

**MUNICIPAL YEAR 2018/2019 REPORT NO.**

**MEETING TITLE AND DATE:  
ACTION TO BE TAKEN UNDER  
DELEGATED AUTHORITY  
25.03.19**

**REPORT OF:**  
Executive Director of  
People

<b>Agenda – Part: 1</b>	<b>Item:</b>
<b>Subject: Agreement to award contracts for a Select List Supplier process for <i>School Holiday Playschemes, Leisure Activities and Out of School Clubs for Disabled Children and Young People</i></b>	
<b>Wards: All wards Key Decision No: N/A</b>	
<b>Cabinet Member consulted: Director Decision</b>	

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**1. EXECUTIVE SUMMARY**

1.1 Following advice from Enfield Council's (the "Council") Procurement and Commissioning Hub, a procurement exercise has been undertaken to appoint providers of School Holiday Playschemes, Leisure Activities and Out of School Clubs for disabled children and young people in Enfield.

1.2 Providing a range of short breaks for disabled children and young people is an obligation under Section 25 of the Children and Young Persons Act 2008.

1.3 Existing contracts for this service will end in March 2019. In order to comply with the Council's Contract Procedure Rules and to ensure continuity of the service for children and young people, approval is sought to award the contract to three providers that will provide spot-purchased services.

**2. RECOMMENDATIONS**

2.1 That the Executive Director of People approves the appointment of three providers (detailed in the accompanying Part 2 report), to form a Framework for this service, from which the Council can call off to utilise local service providers, whilst ensuring compliance with the Council's CPRs and the Public Contracts Regulations 2015.

### **3. BACKGROUND**

- 3.1 Providing a range of short breaks for disabled children and young people is an obligation under Section 25 of the Children and Young Persons Act 2008. An appropriate holiday playscheme, leisure activities and out of school club service is a fundamental element of the short breaks programme.
- 3.2 The Council had previously employed a group of parents/carers of disabled children and young people as consultants to ensure that short breaks meet the needs of the service users. The recommendations suggested by this consultation group have been used to inform the service requirements. Parents of disabled children shall also be involved during the tender scoring process.
- 3.3 The Services fall under the 'light touch' regime of the Public Contracts Regulations 2015. Funding is being provided via the Early Intervention Grant (Department for Education).
- 3.4 Quotes were sought from potential providers that meet a set of pre-determined criteria. Potential providers completed an application pack to facilitate evaluation.
- 3.5 The result of the evaluation exercise is that three providers are being nominated for inclusion on the new Framework for this Service.
- 3.6 The Service will offer regular after school clubs for disabled children and young people aged 5-17 during the Enfield school term times. During school holidays, the service will provide playschemes and holiday activities for children and young people of the same age range.
- 3.7 The Holiday Playschemes, Leisure Activities and Out of School Clubs services will give disabled children/young people an opportunity to make new friends, try new activities, and have fun in a different environment, whilst also giving parents/carers a short break from their caring responsibilities; this will better enable them to maintain their caring responsibilities towards their child and also allow them to spend quality time with other family members and friends.

### **4. FRAMEWORK**

- 4.1 This service was previously provided by a range of organisations that were procured via a 'Select List' tendering process. This way of tendering is no longer supported by the Council, so it was proposed that a Framework be set up with a number of providers to be selected through a competitive process. The Council, in consultation with families, will arrange provision via a spot purchasing arrangement. A placement agreement will be in place, a clear specification of the

requirement will be included and a purchase order will be issued to the chosen provider. The child's/young person's individual needs will be reviewed on a regular basis, and any variation agreed with the supplier.

