

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

14 SEPTEMBER 2021

REPORT OF THE CORPORATE DIRECTOR OF EDUCATION AND FAMILY SUPPORT

SUSPENSION OF COUNCIL'S CONTRACT PROCEDURE RULES AND AWARD OF CONTRACT FOR PARENT PARTNERSHIP SERVICES

1. Purpose of report

1.1 The purpose of this report is to seek approval to:

- continue service delivery of the existing parent partnership service, to allow for a fully compliant tender process to take place, including an adequate mobilisation period;
- suspend the relevant parts of the Council's contract procedure rules (CPRs) with regards to the requirement to re-tender the contract detailed in this report; and
- authorise the Group Manager (Learner Support) to enter into a short-term contract with the current provider.

2. Connection to corporate well-being objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objective/objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
- **Helping people and communities to be more healthy and resilient** – taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

3.1 Bridgend County Borough Council (BCBC), through core budget, currently commissions a parent partnership service. Details of contract and service provision

are set out below.

- 3.2 Following a tender exercise in 2018, BCBC entered into a contract with SNAP Cymru for parent partnership services. The contract was commissioned from 1 May 2018 for an initial one-year period, with an option to extend for a further one-year period of up to two years. Provision includes:
- independent advice and support for parents/carers whose children have or may have special educational needs in order to empower and enable parents/carers to play an informed and active role in their child's education;
 - access to information, advice and guidance so parents/carers can make informed decisions;
 - a formal Disagreement Resolution Service; and
 - an independent advocacy service in accordance with the *Child's Right to Appeal* to the Special Educational Needs Tribunal for Wales (SENTW).
- 3.3 The contract commenced on 1 May 2018 and expired on 31 March 2021. The option to extend for a period of up to two years has been utilised.
- 3.4 Extenuating circumstances, such as the COVID-19 pandemic and workforce capacity has resulted in delay in engaging in a compliant tender process, along with regard for a sufficient period of contract mobilisation.
- 3.5 The current annual contract value is £26,391.07. This contract is funded from core budget within the Education and Family Support Directorate.

4. Current situation/proposal

- 4.1 The existing contract in relation to the parent partnership service ended on 31 March 2021. Despite no contract being in place, the Service has continued to be provided by the contractor. The Council is required under its CPRs and Public Contract Regulations 2015 to re-tender for replacement service providers via a competitive procurement exercise.
- 4.2 Immediate cessation of the contract would pose a risk to the ongoing delivery of essential services to children and young people and their families.
- 4.3 The current service provision has been reviewed, with performance monitoring undertaken to gather both qualitative and quantitative data around client need, demand for service and outcomes achieved. The positive impact on partnership with parents can be clearly demonstrated. Engagement and communication has taken place between BCBC and the current contract holder to ensure the service remains fit for purpose and can adequately meet the needs of children, young people and their families.
- 4.4 To ensure service continuity and ensure that staffing disruptions likely to arise from the ending of contract is minimised, it is proposed that Cabinet suspends the relevant parts of the Council's CPRs requiring a competitive procurement exercise in accordance with the requirements of the Public Contract Regulations 2015 and

agrees to the awarding of contract based on current contractual arrangements until 31 December 2021. The procurement milestones are attached at Appendix 1.

- 4.5 Cabinet needs to be aware that in awarding this contract to SNAP Cymru, the Council is exposed to the risk of potential challenge from other providers of such services. The Council's CPRs ensure that procurement exercises are lawful and carried out in compliance with the Public Contract Regulations 2015 to satisfy principles of transparency, non-discrimination and equal treatment. This report proposes entering into a contract with SNAP Cymru without any competition. This proposal breaches the requirements of the Public Contract Regulations 2015 and requires Cabinet's approval to set aside the Council's CPRs.

5. Effect upon policy framework and procedure rules

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

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

6.2 EIA screening – no impact identified

An initial EIA screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

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

- 7.1 The report contributes to the following goals within the Wellbeing of Future Generations (Wales) Act 2015:

- A prosperous Wales
- A resilient Wales
- A Wales of cohesive communities
- A globally responsive Wales

- 7.2 The five ways of working have been considered in the preparation of this report and are summarised below:

- **Long term** – Continued provision will allow for short term needs to be met, while the tender process is undertaken to provide long-term provision.
- **Prevention** – Parent partnership services are preventative in nature and are designed to engage at an early stage and prevent any disputes escalating.

- **Integration** - Provision supports economic, social and cultural outcomes, both at an individual level and in wider communities.
- **Collaboration** – Approval will allow time for BCBC to effectively engage with internal and external partners in a meaningful way.
- **Involvement** – Decisions around commissioning activity and the tender process, will be achieved through effective partnership working, communication and collaboration.

8. Financial implications

- 8.1 The current funding, set out in the existing contractual arrangements will continue.
- 8.2 The current annual value of the parent partnership service contract is £26,391.07 which is funded from core budget.

9. Recommendation(s)

9.1.1 It is recommended that Cabinet:

- approves the continuance of service delivery of the existing parent partnership service, to allow for a fully complaint tender process to take place;
- suspend the relevant parts of the Council's CPRs in respect of the requirement as to re-tendering of the proposed contract; and
- authorise the Group Manager (Learner Support) to enter into contract for the provision of the parent partnership service until 31 December 2021.

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Background documents

None

Attachments

Appendix 1 Procurement Milestones – Tender Process