

 Brent	Officer Key Decision
	Report to the Strategic Director of Children and Young People 10 June 2020
AUTHORITY TO EXTEND CONTRACT FOR CHILDREN'S CENTRE SERVICES TO BARNARDOS SERVICES LIMITED FOR THE PERIOD OF THREE MONTHS	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	2 Appendix 1 - Cabinet report regarding the decision to implement Family Hubs (attached at the end of the report)
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Sue Gates Head of Early Help Sue.gates@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report seeks approval for the Council to extend a contract for Children's Centre services to Barnardo's Services Limited for the period of 3 months in accordance with Contract Standing Order 112.

2.0 Recommendation(s)

That the Strategic Director of CYP:

- 2.1 Approves the extension to the current contract with Barnardo's Services Limited for a period of 3 months until 30th November 2020.

3.0 Detail

- 3.1** The contract with Barnardo's Services Limited to manage and provide services for 14 of Brent's 17 children's centres was due to expire on 1st September 2019 but contained provision allowing for extension for a further year, with the contract now expiring on 31st August 2020. To coincide with the ending of the contract the aim was to develop Children's Centres into FWC and for them to be operational by 1st September 2020. The new FWC model builds on existing children's centre services and the local authority statutory responsibilities regarding the provision of children's centres. Cabinet agreed the approach to developing FWCs in October 2019 as detailed in Appendix 1.
- 3.2** FWC are at the heart of Brent's Early Help offer and are a priority in the Borough Plan (2019-23). Brent's eight FWCs will provide an integrated 'whole family' (for children aged 0-18 years old, and 25 for those with additional needs) service, bringing together core health visiting, school nursing, children's centre services and some parenting and family support services into a single service.
- 3.3** The COVID-19 pandemic and lockdown are having a significant impact across a number of different sectors creating new project risks to work streams that will impact on the September opening of the FWC.
- 3.4** As a result of COVID-19 related project risks it is necessary to delay the opening of FWC by 3 months to 1st December 2020. Mobilisation and staff training would take place during December before the Christmas break and the FWC would be formally launched during the 1st week of January. Meanwhile FWC work streams continue to be progressed and the Early Help restructure that commenced on 16th March 2020 has been completed.
- 3.5** To facilitate the delayed opening of FWCs it is proposed to extend the contract with Barnardo's Services Limited for a 3-month period to:
- ensure the local authority statutory responsibilities regarding the provision of children's centres continue to be met from September to November.
 - ensure children's centre core services for 0-5 year olds and their families will continue to be met, including support for vulnerable families with complex needs.
 - allow more time for the development of the FWC model and mitigate against the risks and time delays introduced as a result of COVID-19.

- facilitate the continued delivery of community health visiting and midwifery services as these are already delivered from current children’s centres.
- ensure plans for children’s centres not becoming FWC are fully in place mitigating against risks of the Council being liable for their running costs and significant capital clawback if they are not repurposed to meet the DfE legal requirements for usage attached to the original capital funding.

3.6 Under section 3(b) of the table at paragraph 9.5 of Part 3 of the Constitution, Strategic Directors / Operational Directors are able to extend contracts and agreements without the need for Cabinet approval:

- provided that the extension would not be in breach of the European Procurement Legislation.
- provided that the extension does not substantially alter the terms and conditions of the contract.
- provided that there is sufficient existing budgetary provision.
- if the extension goes beyond the period of extension provided for in the contract (if any) or is otherwise not in accordance with the extension provisions in the contract:
 - in the case of any contract, agreement, deed or other transaction with a life of not more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of six months; or
 - in the case of any contract, agreement, deed or other transaction with a life of more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of one year.
- the relevant cabinet member shall be consulted prior to a decision within (d) (i) or (ii) above and may request that the decision instead be referred to them.

4.0 Financial Implications

4.1 The budgetary implications of extending the current arrangements by 3 months is an additional cost of £0.5m. This will be funded from existing budgets for the FWC, however there will be a shortfall of c£0.3m which has been submitted as a COVID-19 related additional expense.

5.0 Legal Implications

5.1 The statutory obligations in the Childcare Act 2006 (“the 2006 Act”) concern “*young children*”, which essentially are those aged between 0-5. Section 1 of the 2006 Act imposes on local authorities a general duty in relation to the well-being of young children to:

- improve the well-being of young children in their area, and

(b) reduce inequalities between young children in their area in relation to:

- Physical and mental health and emotional well-being
- Protection from harm and neglect;
- Education, training and recreations;
- The contribution made by them to society; and
- Their social and economic well-being.

5.2 S. 3 of the 2006 Act sets out specific duties the council has in relation to early childhood services which includes early years provision and provides that the council must make arrangements to secure that early childhood services in their area are provided in an integrated manner which is calculated to facilitate access to those services, and maximise the benefit of those services to parents, prospective parents and young children. In discharging its duties, the council must have regard to any guidance given from time to time by the Secretary of State.

5.3 Section 5A of the 2006 Act provides that:

(1) Arrangements made by an English Local Authority under section 3(2) must, so far as is reasonably practicable, include arrangements for sufficient provision of children's centres to meet local need.

(2) "Local need" is the need of parents, prospective parents and young children in the authority's area."

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.
- 6.4 An Equality Impact Assessment in relation to FWCs was completed as part of the Cabinet report submitted in October 2019.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 The Lead Member has discussed the project with the Leader of the Council, her colleagues and with senior officers. As below, significant consultation has taken place around the whole FWC project. Statutory Children's Centre consultation took place from 26 June 2019 – 3 August 2019. Current users of the Children's Centres had a chance to share their views on what services are important to them and a total of 545 surveys were completed. Various focus groups were also delivered during the consultation period with multi-disciplinary staff, stakeholders, partners and parents.
- 7.2 Three public consultation meetings were held to invite views from the general public. The change team completed a range of different engagement activities across Brent and also supported with prototyping of the services that were delivered at one of the Children's Centres.
- 7.3 The Strategic Director has discussed the proposal with the Lead Member for Children's Safeguarding, Early Help and Social Care. The Lead Member supports the decision of the Strategic Director to grant the extension.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from extending the contract.
- 8.2 Barnardo's Services Limited would continue to be responsible for the 14 Children's Centre buildings they currently manage and have responsibility for.

Report sign off:

NIGEL CHAPMAN
Operational Director, Integration
and Improved Outcomes

Appendix 1:

Cabinet report regarding the decision to implement Family Hubs: item 18 of the Cabinet agenda for 14 October 2019

<http://democracy.brent.gov.uk/ieListDocuments.aspx?CIId=455&MIId=5358&Ver=4>