- 4.2 A light touch process was applied for the purpose of the EU Procurement Directives/PCR 2015. Quotes were sought from known providers of these services through the Council's electronic tendering system – the London Tenders Portal.
- 4.3 To ensure that the principles of Best Value were followed, a quality assessment of the suppliers was undertaken. Suppliers were also required to submit information about their company, including evidence of: registration with Ofsted where required; successfully providing a similar service elsewhere; appropriate child protection and safeguarding procedures; appropriate training, supervision and support; appropriate data protection and equal opportunities processes; ability to provide monitoring data as required, and capacity to deliver a quality service.
- 4.4 The performance of all suppliers on the Framework will be monitored and assessed on a continuous basis. Those that do not perform to the required standards will be suspended from the Framework, pending confirmed satisfaction of performance.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 There were no alternative options to tendering externally, as – whilst the Council already provides this service as part of its in-house provision – it is unable to provide an extensive specialist service.
- 5.2 Providing a range of short breaks for disabled children and young people is an obligation under Section 25 of the Children and Young Persons Act 2008.
- 5.3 The Council's Procurement and Commissioning Hub advised on the processes for tender advertisements, service documentation, evaluation and final report.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 The vision of Enfield's Joint Service for Disabled Children is that disabled children and young people are 'fully supported to be healthy, stay safe, enjoy themselves with friends, have fun and achieve success, make decisions about their lives and not be living in poverty.' This service will help to achieve all of these aims, as well as contributing towards the short breaks requirements under the Children and Young Persons Act 2008.

## **7. COMMENTS FROM OTHER DEPARTMENTS**

### **7.1 Financial Implications**

7.1.1 There is currently a budget provision of £70K within Commissioning and Direct Payments Budget (SS0034).

### **7.2 Legal Implications**

7.2.1 The Council has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals may do, provided it is not prohibited by legislation and subject to Public Law principles.

7.2.2 Section 111 of the Local Government Act 1972 permits local authorities to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of their functions.

7.2.3 Section 25 of the Children and Young Persons Act 2008 imposes a duty on Local Authorities to assist individuals who provide care for such children to continue to do so, or to do so more effectively, by giving them breaks caring.

7.2.3 The estimated costs of the services being procured is £70,000 per year. If the framework is utilised for a period two plus one years then total cost will be £210,000 which falls below the threshold of services listed in Schedule 3 of the Public Contract Regulations 2015).

7.2.4 Any use of a Framework must be compliant with the Council's Contract Procedure Rules and the Council's Constitution; Officers should in particular satisfy themselves that the contracts have been procured compliantly with advice and assistance from the Procurement and Commissioning Hub, Governance and Legal Services.

7.2.5 All legal agreements (including all associated documentation) arising from the matters described in this Report must be approved in advance of contract commencement, by the Assistant Director of Legal & Governance Services. Contracts whose value exceeds £250,000 are required to be executed under seal and sufficient security should be obtained unless the Director of Finance Resources and Customer Services considers this to be unnecessary.

## **8. KEY RISKS**

- 8.1 No significant risks have been identified. Although the competitive nature of the Framework process may result in a change of service providers, which could impact upon an existing service provider, all providers have been given sufficient notice to accommodate necessary arrangements should there be a change to delivery.

## **9. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD**

### **9.1 Good homes in well-connected neighbourhoods**

Children and young people with a disability, in every part of the Borough, will be given the same opportunity to access services. Any eligible child that finds it difficult to access services because of transport issues will be helped to access these.

### **9.2 Sustain strong and healthy communities**

- 9.2.1 Parents of disabled children and young people in the Borough were involved in all stages of the tender process, including being part of the scoring panel.

### **9.3 Build our local economy to create a thriving place**

- 9.3.1 It is envisaged that most, if not all, of the services will be delivered in Enfield, ensuring the minimum necessary travelling time for children and young people, and enabling them to enjoy as long as possible at their leisure opportunity. Local organisations, notably those from the voluntary and community sector, will therefore have an opportunity to develop and grow within the community.

## **10. EQUALITIES IMPACT IMPLICATIONS**

- 10.1 A predictive Equalities Impact Assessment has been completed previously, where no negative impacts were identified. The service has not changed in any significant way in the subsequent period.

## **11. PERFORMANCE AND DATA IMPLICATIONS**

- 11.1 There will be no fundamental change to this service, and therefore no measurable effect on performance indicators.

## **12. PUBLIC HEALTH IMPLICATIONS**

- 12.1 Part of the purpose of short breaks is to give parents and carers a break from their caring responsibilities, helping enable them to

concentrate on their own health needs. Meanwhile, disabled children and young people are given the opportunity to participate in activities that contribute towards healthy lifestyles by keeping them active and engaged in community activity, and helping them to socialise with other children and young people.

### **Background Papers**

No background papers are included in this report.