



Officer Key Decision

**Report to the Corporate Director,
Children and Young People**

**Lead Cabinet Member for Children,
Young People and Schools**

**AUTHORITY TO AWARD A CONTRACT FOR THE PROVISION OF
INDEPENDENT REVIEWING OFFICERS FOR CHILDREN LOOKED AFTER AND
FOSTER CARER REVIEWING OFFICERS**

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:	Appendix 1 – Name of contractors (Exempt) Appendix 2 - Evaluation Grid Appendix 3 – Equalities Impact Assessment
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	<p>Name: Sonya Kalyniak Job Title: Head of Safeguarding and Quality Assurance Email: Sonya.Kalyniak@brent.gov.uk</p> <p>Name: Kelli Eboji Job Title: Head of LAC and Permanency Email: kelli.eboji@brent.gov.uk</p> <p>Name: Michelle Gwyther Job Title: Head of Forward Planning Performance and Partnerships Email: Michelle.Gwyther@brent.gov.uk</p>

1.0 Executive Summary

- 1.1 This report concerns the procurement and approval to award a contract for the Provision of Independent Reviewing Officers (IRO) for Children Looked After and Foster Carer Reviewing Officers (FCRO). This report requests authority to award contracts as required by Contract Standing Order 88. This report summarizes the process undertaken in procuring a contract and, following the completion of the evaluation of the bids, recommends to whom the contract should be awarded.

2.0 Recommendation(s)

That the Corporate Director, Children and Young People in consultation with the Lead Cabinet Member for Children, Young People and Schools:

- 2.1 Approves the award of the contract for Provision of Independent Reviewing Officers (IRO) for Children Looked After and Foster Carer Reviewing Officers (FCRO) to Aidhour Limited for a contract term of two years plus two +1 year extensions (total 4 years), with the proposed contract commencement date of 1st October 2024 for the sum of £703,800.00.

3.0 Detail

Contribution to Borough Plan Priorities & Strategic Context

- 3.1 The proposals in this report contribute to the following Borough Plan Priorities: Strategic Priority 1 – Prosperity and Stability in Brent; Strategic Priority 2 – Thriving Communities and Strategic Priority 3 – The Best Start in Life (Desired Outcome 2: Young People are Seen and Heard and Desired Outcome 1: Raised Aspirations, Achievement and Attainment). The primary responsibilities of the Independent Reviewing Officers will be to incorporate the thoughts and voice of the child in their care plan so they are able to contribute meaningfully to the co-design of their plan. This also includes scrutiny of the progress of plans to ensure suitable arrangements for the child's current and long-term care are in place. The proposed service reviews targeted and achievable recommendations as part of children's care plan to enable positive outcomes, ensure they achieve well and have opportunities to change their lives for the better.
- 3.2 The service contributes to the strategic outcomes of other plans that focus on positive outcomes for vulnerable children and young people, including the Looked After Children and Care Leavers Placement Sufficiency Strategy 2020-24; the Brent SEND Strategy 2021-2025 and the Joint Health and Wellbeing Strategy: Tackling Health Inequalities 2022-2027. <https://www.brent.gov.uk/the-council-and-democracy/strategies-priorities-and-policies>

4.0 Background

- 4.1 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 (IRO) for each Looked After Child (LAC). The Council is also required to provide Foster Carer Reviewing Officers (FCRO). Officers have considered whether this can be provided by the Council itself but have concluded it is best provided by a contractor.

- 4.2 The National Independent Reviewing Officer Handbook sets out the expectations of the role, which includes a regular review process, regular monitoring and follow-up between reviews. The IRO's primary function is to act as a robust counterbalance to the Local Authority, by providing expert and independent quality assurance on the Local Authority's care planning and reviewing process for children and young people looked after by Brent. This duty is executed through highlighting when positive outcomes are achieved for the Children Looked After and challenging drift or delay in a child's care plan.
- 4.3 A crucial part of the role is to champion the voice of the child to contribute meaningfully to the co-design of their care plan, the IRO provides a highly personalised service responding to their requests and needs. The IRO role also carries out quality assurance, working with social work teams and other multiagency practitioners giving advice, guidance and consultation about addressing effectively the health, educational and wellbeing needs of individual LAC, with a great awareness of the networks and systems the LAC is part of.
- 4.4 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 the carers' ongoing suitability to foster.
- 4.5 The FCRO will conduct reviews with foster carers once a year, with a view to ascertaining their suitability and capacity to demonstrate competence in meeting the needs of Children Looked After, and in line with the Fostering Regulations and Fostering national minimum standards. At the conclusion of the review, the fostering service provider must prepare a written report, setting out whether the foster parents and their household continue to be suitable to foster parent, and whether the terms of the foster parent's approval continue to be appropriate.
- 4.6 The council requires the provision of IROs for Children Looked After and FCROs. Council officers have undertaken a procurement exercise and identified a contractor providing the most economically advantageous offer in accordance with relevant evaluation criteria and therefore recommend award of a contract for the Provision of Independent Reviewing Officers for Children Looked After and Foster Carer Reviewing Officers.
- 4.7 The contract will provide for 318 (with the potential increase to 330) reviews annually for Children Looked After aged 16+ and unaccompanied minors. The expected number of foster carer reviews is expected to be 90 in year one and

then increase by ten foster carer reviews in each respective year of the contract period.

