



Officer Key Decision 4 August 2020

Report to the Strategic Director of Children and Young People

AUTHORITY TO AWARD A COMBINED CONTRACT FOR AN INDEPENDENT REVIEWING OFFICER SERVICE FOR LOOKED AFTER CHILDREN AND A FOSTERING REVIEW SERVICE

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt – Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
No. of Appendices:	Three: <ul style="list-style-type: none"> • Appendix 1 Names of the tenderers • Appendix 2 Scores received by the tenderers • Appendix 3 Equalities Impact Assessment
Background Papers:	Authority to Tender for a joint contract for an Independent Reviewing Officer service for Looked After Children and a Fostering Review Service (Gateway 1)
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1.0 Purpose of the Report

- 1.1 This report concerns a contract for the provision of an Independent Reviewing Officer Service for Looked After Children and a Fostering Review Service. This report requests authority to award a combined contract for these services as required by Contract Standing Order 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 Recommendation(s)

That the Strategic Director, Children and Young People:

- 2.1 Approves the award of a combined contract for an Independent Reviewing Officer Service for Looked After Children and a Fostering Review Service to Aidhour Ltd. for a term of three (3) years with an option to extend for up to a maximum of one (1) year.

3.0 Detail

- 3.1 Under the Children Act 1989, the Children and Young Persons Act 2008 and the Care Planning, Placement and Case Review Regulations (2010) and Guidance April 2011, Local Authorities are required to provide an Independent Reviewing Officer for each Looked After Child (LAC). The National Independent Reviewing Officer (IRO) Handbook sets out the expectations of the role, which includes a regular review process and regular monitoring and follow-up between reviews. The IRO has a key role in relation to the improvement of care planning for Looked After Children and for challenging any drift or delay in associated processes.
- 3.2 The Fostering Services (England) Regulations 2011 outline how fostering service providers must review the approval of each foster parent annually. The local authority, as the fostering service provider, must ensure these reviews of approval are sufficiently thorough to allow the fostering service to properly satisfy itself about their carers' ongoing suitability to foster. At the conclusion of the review, the fostering service provider must prepare a written report, setting out whether the foster parent continues to be suitable to be a foster parent and the foster parent's household continues to be suitable, and whether the terms of the foster parent's approval continue to be appropriate.
- 3.3 Brent's current delivery model is a mix of in-house and externally commissioned Independent Reviewing Officers (IRO) and Fostering Review services. This will continue to be the delivery model for the longer term.
- 3.4 The new contract will awarded to Aidhour for three (3) years with an option to extend for up to a maximum of one (1) year. The service will facilitate the provision of an Independent Reviewing Officer Service for looked after children and Fostering Reviewing Service on a price per review arrangement. This will be based on two

prices; Review rate A for reviews taking place within Greater London and Review rate B for reviews outside Greater London.

The Tender Process

- 3.5 Advertisements were placed in the Official Journal of the European Union (OJEU) through the London Tenders Portal on 01/05/2020 to seek initial expressions of interest. This elicited twenty-two (22) initial enquiries. Contractors were provided with an outline specification and details of the tender approach and were invited to complete a selection questionnaire and tender response using the Council's Electronic Tendering Facility. Three (3) contractors subsequently completed the questionnaire and submitted a tender response.
- 3.6 An initial review was carried out on the basis of the contractors' financial viability, technical ability and tender compliance. Tenderers were also asked a number of service specific questions covering; equalities, health and safety, safeguarding, whistleblowing, DBS checks, the complaints and compliments procedure, business continuity, data protection and human rights. One contractor's tender was incomplete, but the other two contractors met the Council's requirements and their Quality, Price and Social Value submissions were opened.
- 3.7 The tendering instructions stated that the contract would be awarded on the basis of the Most Economically Advantageous Tender based on 45% Quality, 45% Price and 10% Social Value. The panel evaluated the tenders using the method statements set out at Appendix 2 that cover the quality criteria set out in paragraph 3.6.
- 3.8 At tender evaluation stage, the panel evaluated the tenders against the following criteria:
- The Tenderer's proposal to meet the requirements and outcomes as stated in the service specification
 - The Tenderer's proposed plans for ensuring effective quality management of the Services and maintenance of the Contract Standard, including self-monitoring and evaluation
 - The Tenderer's proposed approach to contract mobilisation including TUPE
 - The Tenderer's proposed application of their business continuity plan or equivalent to ensure ongoing service delivery in the event of unforeseen occurrences.
 - The Tenderer's proposal for Stakeholder Engagement / Partnership working.
 - The Tenderer's proposal on how their safeguarding policies will be applied to this contract.
 - The Tenderer's proposed approach to Social Value delivered through this contract (weighted at 10% of the total evaluation criteria)

