continue their employment with the existing contractor.

### **Background Papers**

- Cabinet Report of 10<sup>th</sup> November 2014: Authority to invite tenders for the provision Independent Reviewing Officer Services.

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