5.0 The Procurement Process

- 5.1 A market engagement event was held on 8 March 2024 with 11 providers registered and 8 attending, some of whom appeared to be new to the market.
- 5.2 Advertisements were placed on Find a Tender service, Contracts Finder service and the London Tenders Portal on 13th May 2024 to seek initial expressions of interest. This elicited two initial enquires. Contractors were provided with a specification, details of the tender approach and invited to complete the published tender documents comprising of a selection questionnaire, quality questions, pricing schedule and a social value action plan using the Council's Electronic Tendering Facility. Two contractors subsequently completed the Selection Questionnaire. Only one contractor passed this stage and went on to have their full submission evaluated and moderated.
- 5.3 The tendering instructions stated the Contract would be awarded on the basis of the most economically advantageous offer to the Council and that in evaluating tenders, the Council would have regard to the following: 50% Quality, 40% Price, 10% Social Value
- 5.4 Subject to approval, the Contract will be let using the Contract Terms issued with the invitation to tender for a period of 2 years plus two +1 year extensions (Total of 4 years). The Contract will commence on 1 October 2024 subject to the Council's observation of the requirements of the mandatory standstill period noted in paragraph 8.4 below.

Evaluation process

- 5.5 The tender evaluation was carried out by a panel of officers from Safeguarding and Quality Assurance, Looked After Children and Permanency and the Commissioning Team. The panel received feedback for one of the quality questions from a Foster Carer and a young person based in Brent.
- 5.6 All tenders had to be submitted electronically no later than 13.00 hrs on 12 June 2024. Tenders were opened on 13 June 2024 and one valid tender was received. The other tender was marked as an SQ fail as they did not provide an example of delivering an Independent Reviewing Service and a Fostering Reviewing Service in a diverse setting. 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.
- 5.7 One Care Leaver who has previously contributed to a tender evaluation and one Foster Carer were trained to contribute to provide feedback to a specific question in the tender evaluation process. Feedback on tenders and their proposal of a suggested score was independently reviewed by each member of the evaluation

panel. The final score was determined by the Council evaluation panel.

- 5.8 The panel met together on 27 June 2024 and each submission was marked by the whole panel against the award criteria, with moderation carried out with officers in Procurement.
- 5.9 The names of the tenderers are in Appendix 1 and the scores received by the tenderers are in Appendix 2. It will be noted that Contractor A was the highest scoring tenderer. Officers therefore recommend the award of the Contract to Contractor A, namely Aidhour Limited.

6.0 Stakeholder and ward member consultation and engagement

- 6.1 Consultation has been undertaken with internal stakeholders across Children and Young People, with Care in Action, the Foster Carers Forum, Independent Reviewing Officers and Social Workers.
- 6.2 As this service affects all wards, there has not been separate or specific consultation with ward members.

7.0 Financial Considerations

- 7.1 Part 3 of the Council's Constitution states that the Corporate Director of Children and Young People has delegated authority to approve the award of contracts for services / supplies valued at less than £2 million. The estimated value of the Contract is under this threshold.
- 7.2 The cost of the contract value over the 4 year term, if extended to full term is £703k and this equates to £176k per annum. This cost is to be funded from an existing CYP general fund budget. Growth has been allocated in the 2024/25 financial year to accommodate the cost of the 2 new IRO positions.

8.0 Legal Considerations

- 8.1 The estimated value of the Contract over its lifetime is in excess of the Public Contracts Regulations 2015 (the "PCR 2015") threshold for Schedule 3 Services and the award of the Contract is therefore governed by the PCR 2015. Section 5 of the report in particular outlines how the Contract was procured in accordance with the PCR 2015.
- 8.2 The award of the Contract is subject to the Council's own Standing Orders in respect of Medium Value Contracts. The Corporate Director has delegated power to award Medium Value Contracts in accordance with paragraph 9.5 of Part 3 of the Constitution.
- 8.3 The Council must observe a mandatory minimum 10 calendar day standstill period under the PCR 2015 before the Contract can be awarded. Therefore, once the Corporate 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 PCR 2015. The standstill period will run concurrently with the Council’s usual call-in process. Subject to there being no call-in, after the standstill period ends, the successful tenderer will be issued with a letter of acceptance and the Contract can commence.

9.0 Equity, Diversity & Inclusion (EDI) Considerations

9.1 Pursuant to s149 Equality Act 2010 (the “Public Sector Equality Duty”), the Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.3 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.

9.4 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.

9.5. The proposals in this report have been subject to screening and a full Equalities Impact Assessment has been carried out, a copy of which is at Appendix 3. Officers have not identified any adverse equality implications.

10.0 Climate Change and Environmental Considerations

10.1 The contract award of this services does not directly impact on the Council’s environmental objectives and climate emergency strategy.

10.2 The workforce provided by this contract will be encouraged to follow Brent's cleaner, more considerate Brent approach as set out in the borough plan and use sustainable modes of transport for reviews.

11.0 Human Resources/Property Considerations (if appropriate)

11.1 This service will be is provided by an external contractor and there are no implications for Council staff arising from re-tendering the contract.

11.2 There are no property considerations arising from re-tendering the contract.

12.0 Communication Considerations

12.1 Once the contract award is completed, information about the successful bidder will be communicated to relevant stakeholders.

Report sign off:

NIGEL CHAPMAN
Corporate Director, Children &
Young People