

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

15 NOVEMBER 2022

REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING REGIONAL ADVOCACY AND INDEPENDENT VISITING SERVICE FOR CHILDREN AND YOUNG PEOPLE

1. Purpose of report

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

- extend the Inter-Authority Agreement (IAA) with Rhondda Cynon Taf County Borough Council (RCT) and Merthyr Tydfil County Borough Council by 12 months (with the option to extend by a further 12 months), to continue the delivery of the regional service for Independent Professional Advocacy (IPA) and Independent Visiting (IV); and
- suspend the Council's Contract Procedure Rules (CPRs) in respect of the proposed extension of the Professional Advocacy (IPA) and Independent Visiting (IV) service contract with Tros Gynnal Plant (TGP) Cymru.

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

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

- **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) holds a statutory duty under Part 10 of the Social Services and Wellbeing (Wales) Act 2014, to provide an Independent Professional Advocacy (IPA) and Independent Visiting (IV) service for eligible children and young people, notably Care Experienced Children, Children in Receipt of Care and Support and those in Child Protection.

3.2 Welsh Government has introduced a 'National Approach' to children's advocacy which requires local authorities to commission a regional service, utilising the Welsh Government (WG) tool which assists with calculating capacity and associated costs for local/regional independent professional advocacy.

- 3.3 In 2019, a procurement exercise – which was led by RCT and supported by BCBC officers – appointed an independent advocacy provider Tros Gynnal Plant (TGP) Cymru awarding a two year contract, with an optional extension for a further two years, which is due to cease on 1st April 2023.
- 3.4 The region (involving all 3 local authorities) entered into an Inter-Authority Agreement (IAA) to work together and offer support to the service provider to deliver the service fully, where this arrangement will also cease when the contract expires in April 2023.

4. Current situation/proposal

- 4.1 Prior to undertaking the original tender exercise, Welsh Government had developed a 'range and level' tool, which is an integral component to the commissioning process. The WG tool is currently under review and, as yet, there is no guidance nor timescales provided by WG on when the updated tool will be made available. Without the review being complete, it will not be possible to effectively carry out an informed re-commissioning exercise.
- 4.2 The lead contracting authority (RCT) have recommended delaying re-commissioning for a period of 12 months, whilst awaiting further information and guidance from WG. Both the contract and the regional IAA is due to expire in April 2023 and there is no option to extend further. To extend the service contract, RCT are proposing the direct award of a short term contract to the same service provider on the same terms as the existing contract. Cabinet approval is therefore being sought to extend the regional IAA beyond the original term, from 1st April 2023 to 31st March 2024, with the option to extend by a further 12 months, depending on the outcome of the review and development of a revised WG 'range and level' tool and to suspend the requirements of the Councils CPRs to approve the proposed direct award.
- 4.3 Cabinet needs to be aware that in taking forward this action, the Council is exposed to the risk of potential challenge from other providers. The Council's CPRs ensure that procurement exercises are lawful and carried out in compliance with Public Procurement Law, in particular the Public Contract Regulations 2015. This report proposes the approval of the extension of the existing agreement without any competition which breaches the requirements of the Public Contract Regulations 2015 and therefore requires Cabinet's approval to set aside the Council's CPRs. The risk of challenge is not possible to quantify, however given the need to continue service provision the Council may take the view that the potential for challenge is one it is prepared to accept.
- 4.4 Maintaining this provision via TGP Cymru for a twelve-month period (which may need to be extended by a further 12 months, pending the production of the revised WG tool) would ensure continuity of service for children and children's social care staff. Relationships have been built and enhanced locally and regionally over the past four years and have led to positive working relationships being established.
- 4.5 During the extension period (2023/24 and possibly 2024/25, if required), a re-tender exercise (led by RCT) will be undertaken to appoint a provider through a competitive procurement process.

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 An initial Equality Impact Assessment (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 A summary of the Well-being of Future Generations (Wales) Act 2015 assessment is listed below:

Long-term	Children and families are enabled to take control and responsibility for the care and protection without intervention from the local authority. Children remain in the care of the families and are supported by their carers to reach their full potential.
Prevention	The focus of the service is to prevent children becoming looked after by the local authority and to remain in the care of their immediate or wider family where it is safe to do so.
Integration	The service is a multi-agency partnership where integration is key to good service delivery arrangements.
Collaboration	Collaboration is a key approach of the service and involves children, young people, parents, carers, wider family members and professionals to ensure the safety of children and families.
Involvement	Participation and engagement arrangements will be strengthened as part of this working arrangement.

8. Financial implications

8.1 All local authorities make a financial contribution towards the total cost of the regional service, which is based on actual service delivered, The current budget within BCBC's Children's Services is a total of £102,150 per annum, which is made up of £77,170 core budget, and an annual contribution from Welsh Government totaling £24,980, which is a figure derived from the WG range and level tool.

8.2 Extending the current arrangements will result in minimum financial risk to BCBC, as the rates submitted by TGP as part of the tender process will still be applicable during the extension period.

9. Recommendations

9.1 It is recommended that Cabinet give approval to:

9.1.1 extend the Inter-Authority Agreement (IAA) with Rhondda Cynon Taf County Borough Council and Merthyr Tydfil County Borough Council by 12 months, with the option to extend by a further 12 months, depending on the on the outcome of the review and development of a revised WG 'range and level' tool; and

9.1.2 suspend the Council's CPRs in respect of the proposed extension of the Professional Advocacy (IPA) and Independent Visiting (IV) service contract with Tros Gynnal Plant (TGP) Cymru.

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Background documents: None