

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3218
Author:	Michael Rowley
Department:	Strategy and Resources
Contact:	Michael Rowley (Job Title: Commissioning Manager, Email: michael.rowley@nottinghamcity.gov.uk, Phone: 01158763154)
Subject:	Request to extend the existing framework for the provision of assessments for prospective adoptive parents, foster carers and connected persons
Total Value:	Maximum of £220,000 (Type: Revenue)
Decision Being Taken:	<ol style="list-style-type: none">1. To approve dispensation from Contract Procedure Rule 5.1.2 for operational reasons in accordance with Financial Regulation 3.29 to extend the adoptive parents, foster carers and connected persons assessment framework contract for a period of twelve months (from 1 August 2018 until 31 July 2019) at a maximum value of £220 000 (based on total spend in 2017-18 of £205 000).2. To delegate authority to the Head of Contracting and Procurement to sign and enter the extension to contract.
Reasons for the Decision(s)	<p>Nottingham City Council is required by law to carry out assessments of people who formally express a desire to foster or adopt in order to ascertain whether they are suitable to look after children and young people. The assessments must be carried out within specific timescales and failure to do so carries serious consequences. The framework was set up in 2014 to ensure the continuation of adoption and fostering assessments, and was renewed in 2017 for a year. The contract is due to expire on 31 July 2018. The City Council also uses internal 'Form F' assessors to carry out fostering and connected persons assessments.</p> <p>In 2015, the Government announced its intention to establish Regional Adoption Agencies. In 2017 it was thought that the East Midlands Regional Adoption Agency would be 'live' in early 2018 but this has not happened to date, and there has been no implementation date announced as yet. It is intended that the Regional Adoption Agency will carry out adoption assessments and the internal 'Form F' assessors and other providers will carry out the foster carers and connected persons assessments.</p> <p>An extension to the framework agreement is requested as Nottingham City Council will not be in a position to understand the level of provision needed beyond 2019 until the Regional Adoption Agency is operational.</p>

Other Options Considered:

1. Do nothing. This option is rejected on the basis that it will risk the temporary loss of assessors and the ability of Nottingham City Council to fulfil its statutory duty.
2. Carry out a procurement exercise to award new contracts for all fostering and connected persons assessments. This option is rejected due to a) the successful recruitment of freelance assessors resulting in a process that is cheaper and under direct control of the Fostering and Adoption team alongside b) the uncertainty about when the Regional Adoption Agency will go 'live'.
3. Carry out a procurement exercise to award a new framework of contract/s for adoption assessments. This option is rejected as Nottingham City Council is still waiting for the Regional Adoption Agency to 'go live'.

Background Papers: None

Unpublished background papers: 160414 Exec_Report_Adopters_Fosterers_assessments-with legal comments (employment).doc

Published Works: Minutes of the Nottingham City Council Executive Board Commissioning Sub-Committee 16 April 2014.

Affected Wards: Citywide

Colleague / Councillor Interests: None

Dispensation from Financial Regulations: Yes

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: There are no crime and disorder implications.

Equality: EIA not required. Reasons: The decision doesn't result in any loss of service.

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 31/07/2018

Advice Sought:**Legal, Finance, Procurement****Legal Advice:**

It is understood from discussions with commissioning and procurement colleagues that the value of the proposed services together with previous services is in aggregate below the applicable financial threshold in the Public Contracts Regulations 2015. On that basis it is permissible to extend the agreement. As this agreement provides assessment services which may become the responsibility of the Regional Adoption Agency once created, consideration should be given to whether this raises issues about the ongoing operation or on expiry of the agreement which need to be addressed now. Advice provided by Andrew James (Team Leader Contracts and Commercial) on 21/06/2018.

Finance Advice:

The proposal requests an extension of one year to the existing framework for the provision of assessments for prospective adoptive parents, foster carers and connected persons.

The contract is due to expire on 31 July 2018. Initial assumptions expected the East Midlands Regional Adoption Agency (EMRAA) would be live in early 2018, however there is no implementation date announced yet. As this is a statutory service with strict timescales, it is critical provision is in place. This extension will enable further analysis to understand the level of provision required post 2019.

There is budget of £0.220m for 2018/19 within the Fostering & Adoption Service. Approval to spend against these contracts should be in accordance with the Scheme of Delegation as detailed in the Council's Constitution.

Any further extensions to the contract would require a further DDM.

In relation to the extension, the proposal seeks dispensation from Contract Procedure rule 5.1.2 in accordance with Financial Regulations 3.29 and is appropriate in these circumstances.

Advice provided by Christine Green (Senior Commercial Business Partner) on 06/07/2018.

Procurement Advice:

The Decision to approve dispensation from Contract Procedure Rule 5.1.2 for operational reasons in accordance with Financial Regulation 3.29 to extend the adoptive parents, foster carers and connected persons assessment framework contract for a period of twelve months (from 1 August 2018 until 31 July 2019) at an approximate value of £225,000 is supported by Procurement to enable Commissioners to better understand the level of external provision needed beyond 2019 when the Regional Adoption Agency is operational. Advice provided by Nicola Harrison (Procurement Lead Officer) on 15/06/2018.

Signatures

David Mellen (PH Early Intervention and Early Years)

SIGNED and Dated: 20/07/2018

Alison Michalska (Corporate Director for Children and Adults)

SIGNED and Dated: 17/07/2018

Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations

SIGNED and Dated: 12/07/2018

Chief Finance Officer's Comments: