



London Borough of Enfield

Portfolio Decision

Report Title	Award of a Framework Agreement for the provision of Enfield Holiday Activities and Food Programme (HAF)
Report to	Cabinet Member for Children's Services Executive Director - People
Date of Meeting / Report	4 th September 2023
Cabinet Member	Councillor Abdul Abdullahi
Executive Director / Director	Peter Nathan, Director of Education
Report Author	Sharon Davies Learning Consultant for HAF, RSHE and Professional Learning School & Early Years Improvement Service Email: sharon.davies@enfield.gov.uk
Ward(s) affected	All Wards
Key Decision Number	KD5880
Classification	Part 1 Public and Part 2 (Private)
Reason for exemption	By virtue of paragraph(s) marked below with * of Part 1 of Schedule 12A of the Local Government Act 1972: 2 Information which is likely to reveal the identity of an individual. 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Purpose of Report

1. To provide details of the outcome of the procurement process for establishing a Framework Agreement for the provision of Enfield Holiday Activities and Food Programme (HAF).

Recommendations

- I. Approve the award of a multiple supplier Framework Agreement to provide grant funded places at holiday clubs during the longer school holidays as detailed in Part 2 of this Report.
- II. Approve the award of the above Framework Agreement for 2 years, and delegate authority to the Director of Education for approving 2 optional annual extensions.
- III. Enable the Service Area to award subsequent call-off contracts under the above Framework Agreement in accordance with the relevant scheme of delegation.

Background

2. The Council is looking to establish a suitable Framework Agreement to procure services from experienced and pre-qualified organisations to provide grant funded places at holiday clubs during the longer school holidays.
3. These holiday club places will provide children with at least one nutritious hot meal each day, as well as a range of physical, educational, and enriching activities. This programme is targeted at school-aged children from reception to year 11 (inclusive) who receive benefits-related free school meals.
4. Local authorities can use up to a maximum of 15% of their HAF funding allocation to provide free or subsidised places for children who are not in receipt of benefits-related free school meals but who the local authority believe could benefit from HAF provision. Local authorities should ensure that these places are aligned to their local priorities.
5. Funding will be dispensed from the Holiday Activities and Food (HAF) programme grant that has been allocated to London Borough of Enfield by the Department for Education.
6. Enfield Council has been awarded £1,608,530 grant funding to coordinate the provision for 2023 / 2024. We expect to receive a similar grants for future years.

Preferred Option, Route to Market and Scope

7. Following the Procurement Assurance process, several options regarding the procurement strategy and the routes to market were appraised prior to a procurement process commencing.
8. As result of this pre-procurement appraisal, the preferred option was endorsed to proceed with a Council-led procurement process via a one stage procurement to establish a multiple supplier Framework Agreement.
9. The Council advertised the opportunity on 25 April 2023 through the London Tenders Portal, Contracts Finder and Find a Tender (Publication number: 2023/S 000-011824).
10. The advertisements invited tenders under 2 Lots:
 - Lot 1: Universal HAF provision with 12% of spaces for children and young people with low level SEND
 - Lot 2: Specialist HAF provision for children and young people with targeted or specialist special educational needs and / or disabilities (SEND)
11. The evaluation criteria for establishing the Framework Agreement were based on the following elements.

The first part of the evaluation process required bidders to pass the minimum requirements of the SSQ, as follows – applicable to the Lot(s) they were applying for:

Selection Criteria / Element	Assessment
Mandatory & Discretionary Exclusion Grounds	Pass/Fail
Economic & Financial Standing	Pass/Fail
Technical & Professional Ability	Pass/Fail
Project Specific Questions/minimum requirements: <ul style="list-style-type: none">• Enhanced DBS• Ofsted (where applicable)• Safeguarding• Staffing Levels• Policy & Procedures	Pass/Fail

As a result of the evaluation process for responses to the selection criteria, compliant bidders would proceed to be evaluated against the award criteria – applicable to the Lot(s) they were applying for:

Award Criteria – Lot 1	Assessment	Weighting
Quality (100%)	Scored	
Enrichment and Physical Activities		23%
Food Provision and Nutritional Education		21%
Inclusivity		15%
Promotion and Marketing		10%
Signposting		5%
Social Value		5%
Safeguarding		21%
Price	Pass/Fail	
Price Ceiling (maximum per child, per day)		N/A
Total		100%

Award Criteria – Lot 2	Assessment	Weighting
Quality (100%)	Scored	
Enrichment and Physical Activities		20%
Food Provision and Nutritional Education		19%
Inclusivity		22%
Promotion and Marketing		10%
Signposting		5%
Social Value		5%
Safeguarding		19%
Price	Pass/Fail	
Price Ceiling (maximum per child, per day)		N/A
Total		100%

12. The scope of the Framework Agreement is to provide a wide range of opportunities for eligible children and young people (CYP) to take part in, that are local to where they live, and could be:

- Face-to-face activities providing a range of activities; for at least four hours per day
- Provision could include 'open access' activities that do not require advance booking, providing that the activity is targeted to geographic areas of highest need for the age group
- An offer for children and young people who have SEND; this could include more specialist provision that is exclusively for children with SEND

13. Under the established Framework Agreement, providers will be able to apply to run provision exclusively for HAF eligible children or offer several places within an existing provision that also offers paid places.

