

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	<b>3585</b>
<b>Author:</b>	<b>Michael Rowley</b>
<b>Department:</b>	<b>Strategy and Resources</b>
<b>Contact:</b>	<b>Michael Rowley</b> <b>(Job Title: Commissioning Manager, Email: michael.rowley@nottinghamcity.gov.uk, Phone: 01158763154)</b>
<b>Subject:</b>	<b>Extension of the framework for foster carer, connected carer, and adoptive parent assessment</b>
<b>Total Value:</b>	<b>£160,000 (Type: Revenue)</b>
<b>Decision Being Taken:</b>	<ol style="list-style-type: none"><li><b>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 nine months (from 1 August 2019 until 31 March 2020), at an approximate value of £160,000.</b></li><li><b>2. To approve access by the Regional Adoption Agency to call off from the contract to use the framework for a small number of adoptive parent assessments when additional capacity is needed.</b></li><li><b>3. To delegate authority to the Head of Contracting and Procurement to sign and enter into the contract extension.</b></li></ol>

**Reasons for the Decision(s)** 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 2018 for a year. The contract is due to expire on 31 July 2019. The Council also uses internal assessors to carry out fostering and connected persons assessments, but the framework contract is needed for additional capacity.

In 2015, the Government announced its intention to establish Regional Adoption Agencies (RAAs). The East Midlands RAA was established in April 2019. It is intended that the RAA will carry out all adoption assessments for all four D2N2 Councils - Derby City, Derbyshire County, Nottingham City and Nottinghamshire County Councils. Each of these Councils will continue to carry out the foster carers and connected persons assessments under whatever arrangements they each deem appropriate.

An extension to the framework agreement is requested as the Council still requires additional capacity, though a reducing volume, for foster carer and connected persons assessments. The RAA has also requested to be granted access to this contract in the short term to provide additional assessment capacity for potential adoptive parents, should it be required. During this extension period, it is intended that a commissioning and procurement process will deliver a new contract for foster carer and connected person assessment, which will name all four D2N2 councils to provide additional capacity for these assessments as and when required.

**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 the 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 timescale would mean a gap in provision as any new contract would not be in place by 1 August 2019, but economies of scale may be found by bringing the four D2N2 Councils into the contract when it is re-procured following this extension.

**Background Papers:** None

**Published Works:** None

**Affected Wards:** Citywide

**Colleague / Councillor Interests:** None

**Dispensation from Financial Regulations:** Yes

<b>Consultations:</b>	<b>Those not consulted are not directly affected by the decision.</b>
<b>Crime and Disorder Implications:</b>	<b>There are no crime and disorder implications.</b>
<b>Equality:</b>	<b>EIA not required. Reasons: This decision does not result in a change or alteration of service provision.</b>
<b>Social Value Considerations:</b>	<b>Not applicable</b>
<b>Decision Type:</b>	<b>Portfolio Holder</b>
<b>Subject to Call In:</b>	<b>Yes</b>
<b>Call In Expiry date:</b>	<b>29/07/2019</b>
<b>Advice Sought:</b>	<b>Legal, Finance, Procurement</b>
<b>Legal Advice:</b>	<p><b>It is understood that the framework does not include an option to extend, however, in accordance with Regulation 72 of the Public Contracts Regulations 2015 (the Regulations), it is arguable that this extension is not substantial and is therefore permitted. It is proposed that the East Midlands Regional Adoption Agency (EMRAA) should be included in the framework agreement. The EMRAA is not a legal entity and any contracts awarded will be made by Nottinghamshire County Council. It is not permitted to add new contracting authorities to extant frameworks under the Regulations, but as the value of the contracts to be awarded will be below the relevant financial threshold, the County Council can make direct awards to the provider. It is for the County Council to determine whether it can use the framework and to ensure compliance with its procurement duties.</b></p> <p><b>Advice provided by Andrew James (Team Leader Contracts and Commercial) on 15/07/2019.</b></p>

**Finance Advice:**

The provision of assessments for prospective adoptive parents, foster carers and connected persons is a statutory service. The proposal requests an extension of the current contract, due to expire on 31 July 2019, by a further nine months (to 31 March 2020). This extension will enable a review of provision and subsequent procurement to commence from 01 April 2020. Following the establishment of the East Midlands Regional Adoption Agency (EMRAA), effective from 01 April 2019, the proposal seeks authority for the EMRAA to call off from the contract when required. The EMRAA will undertake adoption assessments on behalf of the partnering authorities. The budget for this activity transferred to the agency on commencement, and therefore the EMRAA will meet any associated costs.

The Authority will continue to carry out the foster carers and connected persons assessments in line with statutory requirements. The fostering assessment budget for 2019/20 is £0.160m. 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 decision. 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 10/07/2019.

**Procurement Advice:**

The decision to approve dispensation from Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.29 to extend the adoptive parents, foster carers and connected persons assessment framework contract for a period of nine months at an approximate value of £160,000 has been discussed with, and is supported by Procurement for operational reasons. It is anticipated that procurement to secure a new contract will take place during this period.

Advice provided by Nicola Harrison (Procurement Lead Officer) on 02/07/2019.

**Signatures**

Cheryl Barnard (Portfolio Holder- Children and Young People)
SIGNED and Dated: 22/07/2019
Alison Michalska (Corporate Director for Children and Adults)
SIGNED and Dated: 18/07/2019
Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 18/07/2019
Chief Finance Officer's Comments: