

Contract for Independent Adoption Support Services

REPORT TO; Corporate Director for Children and Young People's Service in consultation with Executive Member for Children's Services

DECISION DATE: Tuesday 7 December 2021

SUPPORTING ANNEX; This report includes a supporting Annex which contains exempt information as described in paragraphs 1, 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

PROPOSED RECOMMENDATION

It is recommended that the Authority extend the contract for 2 years from 1 January 2022 to 31 December 2023. This is permitted under the original procured contract. It is also recommended to vary the contract to include additional Key Performance Indicators (KPIs).

BACKGROUND TO SUPPORT THE RECOMMENDATION

The Independent Adoption Support Service is a statutory service for the provision of a range of independent support services including support, counselling, advice, information and mediation. Local Authorities (LAs) have an on-going requirement for the provision of After Adoption services to provide support and counselling to people who have either been adopted, placed children for adoption or have adopted children.

There are three Regional Adoption Agencies (RAA's) in Yorkshire and Humber. These are:

- One Adoption West – Leeds City Council, Calderdale Metropolitan Borough Council, Bradford Metropolitan District Council, Wakefield Metropolitan District Council and Kirklees Borough Council;
- One Adoption South – Doncaster Children's Services Trust, Rotherham Metropolitan Borough Council, Sheffield City Council and Barnsley Metropolitan Borough Council;
- One Adoption North & Humber – City of York Council, North Yorkshire County Council, East Riding of Yorkshire Council, Hull City Council and North East Lincolnshire County Council.

North Lincolnshire Council decided to not join the RAA's but are still included in the contract.

North Yorkshire County Council (NYCC) led the procurement to deliver this service on behalf of the other authorities. The contract management of this contract is also provided by NYCC.

The Service was for an initial term of three years 1 January 2019 – 31 December 2021. There are 2 options to extend the contract; both for 1 year terms. It is proposed to utilise both these extension at the same time and extend the contract for 2 years from 1 January 2022 to 31 December 2023.

The current provider is performing in line with the contractual obligations and service specification. There are quarterly contract monitoring meetings and the provider is proactive in setting up meetings directly with the RAAs. There has been good collaborative working and the relationship between all LA's/RAA' and the provider has developed over the term of the contract. The provider is meeting the KPIs set for them; however these are very limited so additional KPIs have been agreed by all parties, which will be varied into the contract.

The proposed extension and variation have been through the council's governance and a Gateway 4 report has been submitted and approved by the Procurement Assurance Board. The report is included in the Annex at Appendix 1.

LEGAL AND GOVERNANCE COMPLIANCE

The 2 year extension is provisioned for in the contract; the contract also allows for variations to be made as long as signed and agreed by a duly authorised representative of both the Parties. This contract was procured under the Light Touch Regime (LTR) as a Framework Agreement. Framework Agreements are not permitted to be for longer than 4 years under regulation 33(3) of the Public Contract Regulations 2015 (PCR), unless there are exceptional circumstances. The Framework Contract Notice issued by NYCC was advertised as lasting up to 5 years which would significantly reduce the risk of a challenge under Regulation 33(3) as non-successful bidders would have been made aware of the Framework term

The Call-Off Contract to the Framework does not mirror the dates of the Framework agreement and is due to expire on 31 January 2022. The call off contract will not be extended. Each LA will complete a new call-off for the proposed extension period which will mirror the dates of the extension period of the Framework Agreement (2 years). There will be no other changes to the new call-off contract.

This is a contract variation under rule 19.5 of the councils Contract Procedure Rules (CPRs) as it above the EU Threshold. The CPRs state a contract may be varied or extended in accordance with the terms of the contract. .

RECOMMENDATION

It is recommended that the Authority vary the contract and extend it for 2 years from 1 January 2022 to 31 December 2023.