Evaluation process

- 3.9 The tender evaluation was carried out by a panel of officers from the Children and Young People Department. It was deemed that, in the context of the COVID-19 pandemic, it would not be appropriate for young people to be involved in the assessment as originally planned. Feedback from young people has been incorporated into the development of the services and specification. This includes feedback from Looked After Children through the annual Bright Spots Survey and LAC reviews.
- 3.10 All tenders had to be submitted electronically no later than 03/06/2020. Tenders were opened on 03/06/2020 and two (2) valid tenders were received. Each member of the evaluation panel read the tenders and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender. In addition to the valid tenders, one (1) incomplete tender was received and was excluded.
- 3.11 The evaluation panel met on 19/06/2020 and each submission was marked by the whole panel against the award criteria. Each member of the evaluation panel read the tenders and carried out an initial evaluation of how well they considered each of the award criteria were addressed in the tender.
- 3.12 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that Tenderer A was the highest scoring tenderer. Officers therefore recommend the award of the contract to Tenderer A, namely Aidhour Ltd.
- 3.13 The contract will commence on 01/10/2020 subject to the Council's observation of the requirements of the mandatory standstill period noted in paragraph 5.4 below.

4.0 Financial Implications

- 4.1 Part 3 of the Council's Constitution states that the Strategic Director of Children and Young People has delegated authority to approve the award of contracts for services valued at less than £2 million. The estimated value of this contract is £793,830.12.
- 4.2 A representative of Brent Financial Services has carried out a financial evaluation as to the viability of this provider and reviewed the budget allocation in the service area to ascertain affordability.
- 4.3 It is anticipated that the cost of this contract will be funded from the Review Engagement and Participation Cost Centre (B01261), which has an annual Budget Allocation of £0.2m.
- 4.4 The estimated value of this contract is £0.8m over a 4-year period consisting of a 3-year contract with the option to extend for another 1 year. The annual value is up to £0.2m and spend will depend on individual service requests during the financial year.

Any costs over and above this value will lead to a pressure in the service that will need to be managed.

5.0 Legal Implications

- 5.1 Advocacy and social care related services fall within the social and other services listed in Schedule 3 (“Schedule 3 Services”) of the Public Contract Regulations 2015 (“EU Regulations”). The threshold for application of Schedule 3 services is £663,540.00. The contract is over this threshold and therefore subject to the full procurement regime applicable to Schedule 3 services.
- 5.2 The award is subject to the Council’s own Standing Orders in respect of Medium Value Contracts and Financial Regulations. Chief Officers have delegated to them the power to award Medium Value Contracts in accordance with paragraph 9.5, of Part 3 of the Constitution.
- 5.3 Officers have confirmed that they have complied with the publishing requirements set out in the EU Regulations and steps have been taken to comply with the principles of transparency, non-discrimination and equal treatment.
- 5.4 The Council must observe the EU Regulations relating to the observation of a mandatory minimum 10-calendar day standstill period before the contract can be awarded. Therefore, once the Strategic Director has determined which tenderer should be awarded the contract, all tenderers will be issued with written notification of the contract award decision. A minimum 10 calendar day standstill period will then be observed before the contract is concluded – this period will begin the day after all Tenderers are sent notification of the award decision – and additional debrief information will be provided to unsuccessful tenderers in accordance with the EU Regulations. As soon as possible after the standstill period ends, the successful tenderer will be issued with a letter of acceptance and the contract can be awarded.
- 5.5 The Tenderer recommended for the award is the incumbent Provider and accordingly the Transfer of Undertakings (Protection of Employment) Regulations 2006 do not apply.

6.0 Equality Implications

- 6.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the

need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

- 6.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary. The Strategic Director is referred to the contents of this report for information, in particular the Equality Analysis at Appendix 3 and Section C of the Equality Analysis.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 The Lead Member for Children's Safeguarding, Early Help and Social Care has been informed of the approach set out in this report.
- 7.2 Feedback from service users has been incorporated into the development of the service and specification. This includes feedback from Looked After Children through the annual Bright Spots Survey and LAC reviews.

8.0 Human Resources

- 8.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract.

9.0 Public Services (Social Value) Act 2012

- 9.1 The Council is under a duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement. Bidders were invited to put forward social value proposals as part of their bid and social value was 10% of the evaluation score.
- 9.2 The contract will deliver the following social value benefits to Brent;
- Training events for foster carers, social workers and teachers about the IRO role to ensure understanding and improve the experience for children.
 - Collaborative work with agencies, charities and youth justice teams to promote the welfare of young people through their LAC reviews to help address anti-social behaviour and protect them from gangs, substance misuse, exploitation and forms of abuse.

Report sign off:

Brian Grady
Operational Director, Safeguarding,
Partnerships and Strategy