14. HAF services shall take place during the Easter, Summer, and Winter school holidays each year for a total of 6 weeks:

- Easter = 1 week (4 days)
- Summer = 4 weeks (16 days)
- Winter = 1 week (4 days)

15. Therefore, the Council requires a good range of suitably qualified providers to cover locations across the borough of Enfield.

Relevance to Council Plans and Strategies

16. HAF addresses several areas of the Council plan 2023 – 2024

- Thriving children and young people through engaging children and young people in positive activities and increasing play and leisure opportunities for children and young people with special educational needs and disabilities
- Strong, healthy, and safe communities through access to healthy and sustainable food and encouraging more active lifestyles
- An economy that works for everyone through enabling local people to access work, supporting local businesses, and providing support and advice for residents on low incomes

Financial Implications

Finance Officer name: Steve Muldoon

Date: 23/08/2023

17. This Framework Agreement and its underlying call-off contracts will be fully funded through the Department for Education (DfE) Holiday Activities and Food (HAF) programme grant funding and at nil additional cost to the Council. The government has announced national funding for the HAF programme of £200 million per year for the financial years 2023/24 and 2024/25.

18. Funding of £1,608,530 was awarded to Enfield Council for financial year 2023/24 based on free school meal figures from school census information.

19. Provisional funding for 2024/25 has not been provided but is expected to be of a similar amount. This is a ringfenced grant and the grant conditions do not allow the grant to be carried forward to future years.

20. The Council can spend up to a maximum of 10% of its allocation on administration and management costs for the local coordination of the programme. The remaining 90% is for direct programme delivery.

21. If the Authority has not spent and will not spend its maximum allocation each year, the Department will reduce the second payment to the Authority to reflect the actual expenditure.

22. If the Authority has not spent and does not plan to spend the initial payment of 80% of the Authority's initial allocation, the Department will seek to recover the unspent funding from the Authority.
23. The Secretary of State reserves the right to alter the timing or amount of grant payments accordingly.
24. The overall annual payment will not exceed the maximum allocation listed for each Authority.
25. The Authority will not overspend on the HAF Programme, over and above their maximum funding allocation, without the prior written approval of the Department. Unauthorised overspends will not be reimbursed by the Department. Any identified overpayment of funds will be returned to the Department for Education as soon as identified.
26. The Authority's nominated responsible officer must confirm, through the submission of an annual Certificate of Expenditure, at the end of each financial year that the funding has been properly expended.
27. The Authority must maintain a sound system of internal financial controls. If the Authority has any grounds for suspecting financial irregularity in the use of any grant paid under this Determination, it must notify the Department immediately, explain what steps are being taken to investigate the suspicion and keep the Department informed about the progress of the investigation. For these purposes "financial irregularity" includes fraud or other impropriety, mismanagement, and the use of grant for purposes other than those for which it was provided.

Legal Implications

Lawyer name: Clare Paine

Date: 21.8.23 (based on report circulated 11.8.23)

28. Under section 20 of the Children's Act 1989, local authorities are under a general duty (a) to safeguard and promote the welfare of children within their area who are in need; and (b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.
29. Officers must be mindful of, and ensure compliance with, all terms and conditions attached to the underlying HAF funding from the Department for Education. The arrangements with the providers must ensure that the standards of provision contained in the attached DfE Guidance are met. In particular, all organisations delivering the HAF programme must be able to demonstrate that they have in place relevant and appropriate policies and procedures for: safeguarding, including the recruitment of staff and volunteers; health and safety; relevant insurance policies; accessibility and inclusiveness.

30. The framework agreements with each of the selected providers, and subsequent call-off contracts, must be in a form approved by Legal Services on behalf of the Director of Law and Governance. The process for awarding call off contracts for the provision of holiday club services must be clearly set out in the framework agreement and must be followed each time a call off award is made.

Equalities Implications

31. To analyse the impact of this decision on various groups in the borough, we have completed an Equalities Impact Assessment (EqIA) enclosed with this report as appendix 1. Based on this assessment it is anticipated that delivery of the HAF programme will have a positive impact on all eligible children and young people.

32. Enfield Council has approximately 16,000 children eligible for free school meals. This number is not static as new claims are made daily. The Council will continue to monitor the equalities profile of pupils eligible for FSM and from summer 2023 the HAF programme data will also include age, disability, ethnicity and sex.

Environmental and Climate Change Implications

Officer name: Vera Vajda

Date: 22/08/2023

33. HAF programmes are encouraged to support the Enfield Climate Action Plan and will need to comply with the Sustainable and Ethical Procurement Policy. This includes supporting nutritional education that promotes healthy, low carbon and sustainable diets to children, young people and families, meaning attention to local and seasonal produce as well as offering plant-based options.

34. Providers are encouraged to work with local caterers to reduce the distance the meals travel, and caterers must adhere to school food standards.

35. Reducing food waste is an ongoing aim by encouraging all providers to safely distribute any leftover food to families at the end of each day and reducing the number of meals catered for if numbers fall below expected. Menus are shared with families at the start of each week, so children and young people know the food to expect in advance.

36. HAF Enfield works with The Felix Project which enables the surplus food deliveries to be distributed to families, Morrison's for distribution of their food bags and Warburtons for product donations.

37. HAF programmes are encouraged to make use of local outdoor spaces including parks and local attractions as much as possible and to walk or use public transport as their travel options.

Safeguarding Implications

Officer name: Sharon Davies

Date: 25/08/2023

38. Local authorities are statutorily responsible for safeguarding in relation to children in need, under statute 17 of the Children Act 1989, and looked after children under statute 20 of the Children Act 1989.
39. The Enfield HAF team maintains a central register of all the providers funded through the HAF programme.
40. The Enfield HAF team has in place a system for inspecting each provider and ensuring all adhere to the standards set out in the DfE guidance including an up-to-date safeguarding policy, safer recruitment procedures, a named Designated Safeguarding Lead and regular child protection training for all staff.
41. Where activities are provided by the governing body or proprietor of a school, under the direct supervision or management of their school staff the school's child protection policy will apply.
42. Where the activities are provided separately in the school but by another body, the governing body or proprietor should seek assurance that the body concerned has appropriate safeguarding and child protection policies and procedure in place.
43. The guidance for providers running out-of-school settings on [keeping children safe during community activities, after-school clubs and tuition](#) covers advice on what policies and procedures providers should have in place for health and safety, safeguarding and child protection, staff suitability, and governance.
44. All staff who are employed by holiday club providers funded through the holiday activities and food programme should be subject to an enhanced DBS check with barred list information.
45. Holiday clubs may need to legally register with Ofsted depending on the provision they offer, they may also be eligible to register with Ofsted on the voluntary register or they may be [exempt from registration](#) entirely. Both clubs and providers that would require registration with Ofsted, and those that are exempt, can participate in the HAF programme.
46. It is the responsibility of individual HAF providers to understand whether they are required by law to be Ofsted registered and to continue to review their status as and when the provision they are offering changes.

Procurement Implications

Officer name: Matthew Jones

Date: 24/08/2023

47. Any procurement related activity must be undertaken in accordance with the Council's Contract Procedure Rules (CPR's), the Public Contracts Regulations (PCRs) and the Council's Sustainable and Ethical Procurement Policy.

48. The proposed award of the multiple supplier Framework Agreement will continue go through the Procurement Services Assurance process and the necessary Gate Report has been prepared for endorsement. The lead officer within the Service Area must keep records of approvals to proceed with the proposed award and any future optional extensions to evidence compliance with the rules.
49. The Service Area shall ensure its procurement related activity under the Framework Agreement takes place via the Council's e-Tendering system, the London Tenders Portal (LTP).
50. Information regarding the awarded Framework Agreement and the subsequent call-off contracts should be promoted to Contracts Finder to comply with the Government's transparency requirements.
51. In accordance with the Councils CPR's, the service must ensure that the assigned Contract Manager of the Framework Agreement ensures the monitoring requirements are adhered to, including evidence of regular contract / performance reviews with the Framework Providers.
52. The Service Area has completed the Contract Management Tiering tool and the proposed Framework Agreement has been classified as "Silver". The lead officer will meet with the Contract and Supplier Relationship Manager within Procurement Services, who will go through the contract management requirements for the management of the Framework Agreement prior to its commencement.

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Appendices

Appendix 1: Equality Impact Assessment

- Part 2 (Private) of Framework Agreement for the provision of Enfield Holiday Activities and Food Programme (HAF) KD Report

Background Papers

DfE HAF Guidance 2023: <https://www.gov.uk/government/publications/holiday-activities-and-food-programme/holiday-activities-and-food-programme-2023#funding>

Departmental reference number, if relevant: