

# **BRIDGEND COUNTY BOROUGH COUNCIL**

## **REPORT TO CABINET**

**19 MARCH 2019**

### **REPORT OF THE HEAD OF PERFORMANCE AND PARTNERSHIP SERVICES**

#### **COMMISSIONING AND AWARD OF CONTRACTS IN RESPECT OF THE FAMILIES FIRST PROGRAMME**

##### **1. Purpose of Report.**

The purpose of the report is to:

- a) Seek approval to continue service delivery based around contract arrangements currently in place for the delivery of Welsh Government funded contract arrangements for Families First for a period of 3 months from 1<sup>st</sup> April 2019 to 30<sup>th</sup> June 2019.
- b) On the basis that such approval is granted:
  - suspend that part of the Council's Contract Procedure Rules (CPRs) in respect of the proposed Contracts listed in Appendix 1 of this report in relation to the requirements as to retendering these Contracts.
  - authorise the Head of Performance and Partnership Services to enter into short term contracts with the current providers. Details of these programmes are detailed in Appendix 1.

##### **2. Connection to Corporate Improvement Objectives/Other Corporate Priorities**

2.1 The continuation of the contracts named above support the achievement of the following corporate priorities:

- Supporting a successful economy – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
- Smarter use of Resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.
- Helping people to be more self-reliant – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.

##### **3. Background**

- 3.1 In January 2017 Cabinet was informed of Welsh Government's intention to make substantial changes to the Families First programme. On concluding its consultation exercise, revised guidance was published late that year with approval being obtained from Cabinet to extend the existing contracts for the 2017/18 financial year and suspend the Council's CPRs to allow implementation of the new guidance, whilst also allowing continuation of service provision to service users.
- 3.2 On 28<sup>th</sup> March 2018 Cabinet approved the continuation of service delivery for the 2018/19 financial year, extending existing contracts for the twelve month period to March 2019 while Welsh Government undertook a pilot year to trial a new flexible funding arrangement.
- 3.3 With the introduction of flexible funding arrangements in April 2018 Welsh Government issued supplementary guidance to pilot Local Authorities (LAs) to support implementation of flexible funding from 1<sup>st</sup> April 2018. The flexible funding arrangements provide an opportunity for LAs to identify gaps and overlap in service provision, with the ability to achieve service re-design and 100% funding flexibility across ten anti-poverty programmes.
- 3.4 The year in which flexible funding arrangements has been piloted will shortly come to an end. Following an interim evaluation performed by Welsh Government in conjunction with the seven pilot LAs, Welsh Government announced in December 2018 that the flexible funding arrangements will be rolled out to all 22 LA's from 1<sup>st</sup> April 2019.

#### **4. Current situation / proposal.**

- 4.1 The existing extended contracts in relation to the Families First programme will end on 31<sup>st</sup> March 2019. The Council would have been expected at this time to re-tender for replacement services in line with the Public Contract Regulations 2015 and our own CPRs.
- 4.2 Whilst a re-tender exercise is essential, the present transition in funding arrangements is a barrier to carrying out the required commissioning exercise at this time. The communication issued from Welsh Government in December 2018 indicated that a new two themed approach to flexible funding will be effective from April 2019, with new guidance being issued in January 2019, along with a single outcomes framework. Welsh Government have requested submission of new delivery plans in early February. This will not allow a sufficient timescale in which to re-tender services from 1<sup>st</sup> April 2019 taking into consideration the new guidance and single outcomes framework.
- 4.3 For the reasons above mentioned, it is proposed that new short term contracts be awarded to the existing providers to allow sufficient time to undertake the required commissioning exercise in line with the new Welsh Government single outcomes framework and funding guidance.
- 4.4 Cessation of contract arrangements in March would pose a high risk to the on-going delivery of essential services to individuals and families. To ensure service continuity and ensure that staffing disruptions likely to arise from the ending of Contracts is minimised, it is proposed that Cabinet suspends the relevant parts of

the Council's CPRs in respect of tendering and agrees to the awarding of contracts based on current contract arrangements, on a 3-month interim basis.

- 4.5 Appendix 1 of this report provides information on the contract type, the contracted provider and the short term (3 month) value of the Contracts.
- 4.6 Cabinet needs to be aware that, in awarding these short-term contracts to the current providers listed in the Appendix 1, the Council is exposed to the risk of potential challenge from other providers of such services. The Council will be failing to comply with Public Contract Regulations 2015 which implement EU Procurement Directives if it adopts the course of action specified in paragraph 4.4 of this report.
- 4.7 The risk of challenge is not possible to quantify, however, given the current difficulties in the commissioning of the services and the fact that these contracts relate to vulnerable people and families in need of support services, the Council may take the view that the potential for challenge is one it is prepared to accept. Also the relatively short duration of 3 months of these Contracts should decrease the risk of challenge.

## **5. Effect upon Policy Framework & Procedure Rules.**

- 5.1 This report is requesting a suspension of the Council's CPRs, but no amendment to the CPRs themselves is being sought.

## **6. Equality Impact Assessment**

- 6.1 Families First is an anti-poverty programme directed toward supporting people in need. The impact of the cessation of services provided by its contract arrangements will have a detrimental impact on people living in poverty and many of the protected characteristics.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no impact upon the achievement of well-being goals/objectives as a result of this report.

## **8. Financial Implications.**

- 8.1 All services funded via these contract arrangements are funded by Welsh Government grant. Welsh Government has informed the Council of its indicative funding levels at least until the end of March 2020 which provides a slight increase over the 2018/19 allocation of funding.

## **9. Recommendation.**

- 9.1 Cabinet is recommended to:
  - a. suspend the relevant parts of the Council's CPR's in respect of the requirement as to re-tendering of the proposed contracts listed in Appendix 1 of this report;

- b. authorise the Corporate Director Operational & Partnership Services to enter into short-term contracts of 3-months with the current providers in respect of the Contracts listed in Appendix 1 of the report.

**Martin Morgans**

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**Background documents**

- **Children and Communities Grant 2019-20 guidance issued January 2019**
- **Indicative offer of grant for both Housing Support and Children and Communities**
- **Cabinet Report on the Commissioning and Award of Contracts in respect of the Communities First, Families First and Supporting People Programme of 31<sup>st</sup> January 2017**
- **Cabinet Report on the Commissioning and Award of Contracts in respect of the Families First Programme of 28<sup>th</sup> March 2018**

## Appendix 1 - Contract details

### Families First Proposed Programme - 2019/20

<b>Contract Element</b>	<b>Contracted Provider</b>	<b>Short Term Contract Value (3-months)</b>
Disability Support Programme	Barnardo's	£41,125
Parenting Support Programme	Action for Children	£33,875
Practical Home Management	Barnardo's	£7,500
Support for Young Carers	Action for Children	£9,750
JAFF/ TAF (including parent school engagement, dad's worker & language & learning elements)	BCBC – Education & Family Support	£230,134
Youth Programmes	BCBC - Education & Family Support	£37,500
Targeted Child and Family Support	BCBC - Education & Family Support	£30,000