



**Decision of Cabinet Member for
Children's Safeguarding, Early Help
and Social Care
3 October 2019**

**Report from the Strategic Director,
Children and Young People**

Authority to waive the requirement to tender a 12-month Contract for the Provision of Mental Health and Emotional Wellbeing Services for Children with Disabilities, Looked After Children and Care Leavers in accordance with Brent Contract Standing Orders

Wards Affected:	All
Key or Non-Key Decision:	Non Key
No. of Appendices:	None
Background Papers¹:	None
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1.0 Purpose of the Report

- 1.1 This report concerns a contract for the Provision of Mental Health and Emotional Wellbeing Services for Children with Disabilities, Looked After Children and Care Leavers ('the Contract'). This report requests individual Cabinet Member approval to waive the general requirement to tender Medium Value Contracts in accordance with Brent Contract Standing Orders (84 and 96) and paragraph 13 of Part 3 of the Constitution.

2.0 Recommendation(s)

That the Cabinet Member for Children's Safeguarding, Early Help and Social Care, having consulted with the Leader:

- 2.1 Agrees to waive Brent's Contract Standing Orders requirement to tender a contract for the Provision of Mental Health and Emotional Wellbeing Services for Children with Disabilities, Looked After Children and Care Leavers thereby enabling the Strategic Director for Children and Young People to award the Contract for a period of twelve (12) months from 01/10/2019 to 31/09/2020 to the Central North West London NHS Foundation Trust (CNWL).

3.0 Detail

- 3.1 The council currently commissions two services to support the emotional health and wellbeing of children and young people:

- a) a one-year contract commenced 1 October 2018 for the provision of a Child and Adolescent Mental Health Service for Children with Disabilities, Looked After Children and Care Leavers delivered by Central and North West London NHS Trust (CNWL).
- b) a contract for a Targeted Mental Health and Emotional Wellbeing Service for Children and Young People in Identified Vulnerable Groups with low to moderate needs was awarded to The Anna Freud Centre to commence 1st October 2019 for a period of one year with an option to extend by a further 12 months.

- 3.2 The Child and Adolescent Mental Health Service for Children with Disabilities, Looked After Children and Care Leavers delivered by CNWL ensures that the Local Authority is meeting its responsibilities under the Children Act 2004 Section 10. The current contract delivers:

- Direct and indirect therapeutic interventions for CYP with disabilities with the aim of supporting children with complex behaviours and issues associated with disabilities
- Advice and guidance for foster carers on individual cases
- Training programme for social workers and foster carers
- 'Tree of Life' Group workshops for Looked after Children and Care Leavers that focus on sharing unspoken problems and learning from one another in a group environment with the aim of building resilience
- Advice and guidance for social workers who refer directly for advice on individual children with a focus on upskilling the workforce

- 3.3 The long term aim is for all mental health and emotional wellbeing services commissioned by the local authority to sit within one contract to drive maximum efficiencies. Officers are seeking to recommend the award of a 12-month contract to CNWL with a value of £255k to provide sufficient time to

align the services delivered in the two contracts detailed in paragraph 3.1 in a new operating model.

- 3.4 Officers have been working with Brent CCG on developing a joined up approach to the provision of mental health and wellbeing services including the Child and Adolescent Mental Health Service (CAMHS). This includes a CCG-led proposal for the NHS pathfinder scheme for additional mental health and wellbeing services in response to the Green Paper - Transforming Children and Young People's Mental Health Provision which is being developed with schools and other stakeholders. This work will also influence the shape of future council commissioned services.
- 3.5 The award of a contract to CNWL for a further 12 months for the Provision of Mental Health and Emotional Wellbeing Services for Children with Disabilities, Looked After Children and Care Leavers will:
- provide officers time to bring services together into one contract
 - provide continuity of services to Children with Disabilities with complex behaviours and issues associated with their disabilities and support for Looked after Children, foster carers and practitioners during the transition period.
- 3.6 In accordance with paragraph 13 of Part 3 of the Constitution, the Lead Member for Children's Safeguarding, Early Help and Social Care has consulted the Leader in connection with the Recommendation.
- 3.7 The Lead Member for Children's Safeguarding, Early Help and Social Care is asked to give approval to the proposal as set out in the Recommendation and in accordance with the Constitution.

4.0 Legal Implications

- 4.1 The value of the proposed contract is £255,000. This is less than the EU threshold for Schedule 3 services under the Public Contracts Regulations 2015 (the "EU Regulations") which currently is set at £615,278. The procurement of the contract is therefore only subject to partial application of the EU Regulations and the formalities set under Chapter 8 of them. Accordingly, under the EU Regulations, Brent Council will be required to publish the award of the contract in Contracts Finder within reasonable time.
- 4.2 Given the specialised nature of the proposed contract, it is not considered that the services would be of cross border interest. In the circumstances, should the Council award a contract directly, there is not considered to be a breach of domestic or EU law.

4.3 The value of the proposed contract is £255,000 and award of this contract is subject to the Council's own Standing Orders in respect of Medium Value Contracts. Under Contract Standing Order 84 every contract entered by the Council shall be entered into pursuant to or in connection with the Council's functions and shall be procured in accordance with all relevant domestic and EU legislation and unless for good operational and/or financial reasons individual Cabinet member agrees otherwise, with Contract Standing Orders and Council's Financial Regulations. Contract Standing Order 96(c) requires Medium Value Contracts and High Value Contracts for Schedule 3 Services that are below EU thresholds to be tendered. Officers at paragraph 3.5 have explained why they believe there are good operational and/or financial reasons for waiving the requirement to tender.

4.4 Officers are requesting the Cabinet Member to agree an exemption to Brent's Contract Standing Orders requirements to tender the proposed contract for 12 months to CNWL. Cabinet members have delegated power to agree waivers to the Council's Contract Standing Orders for Medium and High value Contracts in consultation with the Leader and in relation to their portfolio area in accordance with Paragraph 13 of Part 3 of Brent's Constitution.

5.0 Financial Implications

5.1 The existing service has an annual contract value of £255,000 and is funded from the General Fund and from the Pupil Premium Grant (PPG).

6.0 Equality Implications

6.1 The proposals in this report have been subject to screening and officers believe that there are no equality implications.

7.0 Consultation with Ward Members and Stakeholders

7.1 In developing the specifications for mental health and wellbeing services, consultation has been undertaken with parent/carers of children with disabilities, social care practitioners and foster carers accessing the service. This is part of ongoing service improvement with feedback incorporated into any developments to services.

7.2 Children in Care and Care Leavers have been consulted on the emotional health and wellbeing services and support that they need. Their feedback has been incorporated into improvements to the specification for this contract and will help to shape development of the future model. Young people took part in evaluating tenders for the new contract for the Targeted Mental Health and Emotional Wellbeing Service for Identified Vulnerable Groups recently awarded to The Anna Freud Centre.

8.0 Human Resources/Property Implications (if appropriate)

8.1 There are no direct staffing or accommodation implications for the Council arising from the Recommendation.

Report sign off:

Gail Tolley

Strategic Director, Children and Young People